

BRUNSWICK TOWN COUNCIL

Agenda

May 16, 2016

7:00 P.M.

Council Chambers

Town Hall

85 Union Street

Roll Call of Members

Acknowledgement of Meeting Notice

Pledge of Allegiance

Adjustments to Agenda

CONSENT AGENDA

- a) Approval of the minutes of May 2, 2016
- b) Approval of a tax abatement relative to a property identified as Map 4 Lot 37
- c) Approval of a tax abatement relative to personal property for Belle Fete LLC
- d) Approval of a request from the Brunswick Downtown Association to hold their annual Outdoor Arts Festival on August 20, 2016, and to waive the \$500 fee
- e) Approval of a request from Brunswick Downtown Association to hold a Community Barbecue on the Town Mall on June 25, 2016, and to waive the \$500 fee

Public Comments

Correspondence

COMMITTEE REPORTS

- Cable TV Committee
- MPIC
- Teen Center Advisory Committee

MANAGER'S REPORT

- a) Financial update
- b) Revaluation update
- c) Update on the Maine Natural Gas rate case
- d) Special Permit for Wildflours Gluten-Free Bakery

PUBLIC HEARING

53. The Town Council will hear public comments on a special amusement license application, and will take any appropriate action. (Manager)

Special Amusement

BATS LLC

D/B/A: McAvoy's On The Green

165 River Road

Timothy Troy Kavanaugh

HEARING/ACTION

54. The Town Council will hear public comments for “An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder,” and will take any appropriate action. (Manager)

HEARING/ACTION

NEW BUSINESS

55. The Town Council will consider recommendations from the Nathaniel Davis Fund Committee, and will take any appropriate action. (Manager)

ACTION

56. The Town Council will consider setting a public hearing for June 6, 2016, on amendments to the Zoning Ordinance relative to Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ) on an emergency and regular basis, in addition to repealing the Moratorium on New Development in the Natural Resource Protection Zone as part of this public hearing, and will take any appropriate action. (Planning Board)

ACTION

57. The Town Council will consider “A Resolution Expressing the Town Council’s Support for the Maine Department of Transportation’s Proposal to Replace the Frank J. Wood Bridge”, and will take any appropriate action. (Manager)

ACTION

58. The Town Council will discuss the Municipal Budget and provide direction as to the final budget goal, and no action will be required. (Manager)

DISCUSSION

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE
COMMUNICATION SHOULD CONTACT
THE TOWN MANAGER’S OFFICE AT 725-6659 (TDD 725-5521)**

**Brunswick Town Council
Agenda
May 16, 2016
Council Notes and Suggested Motions**

CONSENT AGENDA

- a) Approval of the minutes of May 2, 2016: A copy of the minutes are included in your packet.
- b) Approval of a tax abatement relative to a property identified as Map 4 Lot 37: This item is for the Council to approve a tax abatement for property assessed in error. A copy of a memo from the Assessor is included in your packet.
- c) Approval of a tax abatement relative to personal property for Belle Fete LLC: This item is for the Council to approve a tax abatement for personal property assessed in error. A copy of a memo from the Assessor is included in your packet
- d) Approval of a request from the Brunswick Downtown Association to hold their annual Outdoor Arts Festival on August 20, 2016, and to waive the \$500 fee: This item is to consider approval of the request from the Brunswick Downtown Association to hold their annual Outdoor Arts Festival. The event requires Council approval under Chapter 10, Section 26(b)(14) of the Municipal Code. This ordinance also allows the Council to waive the \$500 fee (except for the \$25 application fee), which the BDA is asking the Council to do. The fee has been waived in the past. If you do not wish to waive the fee, the Council will want to pull this item off the Consent Agenda and vote on it separately. A copy of their letter is included in your packet.
- e) Approval of a request from Brunswick Downtown Association to hold a Community Barbecue on the Town Mall on June 25, 2016, and to waive the \$500 fee: This is a request similar to item CA-c except it is for the use of the mall for a Community Barbecue, also with a request for a fee waiver. A copy of BDA's letter is included in your packet.

The Council has the option to remove any item from the Consent Agenda to be considered separately.

Suggested Motion:

Motion to approve the Consent Agenda.

COMMITTEE REPORTS

- Cable TV Committee
- MPIC
- Teen Center Advisory Committee

Councilors representing the Council on the above committees that have recently met will provide brief updates. If there are any Committee updates beyond those listed, Councilors can also share them with the Council and public.

MANAGER'S REPORT

- a) Financial update: Staff will update the Council on the Town's financial picture to date for the current fiscal year. Copies of financial reports will be included in your packet.
- b) Revaluation update: This is the monthly update on this process. Manager Eldridge's memo provides additional information on this item.

- c) Update on the Maine Natural Gas rate case: Most parties have reached an agreement to resolve this case. The proposed settlement will be considered by the Maine Public Utilities Commission on May 17th. Manager Eldridge’s memo provides additional information on this item.
- d) Special Permit for Wildflours Gluten-Free Bakery : This item is to inform the Council of a Special Permit that was approved by the Planning Board on May 10th. Under section 701.G of the Zoning Ordinance, the Town Council has 30 days from the Board approval of the Special Permit to exercise jurisdiction over the application. If the Council decides not to exercise jurisdiction, the Planning Board’s decision will take effect after the 30-day approval date. A memo from Anna Breinich explains the process in greater detail. Copies of the memo and the Special Permit are included in your packet.

PUBLIC HEARING

- 53. This item is the required public hearing on a special amusement license application for McAvoy’s On The Green. McAvoy’s is a renewal application and they are requesting bands or DJs for weddings and other functions. Copies of the public hearing notice and the application are included in your packet.

Suggested motion:

Motion to approve special amusement license application for McAvoy’s On The Green, located at 165 River Road.

- 54. This item is for the Council hear public comments on “An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder.” At the time the Town acquired the McLellan Building from Bowdoin College, it was clear that the Town would need to address the building’s trim, as most of it was, and remains, in poor condition. In 2014, to better assess the potential cost of replacing the trim and repairing the damage, the trim on two first floor windows was replaced. The wood was replaced with a composite material. During installation, water damage and rot were discovered behind the trim, necessitating additional repairs to the sheathing and vapor barrier. Warren Construction Group, LLC (Warren Construction), replaced the window trim and developed a specification for repairing the other windows. At this time staff is recommending this repair work be done this year, and be done through a bond ordinance. Copies of a memo from Manager Eldridge, a “revised” cost estimate draft ordinance, and photos are included in your packet.

Option for the Council if they choose to vote this evening - suggested motion:

Motion to suspend the Council Rules to allow the Council to vote on this item at this meeting.

Suggested motion:

Motion to adopt “An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any

Additional Appropriation Authorized Hereunder.”

NEW BUSINESS

55. These are the annual recommendations from the Davis Fund Committee for grant allocations for 2015-2016. Committee members will make a presentation on their recommendations. The Council’s action is to approve these recommendations. A copy of the Committee’s minutes, with their recommendations, is included in your packet.

Suggested Motion:

Motion to accept the recommendations for the Davis Fund’s 2015-2016 allocations as recommended by the Committee.

56. This item is sponsored by the Planning Board to address State shoreland zoning requirements not included in the Zoning Ordinance. The Council adopted an emergency moratorium preventing any development in the NRPZ so that the Planning Board and staff could develop amendments to bring the Zoning Ordinance into compliance with the State requirements. After two workshops, the Planning Board approved the amendments being proposed. With pending projects stalled by the moratorium, staff is recommending that the Council set a public hearing for June 6, on both an emergency and regular basis, so action can be taken on the 6th to repeal the moratorium and enact the amendments, both effective immediately following the vote. Copies of a memo from the Planning Department, the emergency moratorium, and the draft amendments are included in your packet.

Suggested Motion:

Motion to set a public hearing for June 6, 2016, on amendments to the Zoning Ordinance relative to Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ), on an emergency and regular basis, and to repeal the Moratorium on New Development in the Natural Resource Protection Zone as part of this public hearing.

57. This item is for the Council to consider adopting a resolution regarding the Frank Wood Bridge. After public outreach on the proposed bridge replacement, it was thought that the two towns may wish to go on record in support of MDOT’s recommendation. It was also suggested that there be a joint design advisory committee to work with MDOT to incorporate enhancements and minor modifications to the design. The draft resolution will be to support the MDOT’s selected option, with modifications as worked out by the design advisory committee and MDOT. Copies of a memo from Manager Eldridge and the draft resolution are included in your packet.

Suggested Motion:

Motion to adopt “A Resolution Expressing the Town Council’s Support for the Maine Department of Transportation’s Proposal to Replace the Frank J. Wood Bridge”.

58. This item is for the Town Council to discuss the Municipal Budget and to provide some direction to the Town Manager for the final budget. This will allow time for any additional adjustments to be made by the Town Manager or School Department prior to final adoption.

Suggested Motion: No motion required as this is a discussion item.

Suggested Motion:
Motion to adjourn the meeting.

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
May 2, 2016
7:00 P.M. – Regular Meeting
Council Chambers
Town Hall
85 Union Street

Budget Workshop immediately following Regular Meeting

Councilors Present: W. David Watson, Stephen S. Walker, Suzan Wilson, John M. Perreault, Daniel E. Harris Jane F. Millett, Sarah E. Brayman, Kathy Wilson and Alison Harris

Councilors Absent: None

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Derek Scrapchansky, Assistant Town Manager; Linda Smith, Business Development Manager; Anna Breinich, Director of Planning and Development; Tom Farrell, Parks and Recreation Director; John Foster, Public Works Director; and TV video crew.

Chair Brayman called the meeting to order, asked for roll call, and acknowledged that the meeting was properly noticed.

Chair Brayman led the Pledge of Allegiance.

Adjustments to Agenda None

CONSENT AGENDA *(This item was discussed at 7:01 p.m.)*

- a) **Approval of the minutes of April 19, 2016**
- b) **Approval of the minutes of April 21, 2016**
- c) **Appointment of Fran Smith as Warden and Elin Gould, Sara King, and Joe Zrioka as Deputy Wardens for the June 14, 2016 Election**
- d) **Approval of games of chance for the St. John the Baptist Parish Bazaar on June 17, 2016, June 18, 2016, and June 19, 2016**
- e) **Proclamation recognizing Town Commons Day**

Councilor Perreault moved, Councilor K. Wilson seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.

(A copy of CA-d and CA-e materials will be attached to the official minutes.)

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Public Comments *(This item was discussed at 7:02 p.m.)*

Richard Fisco, 2 Lincoln Street, spoke regarding the budget process and effects of taxes on properties and families.

Correspondence *(This item was discussed at 7:08 p.m.)*

Councilor Perreault said he had a conversation with a person who opposed development that repeated existing businesses, such as a gas station at Cook's Corner or a bank on Maine Street.

Councilor K. Wilson stated there will be a Brunswick Naval Air Station Reunion this summer.

Councilor Millett said a citizen expressed concerns regarding the condition of Mason Street.

Councilor Walker spoke regarding vendors on the mall and the possibility they are staying beyond allowed times. He asked staff to look into this.

COMMITTEE REPORTS *(This item was discussed at 7:12 p.m.)*

- **BPAC**
- **Human Rights Task Force**
- **Mare Brook Watershed Assessment and Community Engagement Project**
- **Rivers & Coastal Waters Commission**
- **Recycling & Sustainability Committee**

Reports were given on the above committees, except BPAC and Recycling & Sustainability.

MANAGER'S REPORT

a) Project tracking report *(This item was discussed at 7:22 p.m.)*

Manager Eldridge provided this report and highlighted a few of the projects including the revaluation and Frank Wood Bridge replacement. He responded to questions and comments from Councilor Millett, Councilor K. Wilson, Councilor A. Harris, and Councilor Walker.

b) Reminder of public hearing on budget and upcoming budget workshops *(This item was discussed at 7:32 p.m.)*

Manager Eldridge spoke regarding this item.

c) Update on Zoning Ordinance rewrite *(This item was discussed at 7:34 p.m.)*

Anna Breinich, Director of Planning and Development, provided this update. She responded to questions from Chair Brayman, Councilor D. Harris, Councilor Millett, and Councilor Walker.

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Ms. Breinich also spoke on proposed Zoning Ordinance amendments to require review of filling and earthmoving activities within the Natural Resource Protection Zone. She responded to questions from Councilor Perreault and Councilor Walker.

Councilor Walker and Councilor A. Harris then spoke on this item.

PUBLIC HEARING

- 47. The Town Council will hear public comments on a CDBG application for Washburn and Doughty Associates, Inc. and will adopt “A Resolution Authorizing the Acceptance and Expenditure of Community Development Block Grant Funds for Projects Undertaken by Washburn and Doughty Associates, Inc.,” and will take any appropriate action. (Manager) (This item was discussed at 7:50 p.m.)**

Chair Brayman opened the public hearing.

Linda Smith, Business Development Manager, spoke regarding this item.

Chair Brayman asked questions, to which **Matthew Maddox**, Washburn & Doughty Associates, Inc, responded.

Chair Brayman closed the public hearing.

There was unanimous consent to suspend the rules to allow this item to be voted on tonight.

Councilor D. Harris and Councilor Millett spoke regarding this item.

Chair Brayman moved, Councilor Millett seconded, to adopt “A Resolution Authorizing the Acceptance and Expenditure of Community Development Block Grant Funds for Projects Undertaken by Washburn and Doughty Associates, Inc.” The motion carried with nine (9) yeas.

(A copy of the adopted Resolution will be attached to the official minutes)

- 48. The Town Council will hear public comments on a CDBG application for Artforms, Inc. and will adopt “A Resolution Authorizing the Acceptance and Expenditure of Community Development Block Grant Funds for Projects Undertaken by Artforms, Inc.,” and will take any appropriate action. (Manager) (This item was discussed at 8:00 p.m.)**

Chair Brayman opened the public hearing.

Linda Smith, Business Development Manager, spoke regarding this item.

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John K. P. Stone, IV (aka “Kip” Stone), Artforms, Inc. responded to a question from Chair Brayman.

Chair Brayman closed the public hearing.

There was unanimous consent to suspend the rules to allow this item to be voted on tonight.

Councilor K. Wilson moved, Councilor S. Wilson seconded, to adopt “A Resolution Authorizing the Acceptance and Expenditure of Community Development Block Grant Funds for Projects Undertaken by Artforms, Inc.” The motion carried with nine (9) yeas.

(A copy of the adopted Resolution will be attached to the official minutes)

NEW BUSINESS

- 49. The Town Council will consider approving the use of the Town Mall by American Cancer Society’s Relay for Life on June 2, 2017, and will take any appropriate action. (Manager) (This item was discussed at 8:07 p.m.)**

Manager Eldridge and Tom Farrell introduced this item.

Mr. Farrell responded to questions from Councilor Millett, Councilor Watson, and Councilor Perreault.

Amy St John, American Cancer Society, responded to questions from Chair Brayman and Councilor Perreault.

Richard Fisco spoke regarding this item.

Chair Brayman moved, Councilor K. Wilson seconded, to approve the use of the Town Mall by American Cancer Society’s Relay for Life for June 2, 2017. The motion carried with nine (9) yeas.

(A copy of a letter from the American Cancer Society and a mall use request will be attached to the official minutes.)

- 50. The Town Council will consider a request for a Sellers of Prepared Food on Public Ways license for outdoor seating for Portland Pie Company, 92 Maine Street, and will take any appropriate action. (Manager) (This item was discussed at 8:20 p.m.)**

Fran Smith, Town Clerk, spoke regarding this item.

Councilor D. Harris, Councilor Watson, and Councilor Millett asked questions, to which Ms. Smith responded.

Chair Brayman moved, Councilor Watson seconded, to approve a request for a Sellers of Prepared Food on Public Ways license for outdoor seating for Portland Pie Company, 92 Maine Street. The motion carried with nine (9) yeas.

51. The Town Council will consider setting a public hearing for May 16, 2016, for “An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder,” and will take any appropriate action. (Manager) *(This item was discussed at 8:27 p.m.)*

Manager Eldridge introduced this item and responded to questions from Councilor Millett and Chair Brayman.

Councilor S. Wilson spoke and asked a question, to which Manager Eldridge responded.

Councilor D. Harris spoke regarding this item.

Councilor Watson moved, Councilor D. Harris seconded, to set a public hearing for May 16, 2016, for “An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder.” The motion carried with nine (9) yeas.

52. The Town Council will consider appointments to the Town’s Boards and Committees, and will take any appropriate action. (Appointments Committee) *(This item was discussed at 8:36 p.m.)*

Councilor K. Wilson nominated the following people:

- Fred Wigand to serve as the non-license holder for the Marine Resources Committee for a term to expire 05/01/2019
- Jessica Braun to serve as a full member of the ZBA for the balance of a term to expire on 11/20/16.

DISCUSSION

Councilor Perreault, Councilor S. Wilson, Chair Brayman, and Councilor K. Wilson discussed the proposed Zoning Ordinance amendments to require review of filling and earthmoving activities within the Natural Resource Protection Zone.

Councilor Watson moved, Councilor Walker seconded, to adjourn the meeting. The motion carried with nine (9) yeas.

The meeting adjourned at 8:45 p.m.

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May 2, 2016

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PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.

Frances M. Smith

Town Clerk

May 5, 2016

May 16, 2016

Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

85 Union Street
Brunswick, Maine 04011



Telephone 207 725-6650
FAX 207 725-6663

Town of Brunswick, Maine

Incorporated 1739

Assessing Department

www.brunswickme.org

MEMO

TO: John Eldridge, Town Manager
Town Council Members

FROM: Cathleen M. Jamison, Assessor 

DATE: May 5, 2016

SUBJECT: Abatement

It has recently come to my attention that Frank D. Grondin was assessed for property identified as Map 4 Lot 37 in error. The property transferred in August of 2012 to James W. Gorman which included land in Freeport and a small portion in Brunswick. The registry sent the deed to Freeport only due to no mention of land in Brunswick. Therefore, I am requesting the Town Council grant an abatement under Title 36 M.R.S.A § 841(1) for the 2013 & 2014 tax years for Frank D. Grondin as follows:

<u>Year</u>	<u>Assessment</u>	<u>Tax</u>
2013	25,500	\$676.77
2014	25,500	\$698.70

If approved, please complete and forward to the Tax Collector to process the abatement:

Presented to Town Council (date): _____

Approved by Town Council (date): _____

Town Clerk attestation: _____

CONSENT AGENDA - C BACK UP MATERIALS

85 Union Street
Brunswick, Maine 04011



Telephone 207 725-6650
FAX 207 725-6663

Town of Brunswick, Maine

Incorporated 1739

Assessing Department

www.brunswickme.org

MEMO

TO: John Eldridge, Town Manager
Town Council Members

FROM: Cathleen M. Jamison, Assessor 

DATE: May 12, 2016

SUBJECT: Abatement

It has come to my attention that Belle Fete LLC was assessed for personal property for the 2014 tax year in error. The business closed in October 2013 and should not have been assessed for the April 1, 2014 assessment date. Therefore, I am requesting the Town Council grant an abatement under Title 36 M.R.S.A § 841(1) for the 2014 tax year as follows:

<u>Year</u>	<u>Assessment</u>	<u>Tax</u>
2014	3,400	\$93.16

If approved, please complete and forward to the Tax Collector to process the abatement:

Presented to Town Council (date): _____

Approved by Town Council (date): _____

Town Clerk attestation: _____

CONSENT AGENDA - D BACK UP MATERIALS



April 1, 2016

Ms. Fran Smith, Town Clerk
Town of Brunswick
85 Union Street
Brunswick, ME 04011

RE: Application for 2016 Brunswick Outdoor Art Festival

Dear Fran,

On behalf of the Brunswick Downtown Association (BDA) and the Brunswick Outdoor Arts Festival Committee, we would like to make our formal application to the Brunswick Town Council for the 2016 Brunswick Outdoor Arts Festival.

As in the past nine years, we propose holding the 2016 Brunswick Outdoor Arts Festival on the third Saturday of the month in August. The proposed date for the 2016 festival will be August 20th. As in the past nine years, the BDA proposes holding the festival from 9AM to 5PM on the sidewalks of Maine Street between the intersections of Pleasant, Mason and Mill Streets, the Mall, and the parking lot in front of Bull Moose. The proposed festival will once again include a juried art exhibit featuring artists' booths, live music, and performances by local theater groups. The BDA has worked in cooperation for the prior nine years with the Brunswick Police, Public Works, and Parks and Recreation Departments to bring this successful event to our community in order to showcase Brunswick as an arts destination. The Town Council agreed to waive the \$500 event fee for the 2015 festival. If possible, we once again ask the Town Council to waive this event fee. A considerable part of the budget for this event includes marketing Brunswick and the festival as well as providing public rest room facilities (porto potties) for the day of the festival. The \$500 that will have been paid to the Town will be applied to the cost of these marketing efforts and public rest room facilities.

Thank you for your consideration in this matter. Please contact me if you need any additional information regarding this application or the Brunswick Outdoor Arts Festival. Please contact the BDA as soon as possible to advise if our application has been accepted and if our request to hold the 2016 Brunswick Outdoor Arts Festival has been approved.

Sincerely,

Keith Garovoy, Events Chair
Debora King, Executive Director
Brunswick Downtown Association



CONSENT AGENDA - E BACK UP MATERIALS



Promoting Downtown Brunswick as a vibrant and attractive place to live, work, play and do business.

April 1, 2016

Ms. Fran Smith, Town Clerk
Town of Brunswick
85 Union Street
Brunswick, ME 04011

Re: 2016 Community Barbecue

Dear Fran,

On behalf of the Brunswick Downtown Association (“BDA”) and the Events Committee, I would like to make our formal application to the Brunswick Town Council for the 2016 Community Barbecue.

The BDA, working with Mid Coast Hospital and Hannaford is planning to host the 2016 Community Barbecue on the Town Mall on Saturday, June 25 from 11:30 – 2:00 pm. The event will feature grilled hamburgers and hotdogs, children’s games and activities and music. The BDA will work in cooperation with the Brunswick Police, Fire, Public Works, and Parks and Recreation Departments to ensure that this community event continues to be a safe and entertaining family-oriented destination.

In the past, the Town Council has agreed to waive the \$500 event fee for similar BDA events in Downtown. If possible, we ask the Town Council to waive this event fee. There is minimal income raised and this will help to offset the cost of promotional material, porto potties, and music.

Thank you for your consideration in this matter. Please contact me if you need any additional information regarding this application for the Community Barbecue event.

Sincerely,

Debora King
Executive Director



MANAGER'S REPORT MEMO

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council
FROM: John Eldridge
Town Manager
DATE: May 12, 2016
SUBJECT: Town Manager's Report (a) – (d)

Below is a brief summary of items included in the May 16, 2016 Manager's Report.

Financial Update (a)

The budget-to-actual reports for revenues and expenditures through April 30, 2016 is included in your packets. There are no new significant events to report. Julie Henze and I will make a brief presentation and respond to questions.

Revaluation Update (b)

As previously reported, KRT Appraisal is conducting field inspections in west Brunswick. As a reminder, a video describing what property owners can expect during the field inspection portion of the project, as well as other information related to the revaluation, may be found on the Town's website at <http://www.brunswickme.org/departments/assessing/revaluation-2016/>

Maine Natural Gas Rate Case (c)

Most parties in the Maine Natural Gas (MNG) Rate Case have reached an agreement to settle the matter. The proposed settlement will be considered by the Maine Public Utilities Commission (PUC) at its meeting to be held on May 17th. If approved, the settlement would increase delivery rates for all MNG customers. However, the impact to Brunswick ratepayers would be more favorable than the rates initially proposed by MNG and more favorable than those offered in a previously proposed settlement agreement. You may recall that, last summer, the Town joined with Bowdoin College and Midcoast Regional Redevelopment Authority (MRRA) to intervene in the case. We hope to advise you of the PUC's decision on the 17th.

Special Permit for Wildflours Gluten Free Bakery (d)

At its May 10, 2016 meeting, the Planning Board granted a special permit allowing Wildflours Bakery to establish a retail bakery at 54 Cumberland Street, in the Town Residential 1 (TR1) Zoning District. Because the use requires a special permit, the Town Council may elect to take jurisdiction over the application. Please see the memos in the packet for more details.

MANAGER'S REPORT - A BACK UP MATERIALS

FOR 2016 10

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>00 Fill</u>							
19000 General Fund Transfers Out	1,368,236	1,559,217	1,559,217.00	.00	.00	.00	100.0%
TOTAL Fill	1,368,236	1,559,217	1,559,217.00	.00	.00	.00	100.0%
<u>10 General Government</u>							
11000 Administration	583,769	583,769	436,907.02	51,651.02	1,021.81	145,840.17	75.0%
11100 Finance Department	710,161	710,161	561,094.51	72,762.03	.00	149,066.49	79.0%
11150 Technology Services Dept	363,164	363,164	253,856.22	17,475.27	29,753.81	79,553.97	78.1%
11200 Municipal Officers	85,665	85,665	62,074.07	1,823.31	.00	23,590.93	72.5%
11210 Munic Bldg - 85 Union	214,863	215,063	173,204.32	20,728.78	6,225.39	35,633.20	83.4%
11230 Risk Management	479,057	479,057	484,453.02	102,805.54	.00	-5,396.02	101.1%
11240 Employee benefits	0	0	-138,984.03	-4,203.97	.00	138,984.03	100.0%
11250 Cable TV	61,298	61,298	45,325.95	5,499.27	150.36	15,821.69	74.2%
11300 Assessing	295,863	295,863	227,813.78	30,851.06	3,034.99	65,014.23	78.0%
11600 Town Clerk & Elections	363,719	364,119	247,077.01	30,152.04	7,834.90	109,207.09	70.0%
11900 Planning Department	480,995	483,088	363,932.19	48,850.63	1,508.02	117,647.82	75.6%
11950 Economic Development Dept	115,106	116,726	87,331.56	11,459.43	.00	29,394.44	74.8%
TOTAL General Government	3,753,660	3,757,973	2,804,085.62	389,854.41	49,529.28	904,358.04	75.9%
<u>20 Public Safety</u>							
12100 Fire Department	3,154,491	3,167,016	2,541,335.29	340,844.39	43,630.97	582,049.74	81.6%
12150 Central Fire Station	59,158	59,158	24,451.63	1,730.57	3,790.50	30,915.87	47.7%
12160 Emerson Fire Station	49,328	49,328	48,245.07	5,645.12	1,410.90	-327.97	100.7%
12200 Police Department	3,836,175	3,836,175	2,972,858.24	382,693.86	3,765.52	859,551.24	77.6%
12210 Police Special Detail	0	0	31,383.38	498.06	.00	-31,383.38	100.0%
12220 Emergency Services Dispatch	812,214	812,214	620,532.80	79,743.08	.00	191,681.20	76.4%
12250 Police Station Building	101,431	101,431	66,248.55	10,435.72	.00	35,182.45	65.3%
12310 Streetlights	211,000	211,000	176,849.71	17,442.44	.00	34,150.29	83.8%
12320 Traffic Signals	31,600	31,600	14,921.28	490.63	.00	16,678.72	47.2%
12330 Hydrants	465,000	465,000	340,370.87	112,056.64	.00	124,629.13	73.2%
12340 Civil Emergency Preparedness	2,000	2,000	1,280.00	.00	.00	720.00	64.0%
TOTAL Public Safety	8,722,397	8,734,922	6,838,476.82	951,580.51	52,597.89	1,843,847.29	78.9%
<u>30 Public Works</u>							

FOR 2016 10

30	Public Works	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
13100	Public Works Administration	446,577	446,577	348,647.72	46,530.16	1,563.97	96,365.31	78.4%
13110	PW General Maintenance	1,713,865	1,802,351	1,168,312.86	114,488.82	159,467.96	474,570.10	73.7%
13130	Refuse Collection	611,556	611,556	501,999.47	59,137.23	94,920.93	14,635.60	97.6%
13140	Recycling	298,631	298,631	221,017.76	24,763.93	75,795.43	1,817.81	99.4%
13150	PW Central Garage	724,112	724,112	621,765.51	110,461.58	43,314.16	59,032.33	91.8%
	TOTAL Public Works	3,794,741	3,883,227	2,861,743.32	355,381.72	375,062.45	646,421.15	83.4%
40 Human Services								
14100	General Assistance	169,994	169,994	120,067.67	15,754.67	1,436.22	48,490.11	71.5%
14120	Health & Social Services	12,766	12,766	29,787.51	.00	.00	-17,021.51	233.3%
	TOTAL Human Services	182,760	182,760	149,855.18	15,754.67	1,436.22	31,468.60	82.8%
45 Education								
14500	School Department	36,525,855	36,525,855	24,815,485.14	2,458,085.50	.00	11,710,369.86	67.9%
	TOTAL Education	36,525,855	36,525,855	24,815,485.14	2,458,085.50	.00	11,710,369.86	67.9%
50 Recreation and Culture								
15000	Recreation Administration	439,700	440,780	351,728.66	49,364.56	1,586.39	87,464.95	80.2%
15050	Rec Buildings and Grounds	699,391	707,371	520,108.41	52,114.62	9,306.44	177,956.15	74.8%
15250	Rec Building 211	173,982	173,982	60,013.03	9,317.66	10,369.00	103,599.97	40.5%
15300	Teen Center	15,000	15,000	15,000.00	.00	.00	.00	100.0%
15310	People Plus	118,300	124,300	119,300.00	.00	.00	5,000.00	96.0%
15400	Curtis Memorial Library	1,325,000	1,325,000	1,091,666.66	109,166.67	.00	233,333.34	82.4%
	TOTAL Recreation and Culture	2,771,373	2,786,433	2,157,816.76	219,963.51	21,261.83	607,354.41	78.2%
60 Intergovernmental								
16000	County tax	1,360,042	1,360,042	1,360,042.00	.00	.00	.00	100.0%

FOR 2016 10

60	Intergovernmental	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
	TOTAL Intergovernmental	1,360,042	1,360,042	1,360,042.00	.00	.00	.00	100.0%
70 Unclassified								
17000	Promotion and Development	161,917	157,417	162,053.68	15.24	331.30	-4,967.98	103.2%
17010	Additional School Assistance	10,000	10,000	.00	.00	.00	10,000.00	.0%
17020	Cemetery Care	3,000	3,000	4,750.00	250.00	.00	-1,750.00	158.3%
17030	Wage Adjustment Account	43,000	43,000	.00	.00	.00	43,000.00	.0%
	TOTAL Unclassified	217,917	213,417	166,803.68	265.24	331.30	46,282.02	78.3%
80 Debt Service								
18020	2006 CIP G/O Bonds	244,000	244,000	244,000.00	20,000.00	.00	.00	100.0%
18030	2011 GO CIP Bonds	255,380	255,380	255,380.00	20,250.00	.00	.00	100.0%
18040	Police Station Bond	400,125	400,125	400,125.02	61,187.51	.00	-.02	100.0%
18050	2010 Elementary School Bond	0	0	-1,144.48	228,832.40	.00	1,144.48	100.0%
	TOTAL Debt Service	899,505	899,505	898,360.54	330,269.91	.00	1,144.46	99.9%
	GRAND TOTAL	59,596,486	59,903,351	43,611,886.06	4,721,155.47	500,218.97	15,791,245.83	73.6%

** END OF REPORT - Generated by Julie Henze **

FOR 2016 10

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
10 Taxes								
111190	41101	Property Taxes	38,824,828	37,878,170	37,997,117.80	.00	-118,947.80	100.3%*
111190	41103	Deferred Property Tax	-200,000	-200,000	.00	.00	-200,000.00	.0%
111190	41104	Tax Abatements	-75,000	-75,000	-46,922.76	.00	-28,077.24	62.6%
111190	41105	Interest on Taxes	65,000	65,000	54,276.97	4,685.63	10,723.03	83.5%*
111190	41106	Tax Lien Costs Revenu	13,000	13,000	17,197.92	12.00	-4,197.92	132.3%*
111190	41107	Tax Lien Interest Rev	13,000	13,000	19,091.21	.00	-6,091.21	146.9%*
111190	41109	Payment in Lieu of Ta	175,000	175,000	108,286.42	.00	66,713.58	61.9%*
111190	41197	BETE reimbursement	0	504,808	565,974.00	198.00	-61,166.00	112.1%*
111190	41198	Homestead exemption r	0	441,850	332,248.00	.00	109,602.00	75.2%*
111190	41199	Miscellaneous tax adj	4	4	.00	.00	4.00	.0%*
111191	41110	Excise Tax - Auto	2,865,000	2,865,000	2,540,192.54	300,896.41	324,807.46	88.7%*
111191	41111	Excise Tax Boat/ATV/S	25,000	25,000	11,765.10	4,395.20	13,234.90	47.1%*
111191	41112	Excise Tax - Airplane	3,500	3,500	2,835.04	.00	664.96	81.0%*
TOTAL Taxes			41,709,332	41,709,332	41,602,062.24	310,187.24	107,269.76	99.7%
TOTAL REVENUES			41,709,332	41,709,332	41,602,062.24	310,187.24	107,269.76	
20 Licenses & Fees								
121111	42207	Passport Fees	9,500	9,500	11,125.00	1,425.00	-1,625.00	117.1%*
121111	42208	Postage Fees	0	0	131.78	.00	-131.78	100.0%*
121111	42209	Passport Picture Reve	3,000	3,000	4,470.00	435.00	-1,470.00	149.0%*
121411	42100	Building Permits	145,000	145,000	119,955.41	9,567.45	25,044.59	82.7%*
121411	42101	Electrical Permits	34,000	34,000	36,679.04	1,643.64	-2,679.04	107.9%*
121411	42102	Plumbing Permits	22,000	22,000	23,335.00	1,400.00	-1,335.00	106.1%*
121411	42103	Zoning Board Fees	0	0	300.00	75.00	-300.00	100.0%*
121611	42200	Hunting & Fishing Lic	1,100	1,100	794.00	83.45	306.00	72.2%*
121611	42201	Dog License Fee	2,500	2,500	2,654.00	22.00	-154.00	106.2%*
121611	42202	Vital Statistics	50,000	50,000	41,289.60	3,962.60	8,710.40	82.6%*
121611	42203	General Licenses	21,270	21,270	20,061.00	1,865.00	1,209.00	94.3%*
121611	42204	Victulars/Innkeepers	18,250	18,250	1,193.75	618.75	17,056.25	6.5%*
121611	42205	Shellfish Licenses	17,400	17,400	17,225.00	16,775.00	175.00	99.0%*
121611	42206	Neutered/Spayed Dog L	4,730	4,730	4,782.00	36.00	-52.00	101.1%*
121611	42208	Postage Fees	0	0	119.94	.00	-119.94	100.0%*
121611	42210	Mooring fees	0	0	15,900.00	11,950.00	-15,900.00	100.0%*
121911	42300	Planning Board Appl F	22,500	22,500	17,908.40	420.00	4,591.60	79.6%*
122121	42400	Fire Permits	500	500	390.00	240.00	110.00	78.0%*
122221	42500	Conc Weapons Permits	600	600	370.00	65.00	230.00	61.7%*

FOR 2016 10

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
122221	42501	Parking Permit fee	0	0	200.00	200.00	-200.00	100.0%*
123131	42600	Public Works Opening	8,000	8,000	11,884.00	2,784.00	-3,884.00	148.6%*
TOTAL Licenses & Fees			360,350	360,350	330,767.92	53,567.89	29,582.08	91.8%
TOTAL REVENUES			360,350	360,350	330,767.92	53,567.89	29,582.08	
30 Intergovernmental								
131122	43505	FD EMPG grant	15,000	15,000	9,875.29	4,819.39	5,124.71	65.8%*
131132	43103	Highway Grant Fund	195,000	195,000	199,148.00	.00	-4,148.00	102.1%*
131142	43104	State General Assista	24,000	24,000	21,078.09	.00	2,921.91	87.8%*
131190	43102	State Tax Exemption R	40,000	40,000	11,346.86	.00	28,653.14	28.4%*
131192	43101	State Revenue Sharing	1,088,154	1,088,154	891,151.79	58,242.51	197,002.21	81.9%*
131192	43106	Snowmobile Receipts	1,400	1,400	1,542.46	.00	-142.46	110.2%*
134546	43120	State Education Subsi	9,826,081	9,826,081	7,994,921.25	198,662.61	1,831,159.75	81.4%*
TOTAL Intergovernmental			11,189,635	11,189,635	9,129,063.74	261,724.51	2,060,571.26	81.6%
TOTAL REVENUES			11,189,635	11,189,635	9,129,063.74	261,724.51	2,060,571.26	
40 Charges for services								
141111	44110	Agent Fee Auto Reg	47,000	47,000	40,737.00	5,164.00	6,263.00	86.7%*
141111	44111	Agent Fee Boat/ATV/Sn	1,500	1,500	959.00	216.00	541.00	63.9%*
141211	44121	Rental of Property	1,200	1,200	1,000.00	100.00	200.00	83.3%*
141611	44131	Advertising Fees	0	0	837.64	.00	-837.64	100.0%*
142121	44155	Ambulance Service Fee	845,000	845,000	726,697.58	-5,616.20	118,302.42	86.0%*
142121	44166	Special Detail - Fire	1,000	1,000	2,565.20	.00	-1,565.20	256.5%*
142221	44161	Witness Fees	3,000	3,000	900.00	.00	2,100.00	30.0%*
142221	44162	Police Reports	4,500	4,500	3,063.50	.00	1,436.50	68.1%*
142221	44163	School Resource Offic	86,000	86,000	86,000.00	.00	.00	100.0%*
142221	44165	Special Detail - Poli	3,000	3,000	21,174.50	.00	-18,174.50	705.8%*
142221	44167	Dispatch Services fee	143,760	143,760	121,419.85	11,170.18	22,340.15	84.5%*
143431	44175	Recycling Revenue	25,000	25,000	11,881.10	791.70	13,118.90	47.5%*
144545	44100	School Tuition, etc	102,000	102,000	79,280.78	667.74	22,719.22	77.7%*
145051	44121	Rental of Property	0	0	300.00	.00	-300.00	100.0%*
TOTAL Charges for services			1,262,960	1,262,960	1,096,816.15	12,493.42	166,143.85	86.8%
TOTAL REVENUES			1,262,960	1,262,960	1,096,816.15	12,493.42	166,143.85	
50 Fines & Penalties								
151611	45108	Gen License Late Pena	0	0	10.00	10.00	-10.00	100.0%*

FOR 2016 10

	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
151621 45103 Unlicensed Dog Fines	10,000	10,000	5,725.00	150.00	4,275.00	57.3%*
152121 45104 False Alarm Fire	1,000	1,000	5.00	.00	995.00	.5%*
152121 45107 Fire Code Violation F	0	0	400.00	.00	-400.00	100.0%*
152221 45100 Ordinance Fines	600	600	597.00	.00	3.00	99.5%*
152221 45101 Parking Tickets	30,000	30,000	28,719.00	2,955.00	1,281.00	95.7%*
152221 45102 Leash Law Fines	100	100	200.00	.00	-100.00	200.0%*
152221 45105 False Alarm Police	100	100	15.00	5.00	85.00	15.0%*
152221 45106 Restitution	0	0	315.26	31.07	-315.26	100.0%*
TOTAL Fines & Penalties	41,800	41,800	35,986.26	3,151.07	5,813.74	86.1%
TOTAL REVENUES	41,800	41,800	35,986.26	3,151.07	5,813.74	
60 Interest earned						
161193 46100 Interest Earned	20,000	20,000	9,788.18	2,736.64	10,211.82	48.9%*
TOTAL Interest earned	20,000	20,000	9,788.18	2,736.64	10,211.82	48.9%
TOTAL REVENUES	20,000	20,000	9,788.18	2,736.64	10,211.82	
70 Donations						
171952 47000 BDC Contrib to Econ D	94,000	94,000	94,000.00	.00	.00	100.0%*
171952 47002 MRRA - MCOG DUES	15,000	15,000	15,208.50	.00	-208.50	101.4%*
TOTAL Donations	109,000	109,000	109,208.50	.00	-208.50	100.2%
TOTAL REVENUES	109,000	109,000	109,208.50	.00	-208.50	
80 Use of fund balance						
181100 48000 Unapprop General Fund	825,000	1,011,481	.00	.00	1,011,481.00	.0%*
181100 48001 Bal of State Revenue	50,000	50,000	.00	.00	50,000.00	.0%*
184500 48004 School Balance Forwar	3,067,309	3,067,309	.00	.00	3,067,309.00	.0%*
184500 48005 Restricted-Sch Bond P	119,800	119,800	.00	.00	119,800.00	.0%*
TOTAL Use of fund balance	4,062,109	4,248,590	.00	.00	4,248,590.00	.0%
TOTAL REVENUES	4,062,109	4,248,590	.00	.00	4,248,590.00	
90 Other						
191011 49000 Administration Miscel	0	0	790.42	.00	-790.42	100.0%*

FOR 2016 10

			ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	PCT COLL
191111	49000	Finance Miscellaneous	4,000	4,000	16,767.86	3,194.27	-12,767.86	419.2%*
191111	49104	Property & Casualty D	0	0	10,052.00	.00	-10,052.00	100.0%*
191111	49105	Postage & Handling	0	0	53.00	.00	-53.00	100.0%*
191111	49106	W/C Proceeds	0	0	5,563.01	.00	-5,563.01	100.0%*
191192	49100	Cable Television	225,000	225,000	129,880.14	.00	95,119.86	57.7%*
191611	49000	Town Clerk Miscellane	1,300	1,300	1,516.00	123.00	-216.00	116.6%*
191911	49000	Planning Miscellaneou	200	200	1,394.79	16.50	-1,194.79	697.4%*
192121	49000	Fire Miscellaneous	5,800	5,800	10,929.00	.00	-5,129.00	188.4%*
192194	49151	Fire Vehicle Sales	0	0	5,700.00	.00	-5,700.00	100.0%*
192221	49000	Police Miscellaneous	10,000	10,000	14,396.04	.00	-4,396.04	144.0%*
193131	49000	Public Works Miscella	2,000	2,000	12.28	.00	1,987.72	.6%*
194141	49103	General Assistance Re	0	0	4,672.78	2,710.41	-4,672.78	100.0%*
194545	49000	School Miscellaneous	93,000	93,000	40,756.84	5,563.83	52,243.16	43.8%*
195051	49000	Recreation Miscellane	0	0	2.82	.00	-2.82	100.0%*
199980	48100	General Fund Transfer	500,000	500,000	620,941.86	1,130.83	-120,941.86	124.2%*
TOTAL Other			841,300	841,300	863,428.84	12,738.84	-22,128.84	102.6%
TOTAL REVENUES			841,300	841,300	863,428.84	12,738.84	-22,128.84	
GRAND TOTAL			59,596,486	59,782,967	53,177,121.83	656,599.61	6,605,845.17	89.0%

** END OF REPORT - Generated by Julie Henze **

**MANAGER'S REPORT - B
NO BACK UP MATERIALS**

**MANAGER'S REPORT - C
NO BACK UP MATERIALS**

MANAGER'S REPORT - D BACK UP MATERIALS



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT

85 UNION STREET

BRUNSWICK, ME 04011

ANNA M. BREINICH, FAICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

May 12, 2016

Memo to: Brunswick Town Council
John Eldridge, CPFO, Town Manager

From: Anna Breinich, FAICP

Subject: Planning Board Special Permit Approval: Wildflours Gluten-Free Bakery

On May 10, 2016, the Planning Board voted unanimously of those present (7-0) to approve a Special Permit application submitted by Kelly Hughes representing Wildflours Bakery, on behalf of the property owner, Cabot Rental Corp., to establish a retail bakery as a use by Special Permit. The property is located at 54 Cumberland Street, in the Town Residential 1 (TR1) Zoning District (Assessor's Map U15, Lot 19). A Special Permit is required for this use. The applicant will ensure that the proposed facility complies with all applicable codes and ordinances.

Section 701.1.G of the Zoning Ordinance gives the Town Council 30 days from the day the Planning Board approves the Special Permit to exercise jurisdiction over the application. If the Council decides to exercise jurisdiction by a majority vote of the Council at a public meeting, it shall hold a public hearing and may ratify, reverse or modify the decision of the Planning Board. If the Council does not decide to exercise jurisdiction over the Special Permit application, the Planning Board's decision will take effect after 30 days from the date of approval.

Attached to this memo are the Special Permit Findings of Fact approved by the Planning Board on May 10, 2016.

cc: Charlie Frizzle, Chair, Planning Board
Jeff Hutchinson, Codes Enforcement Officer
Kelly Hughes

**Approved Findings of Fact
Special Permit (Section 701)
Wildflours Gluten-Free Bakery
Planning Board Review Date: May 10, 2016**

Project Name: Wildflours Gluten-Free Bakery

Case Number: 16-012

Tax Map: Map U15 Lot 19

Applicant: Kelley Hughes
35 Chamberlain Avenue
Brunswick, ME 04011

PROJECT SUMMARY

Case Number 16-012 - The Planning Board will hold a **Public Hearing** then review and take action on a **Special Permit** proposed for a retail bakery at 54 Cumberland Street within the **Town Residential (TR1) Zoning District (Map U15, Lot 19)**.

The proposed retail bakery will occupy 940 square feet of an existing commercial building owned by George Cabot under a lease agreement entered into between Cabot Rental Corp., and Honalee Realty, LLC.

Retail use requires a Special Permit within the TR1 neighborhood pursuant to the Brunswick Zoning Ordinance. Therefore a Special Permit application is required for the proposed use.

Review Standards from Special Permits Section 701.2 of the Town of Brunswick Zoning Ordinance

The following standards set forth herein shall be applied, where applicable, by the Planning Board when considering an application for Special Permit. The burden of proof of compliance with these standards rests solely with the applicant.

A. The application shall further the planning goals of the Planning Area in which the property is located, as follows:

Chapter 7(D1) Town Core (2008 Comprehensive Plan):

- A. The Town Core is where the greatest density of commercial and residential use occurs within Brunswick's growth area.
- B. This portion of the Town Core is within the TR1 zone.
- C. Appropriate land use includes a wide range of residential uses, including multifamily housing and residential units as part of mixed use buildings, as well as retirement housing and other eldercare facilities; a wide range of small to

moderate scale non-residential, commercial, municipal, and community services uses; and college related residential and non-residential uses.

- D. The objective of the Town Core is to allow for a range in density of development that is consistent with maintaining the mature character of the Town Core neighborhoods and Downtown area.

This Special Permit application is consistent with and furthers the planning area goals by contributing to the density of small scale non-residential uses within an area of existing mixed-use development.

The Planning Board finds the proposed use furthers the planning goals of the Town Core Planning Area.

- B. The application is compatible in scale to its surroundings. In making this finding, the Planning Board shall consider the size and mass of buildings where new structures are being proposed, the number of employees, residents or customers, and the size and number of vehicles servicing the use. Notwithstanding the foregoing, when the Special Permit is proposed for a pre-existing structure, the Planning Board may find that the proposed use is compatible with its surroundings, even though it is out of scale and design with such surrounding properties if the applicant can demonstrate that the proposal will achieve mutual benefits without compromising any of the standards found in this ordinance.**

No new structures are proposed. The proposed retail use will employ five (5) part time employees, and accommodate an average of twenty (20) customers per day. The site plan depicts twelve (12) parking spaces on-site that serve the existing commercial building, and an additional seven (7) parking spaces located across Cumberland Street for a total of nineteen (19) parking spaces. During the May 4, 2016, Staff Review Committee (SRC) meeting, the applicant provided an additional parking agreement under a lease dated May 1, 2016 which expires on May 1, 2021. The new parking agreement provides an additional four (4) parking spaces for a grand total of twenty-three (23) parking spaces.

The parking requirements at Section 512.2 of the Brunswick Zoning ordinance indicate a total of fourteen (14) parking spaces are required for the proposed combination of approximately 3,310 square feet of office space (3 spaces per 1,000 square feet of floor area = 10 parking spaces required), and under 1,000 square feet of proposed retail space (4 spaces per 1,000 square feet of floor area = 4 parking spaces required) for the retail bakery. Therefore, the existing nineteen (19) parking spaces would allow the applicant to terminate the recently entered May 1, 2016 parking agreement that provides an additional four (4) parking spaces and remain in substantial compliance with the parking standards of the Brunswick Zoning Ordinance.

The Planning Board finds that the use is compatible with the scale of surrounding development.

- C. The application is harmonious in design to its surroundings. In making this finding, the Planning Board shall consider building and window proportions, roof-lines, spacing of doors and windows, as well as orientation to public streets.**

No new buildings are proposed. The proposed development is well oriented to public streets. The applicant intends to enhance the existing building with a new front entrance, a bakery window

with window boxes, and a foundation garden area. Alterations to the building may require a building permit prior to construction.

The Planning Board finds the proposed development is harmonious in design and compatible to the surrounding area.

D. The application further maintains or enhances a pedestrian oriented character in planning districts where such character is encouraged.

Pursuant to the 2008 Comprehensive Plan, development should be required to provide pedestrian and bicycle facilities as part of the project. The applicant indicated at Staff Review Committee (SRC) on May 4, 2016 that a bicycle rack would be provided on-site for the retail use.

The Planning Board finds that the proposed use will encourage pedestrian oriented development.

E. The application will not violate any standard of this Ordinance.

The proposed use does not violate any standard in the Zoning Ordinance.

The Board finds that the application will not violate any standard in the Zoning Ordinance.

Notwithstanding the foregoing, the Planning Board shall deny an application for a Special Permit if, in its determination, substantive, objective evidence from one or more persons entitled to notice is presented that reasonably demonstrates that:

- 1. The proposal will adversely affect the enjoyment or use of that person's property**
- 2. The proposal will devalue such property**

The Planning Board finds that in its determination, the proposal will not adversely affect the enjoyment or use of or devalue such property of persons entitled to notice.

APPROVED MOTION

Motion 1: That the Special Permit application is deemed complete.

Motion 2: That the Special Permit is approved with the following condition:

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.

Planning Board Denial of Special Permits

If the Planning Board denies an application for Special Permit, the Planning Board's decision is not subject to any appeal. However, the applicant may apply to the Town Council for a zoning amendment as provided for by Section 108 of the Town of Brunswick Zoning Ordinance.

ITEM 53

BACK UP MATERIALS



Town Clerk's Office
85 Union Street
Brunswick, ME 04011

PUBLIC HEARING

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Council Chamber, Municipal Office Building, 85 Union Street, Brunswick, at 7:00 P.M. on 5/16/2016 on the following Special Amusement license applications:

Special Amusement

BATS LLC

D/B/A: McAvoy's On The Green
165 River Road

Timothy Troy Kavanaugh

All persons may appear to show cause, if any they may have, why such applications should or should not be approved.

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION
PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT 725-6653 (TDD 725-5521).**

Fran Smith
Town Clerk

~~PSORA~~
McAvoy

TOWN OF BRUNSWICK

85 Union Street Brunswick, Maine 04011 TEL: (207) 725-6658 Fax: (207) 725-6663

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

Please complete:

Type of Business: Sole Proprietor-Owner's Name: _____

Partnership-Partner's Names: _____

Corporation-Corporation Name: BATS LLC

Incorporation Date: 3/15 Incorporation State: Maine

New License: Opening Date _____ Renewal License

Business Name: McAvoy's on the green E-Mail: mcavoysbge@gmail.com

Business Address: 165 River Rd Business Phone Number: 725-8224 Ext 4

Name of Contact Person: Abbie Luttrell Contact's Phone Number: Same

Mailing Address for Correspondence: PO Box 246 Brunswick, ME 04011

Signature of Owner, Officer, Partner or Agent: [Signature]

Date: 4/28/16

Corporations Please Complete:

Address of Incorporation: 165 River Rd Brunswick Phone #: (207) 725-8224 Ext 4

Name of Corp. Officer, Owner, or Partners: Title Address % of Stock or ownership

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Timothy Troy Kavanaugh</u>	<u>Partner</u>	<u>Topsham, ME</u>	<u>50%</u>
<u>William Welch</u>	<u>Partner</u>	<u>Leviston, ME</u>	<u>50%</u>

Town Clerk Use Only

License Fee \$100.00 Paid Advertising Fee \$ _____ 0 Paid

Required Approvals: 0 Finance 0 Codes/Fire 0 Council PH Date: _____

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment:

DI or Band for weddings / birthday parties etc.

Describe in detail the room or rooms to be used under this license:

Ballroom - main bar area

During what hours will your live entertainment occur?

12 to 12 depending on the function

Did the Town Council place any specific restrictions on your license over the past three years? If so, what was that restriction?

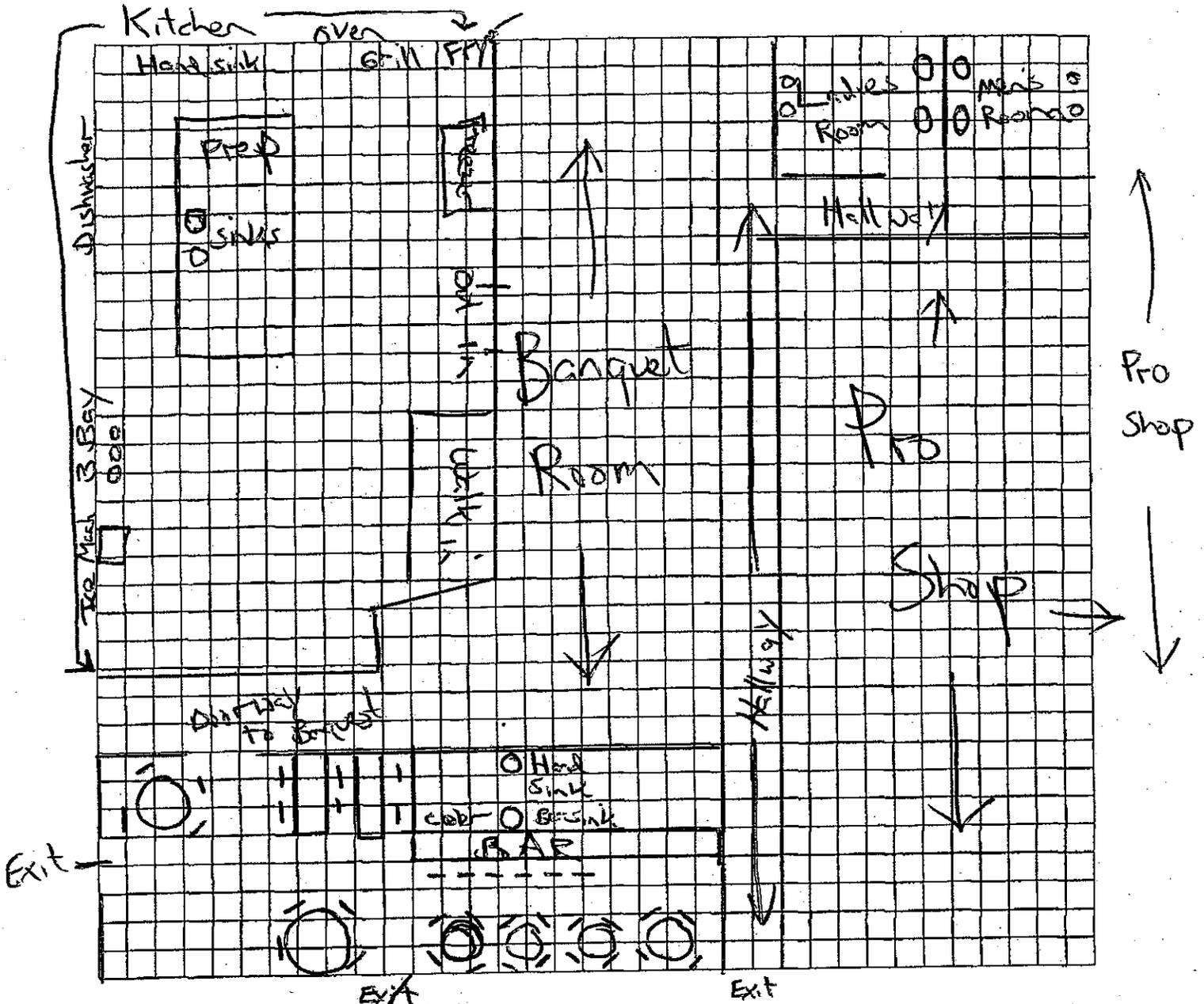
no

DIAGRAM

(ATTACH SEPARATE SHEET, IF NECESSARY)

9. Kitchen or Food Preparation Area Plan:

Use this grid or a separate sheet of graph paper to draw a floor plan, or provide a floor plan prepared by a knowledgeable party, for eating place food preparation area(s)/kitchen(s). If the plan is not drawn to scale, the dimensions must be clearly labeled. Please see the example on page 11.



The floor plan should include the following items.

Sinks:	Toilet Facilities:	Refrigeration:	Facilities:
1. Hand Washing	1. Water Closets	1. Walk-in Coolers	1. Food Preparation Areas
2. Ware Washing	2. Lavatories	2. Walk-in Freezers	2. Food Storage Areas
3. Utility	3. Urinals	3. Freestanding Coolers	3. Trash/Refuse/Redemption Areas
4. Food Prep	4. Other	4. Freestanding Freezers	4. Dining Areas
5. Dipper Wells		5. Ice Maker	5. Equipment/Counters/Seats/Tables
6. Other		6. Other	6. Dry Storage/All Other Storage

ITEM 54

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: May 12, 2016

SUBJECT: Town Hall Trim Repairs

Attached is a revised estimate for the Town Hall Trim replacement project. Since the last Town Council meeting, we have had the exterior doors re-evaluated and we are no longer recommending replacement of all the exterior doors. However, we have included an allowance for plywood replacement and increased the amount we recommended for contingency. We are hopeful that much of the allowance and contingency will not be needed. That depends on the damage that is uncovered once the work begins. We also intend to use a portion of the contingency to assist in the management/inspection of the project.

Also attached is the proposed bond ordinance and public hearing notice. While we are still recommending that the project be funded with debt, we will reevaluate funding sources prior to the issuance of debt, should another source be deemed to be more desirable.

Finally, we have also prepared a brief presentation that follows the format we are now using for presenting capital projects. We look forward to your questions on the 16th.

Attachments

Updated Town Hall Trim Replacement Estimate

85 Union Street

Scope of Project: Replace trim around all windows and doors, including panels on all three floors of building with AZEK™ or equal composite wood.

Estimate by Warren Construction Group and John Foster, Town Eng.

Print Date: May 12, 2016

Item	Type Window	Size	Quantity	Unit	Total Cost
A	Window A	8' x 8'	17	ea.	\$ 10,730.82
B	Window B	4.34 x 4'	20	ea.	\$ 5,445.35
C	Window C	2 x 6'	2	ea.	\$ 1,507.57
D	Window D	4 x 6'	32	ea.	\$ 11,706.67
E	Window E	4 x 4.34'	8	ea.	\$ 2,078.44
F	Window F	4.34 x 5'	30	ea.	\$ 7,254.47
G	Window G	5 x 9'	2	ea.	\$ 822.12
H	Window H	5 x 9'	2	ea.	\$ 700.92
J	Window J	4 x 4'	2	ea.	\$ 914.83
K	Gable Trim/Rake		292	l.f.	\$ 9,770.32
L	Fascia/No Soffit		260	l.f.	\$ 6,389.76
M	Trim @ Flare		248	l.f.	\$ 8,412.16
N	Horizontal Trim		2360	s.f.	\$ 36,500.08
O	Replace Trim Around 5 Doors		5	ea.	\$ 5,000.00
P	Allowance for Replacing Plywood		400	s.f.	\$ 10,000.00
Q	Manlift Rental		4	months	\$ 6,400.00
R	Misc. Fasteners			L.S.	\$ 800.00
S	Replace Six Panel Door		1	ea.	\$ 3,300.00
T	Replace Hollow Metal Frame w/SS		1	ea.	\$ 3,500.00
	Overhead & Profit				\$ 23,622.03
Total Estimated Construction Cost					\$ 154,855.54
Contingency			25%		\$ 38,713.88
Total Estimated Project Cost					\$ 193,569.42
Recommended Project Budget:					\$ 194,000.00

TOWN OF BRUNSWICK, MAINE

An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder

WHEREAS, the Town Council (the “Town Council”) of the Town of Brunswick (the “Town”) has adopted a Capital Improvement Program for the fiscal years ending June 30, 2016-2020 (the “CIP”); and

WHEREAS, the CIP recommends removal and replacement of exterior trim elements of the Brunswick Town Hall at 85 Union Street ; (the “Town Hall Trim Project” or “Project”) and,

WHEREAS, the Town has established a project budget of \$200,000, all of which is expected to be financed with the issue of general obligation bonds; and

WHEREAS, the Charter of the Town of Brunswick, Maine (the “Charter”) requires that any capital acquisition to be financed solely or partly by the issuance of bonds or notes to be authorized by ordinance;

NOW THEREFORE THE FOLLOWING ORDINANCE IS ADOPTED.

Section 1. Funding Sources and Appropriations.

- a. A total of two hundred thousand (\$200,000), plus any additional amounts authorized under this ordinance, are appropriated to finance the cost of removal and replacement of exterior trim elements of the Brunswick Town Hall at 85 Union Street, and any other components and costs deemed necessary by the Town Manager to repair and improve the building envelope (the “Project”).
- b. The issue and sale of the Town’s general obligation bonds or notes (and notes in anticipation thereof) is authorized in an aggregate principal amount not to exceed two hundred thousand dollars (\$200,000), plus the cost of issuance. The proceeds of the bonds and notes are appropriated to finance the costs of the Project. The bonds and notes may also be used to reimburse the Town for any prior expenditures on the Project, or to refinance notes or advances as authorized herein.

Section 2. Authorization to Remove and Replace Exterior Trim on the Brunswick Town Hall. The Town Manager is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents and certificates as the Town Manager may determine to be necessary or appropriate in connection with the Project. The aforementioned items shall be in such form and contain such terms and conditions as may be approved by the Town Manager. Such approval shall be conclusively evidenced by the Town Manager’s execution thereof, provided however, that the Town Manager may delegate the authority granted hereunder as the Town Manager deems appropriate.

Section 3. Project Costs Defined. The term “cost” or “costs” as used herein and applied to the Project, or any portion thereof, includes:

- a. the cost of planning, and engineering, and other professional services associated with the Project;
- b. the costs related to applying for and obtaining all permits and licenses,
- c. the cost of constructing the Project, and all costs determined by the Town Manager to be necessary to place the Project in service and ready for its intended use;
- d. the cost of insuring the Project while under construction and for a reasonable period upon substantial completion of the project, including builders risk, general liability, product liability, workers compensation and any other insurance costs the Town Manager determines is related to the Project;
- e. the costs of financing the Project including but not limited to financing charges and issuance costs, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses related to financing the Project;
- f. interest costs prior to and during construction and for a period not to exceed three years from the issue date of the bonds, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses related to the financing transaction;
- g. any other costs identified in the Project budget provided with the proposal, and the cost of any other items or services deemed to be cost under generally accepted accounting principles ("GAAP") as determined by the Town's Finance Director.

Section 4. Details of the Bonds or Notes.

- a. Execution and Delivery of Bonds and Notes. The bonds and notes issued hereunder, and any issued as the result of exchanges or transfers, shall be signed by the Treasurer and be countersigned by the Chair of the Town Council. The bonds and notes shall have the seal of the Town affixed thereon, and be attested by the Town Clerk. The Treasurer and Chair of the Town Council, from time to time, shall execute such bonds and notes as may be required to provide for exchanges or transfers of bonds and notes hereinbefore authorized.
- b. Book Entry Certificates In lieu of physical certificates of the bonds and notes, the Treasurer be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System. As an alternative to the provisions herein regarding physical transfer of bonds, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.
- c. Tax Exempt Bonds Option. The Treasurer and Chair of the Town Council are individually authorized to determine whether to issue the bonds and notes authorized herein as taxable bonds and notes or tax-exempt bonds and notes. To the extent such bonds and notes are issued as tax-exempt bonds, the Treasurer and Chair of the Town Council are individually authorized to covenant and agree, on behalf of the Town and for the benefit of the holders of such bonds and notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the bonds and notes will remain exempt from federal income taxation and that the Town will

refrain from any action that would cause interest on the bonds and notes to be subject to federal income taxation.

- d. No Arbitrage Certification. The Treasurer and Chair of the Town Council are individually authorized to covenant and certify on behalf of the Town that no part of the proceeds of the bonds and notes shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.
- e. Qualified Tax Exempt Obligations. The Treasurer is hereby authorized and empowered to take all such action as may be necessary to designate such bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the Town’s intention that the Treasurer, with advice of bond counsel, to make the required Section 265(b) election with respect to such bonds and notes, but only to the extent the election may be available and advisable as determined by the Treasurer.
- f. Principal Denominations. The principal amount of the bonds of the same maturity shall be such minimum denomination as the Treasurer, in the Treasurer’s discretion, may approve.
- g. Maturities and Interest Rates. The maturity(ies), interest rate(s) and sale price of the bonds or notes issued hereunder shall be either sent out to bid or negotiated by the Treasurer in such manner as the Treasurer deems appropriate and in the best interest of the Town and the financing of the above-referenced Project. The Treasurer be and hereby is authorized to provide that any of the bonds or notes hereinbefore authorized may be made callable, with or without premium, prior to their stated dates of maturity. The bonds or notes hereby authorized shall be in such form and to otherwise contain such other terms and provisions as the Treasurer may approve, his or her approval to be conclusively evidenced by his/her execution thereof.
- h. Consolidation of Bond or Notes. Any or all of the bonds or notes issued hereunder may be consolidated with and become a part of any other issue of bonds or notes authorized to be issued by any previous or subsequent ordinance of the Town Council of the Town of Brunswick.
- i. Other Authorized Officials. If the Treasurer, Chair of the Town Council or Town Clerk are for any reason unavailable to approve and execute the bonds hereinbefore authorized or any other documents necessary or convenient to the issuance, execution and delivery of the bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.
- j. Absence of Officials Prior to Delivery. If any of the officials of the Town who have signed or sealed the bonds or notes shall cease to be such officials before the bonds or notes signed and sealed shall have been actually authenticated or delivered by the Town, such bonds and notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds and notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of

the execution of such bonds and notes, shall be the proper officials of the Town, although at the nominal date of such bonds and notes any such person shall not have been such officer or official.

Section 5. Sale of Bonds or Notes and Registrar, Paying Agent and Transfer Agent

- a. **Official Statement.** The Treasurer is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes. The Preliminary Official Statement and Official Statement shall be in such form and contain such information as may be approved by the Treasurer, with the advice of the underwriter for the bonds or notes and bond counsel for the Town. The distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the bonds or notes is approved.
- b. **Counsel.** The Treasurer is authorized to select Issuer Counsel, Bond Counsel and any other counsel the Treasurer deems necessary in connection with the planning, sale and issuance of the notes or bonds, and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.
- c. **Underwriter.** The Treasurer is authorized to select the underwriter for the bonds and notes, and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.
- d. **Registrar, Paying Agent and Transfer Agent.** The Treasurer is authorized to select the registrar, paying agent, and transfer agent for the bonds or notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services. The bonds and notes shall be transferable only on the registration books of the Town kept by the transfer agent. Upon surrender of the bonds or notes with an accompanying written instrument of exchange or transfer, executed by the registered owner or the owner's attorney, duly authorized in writing and satisfactory to the transfer agent, the Town and the transfer agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer. Subsequent to the first exchange or transfer, the cost of preparing new bonds or notes upon exchanges or transfer thereof shall be paid by the person requesting the same.

Section 6. Refunding. The Treasurer and Chair of the Town Council be and hereby are authorized to execute a refunding of general obligation bonds and notes herein authorized when the Treasurer and the Chair of the Town Council determine that such refunding is in the best interest of the Town. All delegated authority provided pursuant to this ordinance shall also apply to a refunding bond and note issue relating to the general obligation bonds and notes herein authorized.

Section 7. Continuing Disclosure. The Treasurer and Chair of the Town Council be and hereby are individually authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such bonds and notes, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c12-12 of the Securities and Exchange Commission are met.

Section 8. Investment Earnings and Other Bond Proceeds. Any investment earnings on the proceeds of the bonds and notes and any other unexpended proceeds thereof are appropriated for the following purposes:

- a. To any costs of the Project in excess of the amounts authorized herein;
- b. In accordance with the applicable terms and conditions of the Town's Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to interest on the bonds or notes, or to the Town's general fund;
- c. To any other qualified costs approved by the Town Council and not prohibited by the Town Charter or Ordinances, Maine law or the Internal Revenue Code.

Section 9. Authority to Levy Tax for Debt Service. In each of the years during which any of the bonds or notes are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds or notes, payable in such year, and the principal of such bonds maturing in such year.

Section 10. Advances to Fund Project. The Town is authorized to make advances, from the Town's general fund to a capital projects fund, in an aggregate amount not to exceed \$200,000 in anticipation of the issuance of bonds or notes, or for the purpose of financing any part of the Project. Advances used in lieu of bonds or notes authorized hereunder, are appropriated to finance the cost, or any part thereof, of the Project. The Treasurer is authorized to establish and amend all details of any advances including, but not limited to the term, interest rates, and payment schedule. The authority to issue the bonds and notes authorized herein shall remain and continue in full force and effect during the entire term of the advance(s). The proceeds of the bonds and notes issued hereunder may be used to repay the advance(s) of any portion thereof.

Section 11. Declaration of Official Intent. Advances from the Town's general fund may finance the original expenditures related to the Project. It is expected that those advances will be reimbursed in part or in whole by the issuance of bonds or notes authorized hereunder. It is the intent of the Town Council that this Ordinance shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2.

Section 12. Abandonment of Borrowing Authority. The Treasurer is empowered to declare abandoned, the authority to issue any bonds or notes the Treasurer deems to be in excess of the amount necessary to complete the Project. Such a declaration once made may not be reversed other than by ordinance.

Proposed to Town Council: May 2, 2016
Public Hearing:
Adopted by Town Council:

**TOWN OF BRUNSWICK
NOTICE OF PUBLIC HEARING**

The Town Council will hold a public hearing on Monday, May 16, 2016 at 7:00 p.m. in the Council Chambers of the Brunswick Town Hall, 85 Union Street, to consider the following:

An Ordinance Authorizing the Removal and Replacement of Exterior Trim Elements of the Brunswick Town Hall, with Total Project Costs Not to Exceed \$200,000 (plus any other costs authorized hereunder), and Further Authorizing Issuance of Bonds and Notes in an Amount not to Exceed \$200,000 (plus cost of issuance), plus any Additional Appropriation Authorized Hereunder

The text of the proposed ordinance is too extensive to be included with this notice. Anyone having questions about the proposed ordinance or wishing to obtain copies of it should contact the Brunswick Town Clerk's or Town Manager's Office during regular office hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725-5521)

Frances M. Smith
Town Clerk of Brunswick, Maine

_____, 2016

Printed in the *Times Record* on _____, 2016

Town Hall Exterior Trim



Before



After

Town Hall Exterior Trim

- Examples of damage



ITEM 55

BACK UP MATERIALS

Nathaniel Davis Committee Meeting Minutes Wednesday, May 4, 2016

The meeting was called to order at 6:03 P.M. at Brunswick Town Hall, 85 Union Street, Room 117, by Sande Updegraph, Chair. Also present at the meeting were John Donovan, Don Kniseley, Dan Doiron, Annee Tara and Marilyn Dwyer. David Knight joined the meeting at 6:22 pm.

The Minutes of May 6, 2015 meeting were unanimously approved, with Annee Tara abstaining and David Knight absent.

The Committee reviewed member appointments and end-of-term dates. The terms of John Donovan and Don Kniseley expire in 2016. These Committee members expressed their intentions to renew their terms and will take the necessary steps with the Town Clerk's office to do so.

The Committee has two elected Officers: Chair (currently Sande Updegraph) and Secretary (currently Dan Doiron). Dan indicated his willingness to continue as Secretary. Sande expressed an interest in having someone else take the helm as Chair. After some discussion and consideration by the members of the Committee, John Donovan was elected as Chair, and Dan Doiron was elected as Secretary. John Donovan will act as Chair at this evening's meeting, and his ongoing service as Chair is contingent upon his re-appointment to the Committee by the Town Council. The Committee expressed their collective appreciation to Sande Updegraph for her past service as Chair.

Chair Donovan summarized various administrative matters for the information of the Committee. The Committee briefly revisited public access to the record of our deliberations, which was an issue discussed at the May 6, 2015 meeting. The Committee discussed a few ideas, such as publishing these minutes on the Town of Brunswick website and newspaper articles about the Fund. The Committee again expressed its hope for all options in this regard to be explored.

The Committee next considered the evening's process of applicant interviews and deliberations. David Knight joined the meeting at 6:22 pm this evening after attending a Brunswick Downtown Association event. David Knight disclosed the nature of his involvement with the Brunswick Downtown Association. The Board did not express any opposition to his participation in the deliberations concerning applications submitted by the Brunswick Downtown Association.

Chair Donovan informed the Committee the Davis Fund governing instrument provides "income" is to be distributed and that figure for purposes of this Committee's duties tonight is \$5,000, based on Mr. John Eldridge's (Town Manager) interpretation of the governing instrument, the fund's investment results and the fund balance. The Board discussed options for obtaining clarification as to the directions in Mr. Davis' will and the determination of the amount to be distributed. The Board may consider holding a meeting, outside of our annual disbursement meeting, to discuss such matters.

With the business meeting issues put before the Committee, and being resolved, the applicant presentation portion of the meeting commenced at 6:34 PM. Following the applicant presentations, the Committee deliberated as to which applicants would be recommended to the Town Council, and determined the associated recommended grant amounts to be disbursed.

Chair Donovan will deliver the Committee's recommendations to the Town Council at the May 16th meeting for the Town Council's deliberation and approval. All members of the Committee are welcome to attend that meeting. There were twelve applicants seeking \$17,400 for the \$5,000 available.

As a result of its thoughtful deliberations, the Nathaniel Davis Committee makes the following grant recommendations for approval of the Town Council:

Music on the Mall (Brunswick Downtown Association) – To support a series of ten free music concerts on the Brunswick Mall scheduled for Wednesday evenings at 6 pm beginning on June 29, 2016 through August 31, 2016 - \$800.

Tree Lighting (Brunswick Downtown Association) – To support the 2016 event to be held on the Brunswick Mall on the Saturday after Thanksgiving - \$200.

Longfellow Days (Brunswick Downtown Association) – To support various Longfellow Days events throughout the month of February 2017 - \$500

Theater Project – To support free theatrical performances on the Mall during three weekends in July of 2016 - \$500.

Memorial Day Parade – To support the annual Memorial Parade, culminating with events on the Brunswick Mall - \$1,250.

Arts Are Elementary – To support an artist residency covering the cost of publishing an anthology of written pieces and photos contributed by every Brunswick 5th grade student - \$750.

Northwest Brunswick Neighborhood Association – To support a series of three free, family film screenings in Nathaniel Davis Park planned for the summer of 2016 - \$1,000.

Although the members of the Committee unanimously felt all applicants were very worthy organizations, the following applicants were not recommended to receive a grant. In reaching these decisions, the Committee considered the mission of the Davis Fund (to provide pleasure to the inhabitants of Brunswick), the number of inhabitants impacted by the event or project, the allocation of some grant funds to all four seasons of the year (to the extent possible), the total amount of funds available for disbursement (\$5,000) relative to the total amount requested by the applicants (\$17,400), information obtained from the application and information obtained during the applicant's meeting with the Committee.

- Tri-County Literacy
- Outdoor Arts Festival (Brunswick Downtown Association)
- Maine Maritime Museum
- Town Commons Planning Committee
- Brunswick Public Art

There being no further business the meeting was adjourned at 9:30 PM.

Respectfully submitted - Daniel P. Doiron, Secretary

ITEM 56

BACK UP MATERIALS



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

ANNA M. BREINICH, FAICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

May 12, 2016

To: Town Council
From: Anna Breinich, FAICP and Jared Woolston, Town Planner
Subject: Zoning Ordinance Amendment Request: Chapter Four (Development Review), Sections 401 (Applicability) and 402 (Development Review Classifications and Thresholds to Require Review of Filling and Earthmoving Activities within the NRPZ)

SHORELAND ZONING BACKGROUND: Pursuant to 38 M.R.S.A. sections 435-449, the *Mandatory Shoreland Zoning Act*, requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined. The Act also requires the Board of Environmental Protection to establish minimum guidelines for such ordinances. Accordingly, the Department of Environmental Protection (DEP) Rule, *Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances*, adopted by the Board on February 14, 1990 and amended July 14, 1992, August 7, 1994, February 6, 1999, February 13, 2000, May 1, 2006 and January 26, 2015 contains those guidelines for municipal shoreland ordinances. The Act requires that municipalities adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines.

EMERGENCY MORATORIUM: A review of the Town of Brunswick's shoreland zoning ordinance for activities within the so-called, *Natural Resource Protection Zone (NRPZ)*, revealed an inconsistency with Chapter 1000, specifically, that the requirement for town review and approval of activities involving filling and earthmoving within the NRPZ is not part of Brunswick's zoning ordinance.

As a result, during their March 21, 2016 meeting, the Brunswick Town Council approved an emergency moratorium on new development within the Natural Resource Protection Zone (NRPZ) involving filling and earthmoving. The moratorium is enclosed.

PROPOSED AMENDMENT: On April 12, 2016, and April 22, 2016 the Planning Board held workshops to consider an amendment to the NRPZ. During the meetings staff received comments from the Planning Board, and members of the public regarding the proposed review process, and associated thresholds for filling and earthmoving activities within the NRPZ. Specifically, the proposed thresholds and associated review process were considered too comprehensive for small projects, and could be reviewed under a simple process comparable to the town's building permit review, or septic system review. Based on feedback from the first workshop, the amendment was revised by staff to require Code Enforcement Officer (CEO) review and written approval for filling and earthmoving activities within most areas of the NRPZ, except for activities affecting the most sensitive natural resources contained within the NRPZ.

For activities affecting the most sensitive areas of the NRPZ, the development review threshold is at filling and earthmoving activities in excess of 10 cubic yards.

On April 14, 2016 staff from the Department of Planning and Development (and Codes) discussed draft NRPZ language regarding filling and earthmoving with DEP staff within the Shoreland Zoning unit. In the most recent correspondence, the following thresholds for filling and earthmoving activities were considered acceptable by DEP staff pending town acceptance, and formal review and approval by the DEP: *CEO review and approval for ≤ 10 cubic yards of filling and earthmoving within areas that are equivalent to Resource Protection Districts per 06-096, Ch. 1000, and within 75 feet from streams (as defined by Brunswick Zoning Ordinance), $>10-100$ cubic yards review and approval by Staff Review Committee (SRC), and >100 cubic yards review and approval by Planning Board. All other filling and earthmoving within the Natural Resource Protection Zone (NRPZ) will be reviewed and approved only by the CEO.*

The intent of the proposed amendment is to assign a review entity for filling and earthmoving that is consistent with the Ch. 1000 “use table”. In Ch. 1000, there is an allowance for filling and earthmoving within certain areas of the Shoreland Zone to go without review for activities involving less than 10 cubic yards. However, Brunswick’s NRPZ ordinance does not provide the flexibility to allow no review for filling and earthmoving since it does not have the equivalent districts within the NRPZ (i.e. Limited Residential District, Limited Commercial District, General Development District, Commercial Fisheries/Maritime Activities District). As drafted, all filling and earthmoving within the NRPZ (even if less than 10 cubic yards) will require town review and approval by the CEO, Staff Review Committee, or Planning Board.

After corresponding with DEP, the staff understands that Brunswick’s ‘stream’ definition and associated 75-foot setback is equivalent to a ‘stream protection district’ in Ch. 1000; and areas defined in our NRPZ¹ at Section 211.2.A.1(b-g) are equivalent to a ‘resource protection district’ in Ch. 1000. In accordance with the Ch. 1000 ‘use table’, areas equivalent to ‘stream protection district’ and ‘resource protection district’ will require development review if over 10 cubic yards (less than 10 cubic yards is CEO approval only). As written, all filling and earthmoving activities within the NRPZ that are not adjacent to streams, or within areas equivalent to resource protection districts must be reviewed and approved in writing by the CEO in accordance with the requirements of the NRPZ.

The draft amendment to Section 401 (Applicability) and Section 402 (Development Review Classifications and Thresholds) is enclosed. Additionally, to address the requests for more information from representatives of the Town Council at the May 10, 2016 Planning Board meeting, the Department of Planning and Development developed a presentation for the Town Council for the purpose of demonstrating the extent of Brunswick’s Natural Resource Protection Zone (NRPZ), and the areas of the NRPZ that will be subject to the proposed Zoning Ordinance amendment which is provided as an enclosure to this memorandum.

¹ Revised from 211.2.A.1(a-g), to 211.2.A.1(b-g) by the Town Planner, and accepted by the Planning Board on May 10, 2016 to indicate areas described in Brunswick’s NRPZ that are equivalent to the Ch. 1000 “Resource Protection District”.

Enclosures: Moratorium; Draft Zoning Ordinance Amendment: Sections 401 and 402; Presentation: NRPZ / Ch. 1000: Guidelines for Municipal Shoreland Zoning Ordinances

**ADOPTED MORATORIUM ON NEW
DEVELOPMENT IN THE NATURAL RESOURCE
PROTECTION ZONE (NRPZ)**

Public Hearing – 03/21/2016

Adopted – 03/21/2016

Effective – 04/20/2016

WHEREAS, two (2) shoreline stabilization projects that involve filling and earth moving of 10 cubic yards or more are currently underway within the Town of Brunswick's Natural Resource Protection Zone (NRPZ) as defined at Section 211 of the Brunswick Zoning Ordinance; and

WHEREAS, it has been determined that land use standards for filling and earth moving activities within the NRPZ that are required under State law affecting shoreland zoning within the Town of Brunswick have inadvertently not been included in the Brunswick Zoning Ordinance despite approval of the Ordinance by the State of Maine Department of Environmental Protection; and

WHEREAS, the Brunswick Zoning Ordinance is currently inadequate to meet minimum State law requirements for shoreland zoning; and

WHEREAS, additional filling and earth moving activities within the NRPZ is anticipated; and

WHEREAS, allowing additional filling and earth moving activities to go forward within the NRPZ without adequate regulations affects life, health and property in the Town of Brunswick; and

WHEREAS, the Brunswick Zoning Ordinance is inadequate to prevent serious public harm from new filling and earth moving activities; and

WHEREAS, the Brunswick Town Council adopted an "Emergency on Moratorium on New Development in the Natural Resource Protection Zone" on March 7, 2016, with an immediate affective date;

NOW THEREFORE, be it ordained by the Town Council of Brunswick that no filling and earth moving activity within the NRPZ shall be reviewed, allowed or permitted by Town Staff, the Planning Board or under any other authority pursuant to the Brunswick Zoning Ordinance unless the activity is currently underway and approved by the Maine Department of Environmental Protection, or associated with an activity that is currently subject to Development Review pursuant to Section 402 of the Brunswick Zoning Ordinance, or within areas where principal and accessory structures are allowed with a building permit from the Town of Brunswick unless located within 125 feet, horizontal distance, of the normal high water line of a river or within 125 feet, horizontal distance, of the upland edge of a coastal or fresh water wetland or 75 feet, horizontal distance, of the normal high water line of a stream. This does not prevent the Code Enforcement Officer or Planning Board from allowing such activities if necessary to prevent immediate and irreparable environmental harm.

This Moratorium shall be in effect for 90 days from the date from its effective date. (which will be July 19, 2016)

CHAPTER FOUR: DEVELOPMENT REVIEW

Development review includes Subdivision and Site Plan review, and certain changes of use and other procedures as outlined in Section 402. No development shall be approved unless it complies with all review criteria and findings indicated in Section 411.

All time frames for development review expressed in this chapter are maximums. The Town's staff and reviewing entities shall make every effort to conduct reviews as expeditiously as possible.

401 Applicability

401.1 The following outlines the applicability for Development Review:

A. Development review does not apply to:

- 1) ~~A~~a single or two family dwelling.
- 2) ~~U~~ses or structures that are accessory to a single or two family dwelling.
- 3) ~~A~~gricultural land management practices, including farm and woods roads developed in accordance with "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices", as amended (Amended 9/3/02 R)
- 4) ~~U~~npaved trails and paths developed in accordance with Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, as amended. (Groups or individuals planning such trails and paths are encouraged to consult with the Planning Department prior to construction) (Amended 9/3/02 R)
- 5) Filling and earthmoving activities within the Natural Resource Protection Zone (NRPZ) provided the Code Enforcement Officer issues a written approval for the filling and earthmoving activity in accordance with the "Additional Requirements for the Shoreland Area" at Section 211.2 et al., and that all filling and earthmoving activities within the NRPZ of more than 10 cubic yards on a lot are not located within 75 feet from a stream or within areas described at Section 211.2.A.1(b-g).
- 6) The *initial* non-military re-occupancy of a building in the BNAS Reuse District existing as of the July 20, 2009 adoption of this provision provided all of the following are met:
 - a) The new use is a permitted use in the Reuse Land / Use District in which it is located, per the BNAS Reuse Master Plan, approved December 2007,
 - b) The re-occupancy maintains the pre-existing pattern of use of the site including the general location of the building and parking and service areas,
 - c) The usable floor area of the building is not increased by more than two thousand (2,000) square feet, within the existing building footprint,
 - d) The amount of impervious surface on the project site is not increased by more than two thousand (2,000) square feet,

Comment [JW1]: Revised by Town Planner and accepted by Planning Board on 5/10/2016

e) There is adequate parking available for the new use in accordance with Section 512,

f) The re-occupancy of the building will not change the primary use of the building from residential to non-residential or from non-residential to residential,

g) The *initial* non-military re-occupancy of a building shall not be considered a change of use even if it does not meet the vacancy time limits of Section 702.1. All subsequent re-occupancy of buildings in the BNAS Reuse District shall be subject to the change of use review requirements of Sections 402 and 702 of this ordinance as applicable, and (Amended 7/20/09R)

76) The change of use of a building in the BNAS Reuse District with less than 10,000 square feet of floor area following its initial non-military occupancy provided that the new use does not significantly intensify the use of the property compared to its previous use. A new use that increases the required off-street parking in accordance with Sections 512.1 or 512.2 by more than twenty percent (20%) or that increases the number of peak hour vehicle trips based upon the current edition of the ITE Trip Generation Manual, as amended, by more than twenty percent (20%) or that meets any of the review thresholds of Section 702.3 shall be considered to significantly intensify the use. If the Codes Enforcement Officer determines that there will be a significant intensification of the use, the activity shall be deemed to be a minor development subject to development review in accordance with Section 402.1. (Amended 7/20/09R)

- B. Activities not subject to development review still require appropriate permits issued by the Codes Enforcement Officer and/or the Village Review Board if the property is in the Village Review Zone.
- C. All activities listed in Section 402 shall be subject to Development Review.
- D. Projects subject to development review shall be divided into two classes, Major and Minor. Minor projects shall be reviewed by the Staff Review Committee. Major projects shall be reviewed by the Planning Board.
- E. Thresholds for development review apply only to new, or “add-on” construction, except as indicated in Section 402. Floor area and impervious surface area are calculated on a net basis. The floor area and the impervious surface area (roof) of a building each contribute separately to the cumulative total of the two. (Amended 6/19/00 R)
- F. If development is proposed on two or more lots and the Director of Planning and Development finds that the development functions as a single project, thresholds for development review shall be applied to the project as though the lots on which it is located were single lots. (Amended 9/4/01 R)

402 Development Review Classification and Thresholds

402.1 Activities Subject to Minor Review

The following activities shall be subject to Minor Development Review by the Staff Review Committee:

- A. Any development activity or combination of activities that, within any five year period results in the construction of the following:
 - 1. In all zoning districts except for those indicated in Sections 402.1 A.2 and 402.1 A.3: (Amended 7/20/09R)
 - a. Between 1,000 and 4,999 square feet of new floor area; (Amended 6/19/00 R)
 - b. Between 1,000 and 4,999 square feet of new impervious surface, or
 - c. A cumulative total of between 1,500 and 7,499 square feet of floor area and impervious surface. (Amended 6/19/00 R)
 - 2. In the MU4 (Fox Run), CC (Cook's Corner Center), I2 (Church Road Industrial Park), I3 (Bath Road Industrial), I4 (Exit 22), HC2 (Inner Bath Road):
 - a. Between 2,000 and 9,999 square feet of new floor area; (Amended 6/19/00 R)
 - b. Between 2,000 and 9,999 square feet or more of new impervious surface; or
 - c. A cumulative total of between 3,000 and 14,999 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)
 - 3. In the BNAS Reuse District:
 - a. Between 2,000 and 9,999 square feet of new floor area;
 - b. Between 2,000 and 9,999 square feet of new impervious surface; or
 - c. A cumulative total of between 3,000 and 19,999 square feet of new floor area and impervious surface. (Amended 7/20/09R)
- B. Any use that involves the construction of one drive-up window.
- C. Marine Activities that involve the creation of less than 5,000 square feet of new impervious surface.
- D. Construction of a multi-family dwelling unit in all zoning districts except the BNAS Reuse District, containing between 3 and 5 units that does not create a subdivision. In the BNAS Reuse District, activities involving the construction of multi-family dwellings with up to ten (10) units that do not create a subdivision are classified as Minor Projects. (Amended 7/20/09)
- E. Development subject to Special Permit (Section 701) that results in the creation of less than 5,000 square feet of new impervious surface.
- F. Construction within the Natural Resources Protection Zone subject to the provisions of section 211.2.A.3, 304.6.D.4., 304.4.B or 304.7 (Amended 9/4/01 R, 10/15/01 R)
- G. Establishment or expansion of a Neighborhood Store. (Amended 7/5/05 R)
- H. Change of use of a building within the BNAS Reuse District that affects 10,000 to 19,999 square feet of floor area, pursuant to Section 702. (Amended 7/20/09R)
- ~~H.I.~~ ~~I.~~ Filling and earthmoving activities of more than 10 cubic yards and less than or equal to 100 cubic yards on a lot and within 75 feet from a stream or within areas of the

Natural Resource Protection Zone (NRPZ) described at Section 211.2.A.1(b-g).

Comment [JW2]: Revised by Town Planner and accepted by Planning Board on 5/10/2016

402.2 Activities Subject to Major Review

The following activities shall be subject to Major Development Review by the Planning Board:

- A. The creation of a Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended.
- B. Any development activity, or combination of activities that, within any five year period results in the construction of the following:
 - 1. In all zoning districts except for those indicated in Sections 402.2 B.2 and 402.2 B.3: (Amended 7/20/09R)
 - a. 5,000 square feet or more of new floor area; (Amended 6/19/00 R)
 - b. 5,000 square feet or more of new impervious surface, or
 - c. A cumulative total of 7,500 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)
 - 2. In the MU4 (Fox Run), CC (Cook's Corner Center), I2 (Church Road Industrial Park), I3 (Bath Road Industrial), I4 (Exit 22), HC2 (Inner Bath Road):
 - a. 10,000 square feet or more of new floor area;(Amended 6/19/00 R)
 - b. 10,000 square feet or more of new impervious surface; or
 - c. A cumulative total of 15,000 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)
 - 3. In the BNAS Reuse Zoning District:
 - a. 10,000 square feet or more of new floor area;
 - b. 10,000 square feet or more of new impervious surface; or
 - c. A cumulative total of 20,000 square feet or more of new floor area and impervious surface. (Amended 7/20/09R)
- C. Any use that involves the construction of 2 or more drive-up windows.
- D. Changes of use that affect 10,000 square feet or more of floor area, pursuant to Section 702, or 20,000 square feet or more of floor area in the BNAS Reuse District. (Amended 7/20/09R)
- E. Changes of use that involve 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, pursuant to Section 212.
- G. Development subject to Special Permit (Section 701) that involves creation of 5,000 square feet or more of new impervious surface.
- H. Mineral Extraction, pursuant to Section 306.6.
- I. The addition or expansion of a canopy for a gasoline sales station, pursuant to Section 306.14.
- J. Any activity in the BNAS Reuse District that is located within two hundred (200) feet of the district boundary that would otherwise be classified as a minor project. (Amended 7/20/09R)
- K. Any activity in the BNAS Reuse District that generates more than one hundred (100) peak hour vehicle trips, based upon the current edition of the ITE Trip Generation Manual, as amended, unless the activity is part of an approved subdivision or common development plan in which traffic was addressed as part of the approved plan. (Amended 7/20/09R)

L. Filling and earthmoving activities of more than 100 cubic yards on a lot and within 75 feet from a stream or within areas of the Natural Resource Protection Zone (NRPZ) described at Section 211.2.A.1(b-g).

Comment [JW3]: Revised by Town Planner and accepted by Planning Board on 5/10/2016



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
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NRPZ and Ch. 1000: Resource Protection District & Stream Protection District Comparison

NRPZ Section 211.2.A.1(b-g)

211.2.A.1 No new principal or accessory structures, except structures which require direct access to the water as an operational necessity (including but not limited to piers, docks, retaining walls and public waterfront trails, but excluding recreational boat storage buildings) shall be located within any of the following areas:

a. Areas within one hundred twenty-five (125) feet, horizontal distance, of the normal high water line of a river; or within one hundred twenty-five (125) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. (Amended 11/18/02 R, 6/15/09 R)

b. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of December 31, 2008, as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map. These areas are defined as "Resource Protection Areas" and include areas which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values (see also section 211.2.A.3). (Amended 5/17/99 E/R, 6/15/09 R)

c. Water and wetland setback measurements shall be taken from the top of a coastal bluff such as those that have been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map, and as depicted on the Brunswick GIS. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist to make a determination. (Section inserted 6/15/09 R) 44

d. Flood plains adjacent to tidal waters, rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard

Comment [JW1]: Equivalent to Ch. 1000 "Resource Protection District"

Comment [JW2]: Equivalent to Ch. 1000 "Stream Protection District"

Boundary Maps Flood Boundary and Floodway Maps or the flood of record. (Amended 6/15/09 R)

e. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

f. Areas of two (2) or more contiguous acres of wetlands which are not part of a freshwater or coastal wetland and which are not surficially connected to a river, tidal waters or stream during the period of normal high water. (Amended 11/18/02 R, 6/15/09 R)

g. Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

Ch. 1000 Resource Protection District

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development I, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

(1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

Comment [JW3]: Brunswick Zoning Ordinance Section 211.2.A.1(d)

(2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

Comment [JW4]: Brunswick Zoning Ordinance Section 211.2.A.1(e)

(3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

Comment [JW5]: Brunswick Zoning Ordinance Section 211.2.A.1(f)

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

(4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

Comment [JW6]: Brunswick Zoning Ordinance Section 211.2.A.1(c) and 211.2.A.1(g)

NOTE: Municipalities may also include the following other areas which have been recommended for protection in the comprehensive plan of the municipality, or as otherwise endorsed for protection by the municipal legislative body, such as:

A. Other important wildlife habitat;

-
- B. Natural sites of significant scenic or esthetic value;
 - C. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and
 - D. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.
 - E. Areas within 250 feet, horizontal distance, of the upland edge of freshwater and/or coastal wetlands, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W). These areas are generally depicted on a Geographic Information System (GIS) data layer.
-

Comment [JW7]: Brunswick Zoning Ordinance Section 211.2.A.1(b)

Ch. 1000 Stream Protection District

- G. Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Comment [JW8]: Brunswick Zoning Ordinance all "streams"

Ch. 1000: Table 1. LAND USES IN THE SHORELAND ZONE

LAND USES		DISTRICT					
		SP	RP	LR	LC	GD	CFMA
1.	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2.	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3.	Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4.	Timber harvesting	yes	CEO	yes	yes	yes	yes
5.	Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO1	yes	yes	yes	yes
6.	Fire prevention activities	yes	yes	yes	yes	yes	yes
7.	Wildlife management practices	yes	yes	yes	yes	yes	yes
8.	Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9.	Mineral exploration	no	yes2	yes2	yes2	yes2	yes2
10.	Mineral extraction including sand and gravel extraction	no	PB3	PB	PB	PB	PB
11.	Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12.	Emergency operations	yes	yes	yes	yes	yes	yes
13.	Agriculture	yes	PB	yes	yes	yes	yes
14.	Aquaculture	PB	PB	PB	yes	yes	yes
15.	Principal structures and uses						
A.	One and two family residential, including driveways	PB4	PB9	CEO	CEO	CEO	no
B.	Multi-unit residential	no	no	PB	PB	PB	no
C.	Commercial	no	no10	no10	PB	PB	PB5
D.	Industrial	no	no	no	no	PB	PB5
E.	Governmental and institutional	no	no	PB	PB	PB	PB5
F.	Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB4	PB	CEO	CEO	CEO	PB5
16.	Structures accessory to allowed uses	PB4	PB	CEO	CEO	yes	yes
17.	Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
a.	Temporary	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11
b.	Permanent	PB	PB	PB	PB	PB	PB5
18.	Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19.	Home occupations	PB	PB	PB	CEO	yes	yes
20.	Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21.	Essential services	PB6	PB6	PB	PB	PB	PB
A.	Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²	yes ¹²	yes ¹²
B.	Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	pb ⁶	pb ⁶	CEO	CEO	CEO	CEO
C.	Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	pb ⁶	pb ⁶	PB	PB	PB	PB
D.	Other essential services	pb ⁶	pb ⁶	PB	PB	PB	PB
22.	Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23.	Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO5
24.	Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25.	Campgrounds	no	no7	PB	PB	PB	no
26.	Road construction	PB	no8	PB	PB	PB	PB5
27.	Land management roads	yes	PB	yes	yes	yes	yes
28.	Parking facilities	no	no7	PB	PB	PB	PB5
29.	Marinas	PB	no	PB	PB	PB	PB
30.	Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31.	Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32.	Signs	yes	yes	yes	yes	yes	yes
33.	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35.	Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

Ch. 1000: Table of Land Uses

Pursuant to 06-096, Ch. 1000: All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in *Section 15.

<u>Key to Table 1:</u>			
Yes -	Allowed (no permit required but the use must comply with all applicable land use standards.)		
No -	Prohibited		
PB -	Allowed with permit issued by the Planning Board.		
CEO -	Allowed with permit issued by the Code Enforcement Officer		
LPI -	Allowed with permit issued by the Local Plumbing Inspector		
<u>Abbreviations (Districts):</u>			
RP -	Resource Protection	GD -	General Development I and General Development II
LR -	Limited Residential	CFMA -	Commercial Fisheries/Maritime Activities
LC -	Limited Commercial	SP -	Stream Protection

*06-096, Ch. 1000 §15 “Land Use Standards

Ch. 1000: Filling and Earthmoving

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO

NRPZ Amendment

- What is proposed?
- Mandatory Shoreland Zoning
- Brunswick's Zoning Ordinance
- Chapter 1000 and NRPZ: Equivalent Protection

What is proposed?

- CEO written approval pursuant to Section 211 of Brunswick's Zoning Ordinance for filling and earthmoving in all areas of the NRPZ with no threshold limits except for within 75 feet of streams; or within areas equivalent to a *Ch. 1000 Resource Protection District*, specifically:
 - b. Town mapped moderate to high value wetlands
 - c. Maine Geological Survey mapped highly unstable and unstable bluffs
 - d. 100 Year floodplains adjacent to river & tidal areas
 - e. Greater than two (2) acres of steep slopes (>20%)
 - f. Greater than two (2) acres of wetlands
 - g. River and coastal land subject to severe erosion
- In areas described above CEO approval will be limited to less than 10 cubic yards of filling and earthmoving
- Development review will be required for exceeding 10 cubic yards adjacent to streams, and areas numbered above (b-g)
 - Staff Review Committee (SRC) may review up to 100 cubic yards
 - Planning Board may review more than 100 cubic yards

Mandatory Shoreland Zoning Act

- Statute: 38 M.R.S.A. sections 435-449
- Requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined.
- Board of Environmental Protection (“board”) established minimum guidelines for ordinances by Department of Environmental Protection (DEP) Rule – 06-096, Chapter 1000

Brunswick’s Shoreland Zoning

- Brunswick’s Shoreland Zoning Ordinance may be no less restrictive than Ch. 1000;
- Brunswick does not require review of filling and earthmoving activities within the NRPZ unless ancillary to a permitted activity (Example: earthwork associated with constructing a single family house);
- Ch. 1000 requires municipalities to review filling and earthmoving activities within the Shoreland Zone;
- Brunswick’s Zoning Ordinance is therefore less restrictive than Ch. 1000.

Town of Brunswick Review Authority

- Code of Ordinances: Sec. 5-51. - Building code
 - Applies to constructing buildings, structures, and demolition
 - Reviewed by Code Enforcement Officer (CEO) or designee
- Brunswick Zoning Ordinance
 - Zoning Districts and Overlay Zones
 - Zoning Districts = Chapter 2, Sections 201-208, Appendices III, IV, and V
 - Overlay Zones = Chapter 2, Sections 209-217

Brunswick's Zoning Districts

1. Growth District
2. Rural District
3. BNAS District
4. College Use/Town Conservation District

Brunswick's Overlay Zones

1. Coastal Protection Zone
2. Aquifer Protection Zone
3. Natural Resource Protection Zone
4. Medical Use Zone
5. Mobile Home Park Zone
6. Telecommunications Zone
7. BNAS Flight Path Zone
8. Village Review Zone
9. Rural Brunswick Smart Growth

Section 211: Natural Resource Protection Zone (NRPZ)

- NRPZ consists of the following areas:
 - Shoreland Area:
 - land within 250 feet of rivers, and wetlands;
 - within 75 feet of streams
 - Special Flood Hazard Area
 - FEMA 100 Year Flood

Brunswick's Current Zoning Ordinance NRPZ

- The Code Enforcement Officer (CEO) or Local Plumbing Inspector (LPI) reviews and approves most activities within the NRPZ;
- CEO/LPI approval may be required for many activities such as the construction of a new structure, or the installation of a new septic system;
- Activities described above and within areas described at Section 211.2.A.1(a-g) are either prohibited or development review (Staff Review Committee (SRC) or Planning Board)

NRPZ 211.2.A.1(a)

- a.** Areas within one hundred twenty-five (125) feet, horizontal distance, of the normal high water line of a river;
- or within one hundred twenty-five (125) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland;
- or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. (Amended 11/18/02 R, 6/15/09 R)

NRPZ: Filling and Earthmoving

- The proposed amendment only applies to filling and earthmoving activities within the Natural Resource Protection Zone (NRPZ);
- As proposed, all filling and earthmoving within areas of the NRPZ that are not located in areas equivalent to Ch. 1000's "Resource Protection District" or "Stream Protection District" are subject only to Code Enforcement Officer (CEO) review and written approval in accordance with Section 211 *et al.*

Ch. 1000: Table of Land Uses

Pursuant to 06-096, Ch. 1000: All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in *Section 15.

<u>Key to Table 1:</u>			
Yes -	Allowed (no permit required but the use must comply with all applicable land use standards.)		
No -	Prohibited		
PB -	Allowed with permit issued by the Planning Board.		
CEO -	Allowed with permit issued by the Code Enforcement Officer		
LPI -	Allowed with permit issued by the Local Plumbing Inspector		
<u>Abbreviations (Districts):</u>			
RP -	Resource Protection	GD -	General Development I and General Development II
LR -	Limited Residential	CFMA -	Commercial Fisheries/Maritime Activities
LC -	Limited Commercial	SP -	Stream Protection

*06-096, Ch. 1000 §15 "Land Use Standards"

Ch. 1000: Table 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
1. Non-intervent recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes2	yes2	yes2	yes2	yes2
10. Mineral extraction including sand and gravel extraction	no	PB3	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes	yes
15. Principal structures and uses						
A. One and two family residential, including driveways	PB4	PB8	CEO	CEO	CEO	no
B. Multi-unit residential	no	no	PB	PB	PB	no
C. Commercial	no	no3D	no3D	PB	PB	PB5
D. Industrial	no	no	no	no	PB	PB5
E. Governmental and institutional	no	no	PB	PB	PB	PB5
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB4	PB	CEO	CEO	CEO	PB5
16. Structures necessary to allowed uses	PB4	PB	CEO	CEO	yes	yes
Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high water line or within a wetland						
a. Temporary	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11
b. Permanent	PB	PB	PB	PB	PB	PB5
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19. Home occupations	PB	PB	PB	CEO	yes	yes
20. Private sewerage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB6	PB6	PB	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ⁵	CEO ⁵	yes ¹²	yes ¹²	yes ¹²	yes ¹²
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	yes ⁵	yes ⁵	CEO	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	yes ⁵	yes ⁵	PB	PB	PB	PB
D. Other essential services	yes ⁵	yes ⁵	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO5
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no7	PB	PB	PB	no
26. Road construction	PB	no8	PB	PB	PB	PB5
27. Land management roads	yes	PB	yes	yes	yes	yes
28. Parking facilities	no	no7	PB	PB	PB	PB5
29. Marinas	PB	no	PB	PB	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32. Signs	yes	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

Ch. 1000: Filling and Earthmoving

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO

Stream Protections

- Stream protections in the Shoreland Zone are based on the ***stream*** definition:
 - Ch. 1000: “Stream” and Stream Protection District
 - Ch. 1000: “Tributary Stream”
 - Brunswick’s Zoning Ordinance: “Stream”

Ch. 1000: Stream

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Ch. 1000: Tributary Stream

Tributary Stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in Ch. 1000, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Ch. 1000: Stream Setbacks

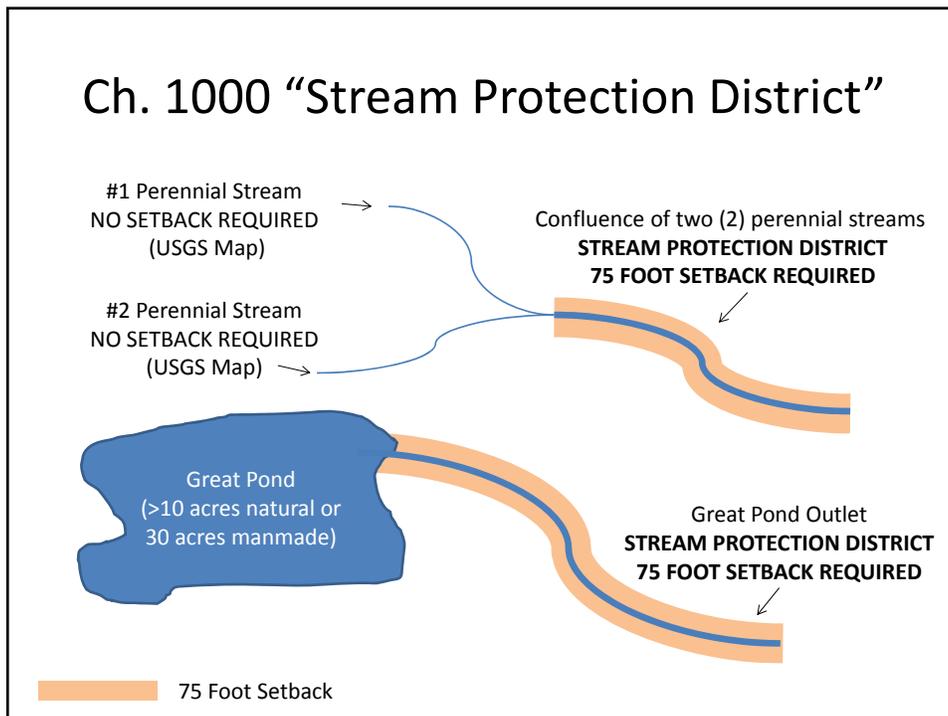
- **“Stream”** 75-foot principal and accessory structure setback;
- **“Tributary Stream”** 75-foot principal and accessory structure setback

NOTE: Per Ch. 1000, a *tributary stream* may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

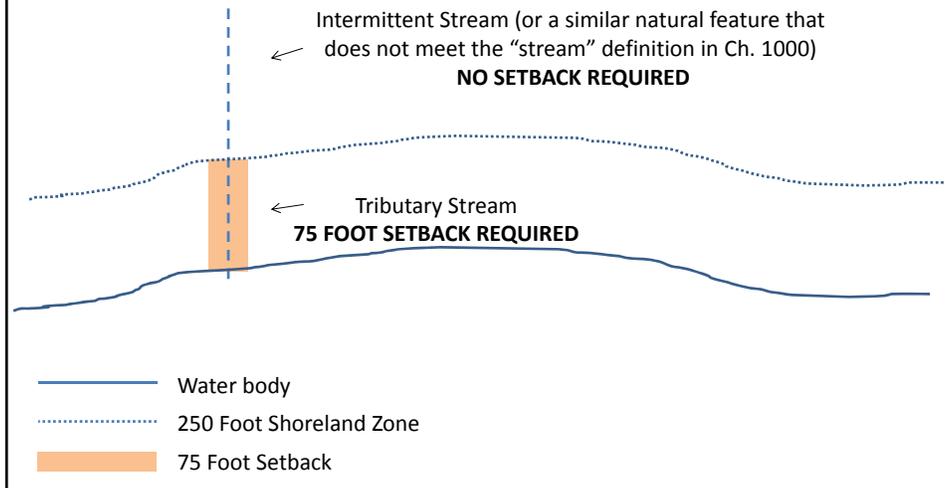
Ch. 1000: Stream Protection District

- Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

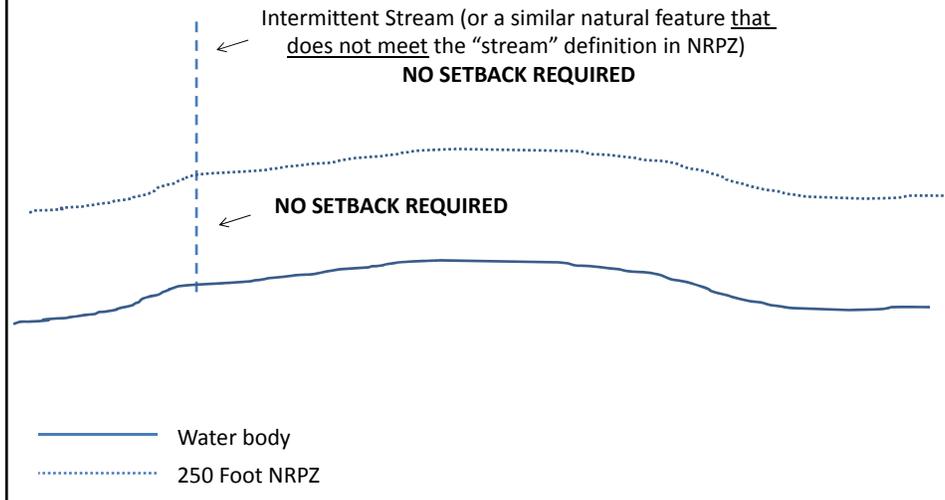
Ch. 1000 “Stream Protection District”



Ch. 1000 "Tributary Stream" (Not part of Stream Protection District)



NRPZ 'Tributary Stream' Not Defined.



Brunswick Zoning Ordinance: NRPZ “Stream”

STREAM - A channel between defined banks created by the action of surface water and has two (2) or more of the following characteristics.

- A. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year under normal seasonal rainfall conditions.
- B. The channel bed is primarily composed of mineral material such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.
- C. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- D. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

This definition is based on physical characteristics that in case of development need to be field verified.

The Town has attempted to map streams throughout the community to serve as an initial guide for land owners and developers. This information is available in the Town Planning and Codes Enforcement Offices, but should not be considered a substitute for field verification.

Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these wetlands are present, the normal high water line of the stream is measured from the upland / wetland transition of bordering wetlands subject to periodic 11c stream water flooding or saturation, or where changes in wetland vegetation, soil characteristics, or topography clearly demonstrate wetland hydrology not associated with associated with periodic flood flows.

Natural and artificial impoundments at the source and along the course of the stream are considered to be part of the stream. Stream does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale. (Amended 11/18/02 R)

Ch. 1000: Table of Land Uses

Pursuant to 06-096, Ch. 1000: All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in *Section 15.

Key to Table 1:			
Yes -	Allowed (no permit required but the use must comply with all applicable land use standards.)		
No -	Prohibited		
PB -	Allowed with permit issued by the Planning Board.		
CEO -	Allowed with permit issued by the Code Enforcement Officer		
LPI -	Allowed with permit issued by the Local Plumbing Inspector		
Abbreviations (Districts):			
RP -	Resource Protection	GD -	General Development I and General Development II
LR -	Limited Residential	CFMA -	Commercial Fisheries/Maritime Activities
LC -	Limited Commercial	SP -	Stream Protection

*06-096, Ch. 1000 §15 “Land Use Standards”

Ch. 1000: Table 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
1. Non-intervent recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes2	yes2	yes2	yes2	yes2
10. Mineral extraction including sand and gravel extraction	no	PB3	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes	yes
15. Principal structures and uses						
A. One and two family residential, including driveways	PB4	PB	CEO	CEO	CEO	no
B. Multi-unit residential	no	no	PB	PB	PB	no
C. Commercial	no	no3D	no3D	PB	PB	PB5
D. Industrial	no	no	no	no	PB	PB5
E. Governmental and institutional	no	no	PB	PB	PB	PB5
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB4	PB	CEO	CEO	CEO	PB5
16. Structures accessory to allowed uses						
Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high water line or within a wetland					yes	yes
a. Temporary	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11
b. Permanent	PB	PB	PB	PB	PB	PB5
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19. Home occupations	PB	PB	PB	CEO	yes	yes
20. Private sewerage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services						
A. Roadside distribution lines (34.5kV and lower)	CEO5	CEO5	yes12	yes12	yes12	yes12
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	yes5	PB5	CEO	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB5	PB5	PB	PB	PB	PB
D. Other essential services	PB5	yes5	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO5
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no7	PB	PB	PB	no
26. Road construction	PB	no8	PB	PB	PB	PB5
27. Land management roads	yes	PB	yes	yes	yes	yes
28. Parking facilities	no	no7	PB	PB	PB	PB5
29. Marinas	PB	no	PB	PB	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32. Signs	yes	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

Ch. 1000: Stream Protection District (SP)

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO

NRPZ Streams vs. Ch. 1000 Streams

- NRPZ “streams” – 75-foot principal and accessory structure setback;
- NRPZ “streams” are more inclusive than “streams” and the associated “Stream Protection District” in Ch. 1000
- Ch. 1000 “tributary stream” has a broad definition that is more inclusive than the definition of an NRPZ stream;
- “Tributary stream” as defined in Ch. 1000 is not defined in Brunswick’s Zoning Ordinance and therefore is not protected with a 75-foot setback unless it meets the NRPZ “stream” definition;
- To avoid being less restrictive than Ch. 1000 by not protecting tributary streams, Brunswick’s equivalent to a “Stream Protection District” is all NRPZ defined “streams”.

Ch. 1000: Table of Land Uses

Pursuant to 06-096, Ch. 1000: All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in *Section 15.

Key to Table 1:			
Yes -	Allowed (no permit required but the use must comply with all applicable land use standards.)		
No -	Prohibited		
PB -	Allowed with permit issued by the Planning Board.		
CEO -	Allowed with permit issued by the Code Enforcement Officer		
LPI -	Allowed with permit issued by the Local Plumbing Inspector		
Abbreviations (Districts):			
RP -	Resource Protection	GD -	General Development I and General Development II
LR -	Limited Residential	CFMA -	Commercial Fisheries/Maritime Activities
LC -	Limited Commercial	SP -	Stream Protection

*06-096, Ch. 1000 §15 “Land Use Standards”

Ch. 1000: Table 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
1. Non-intervent recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes2	yes2	yes2	yes2	yes2
10. Mineral extraction including sand and gravel extraction	no	PB3	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes	yes
15. Principal structures and uses						
A. One and two family residential, including driveways	PB4	PB8	CEO	CEO	CEO	no
B. Multi-unit residential	no	no	PB	PB	PB	no
C. Commercial	no	no3D	no3D	PB	PB	PB5
D. Industrial	no	no	no	no	PB	PB5
E. Governmental and institutional	no	no	PB	PB	PB	PB5
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB4	PB	CEO	CEO	CEO	PB5
16. Structures accessory to allowed uses	PB4	PB	CEO	CEO	yes	yes
Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high water line or within a wetland						
a. Temporary	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11
b. Permanent	PB	PB	PB	PB	PB	PB2
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19. Home occupations	PB	PB	CEO	yes	yes	yes
20. Private sewerage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB6	PB6	PB	PB	PB	PB
A. ... Roadside distribution lines (34.5kV and lower)	CEO7	CEO7	yes12	yes12	yes12	yes12
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	pg5	pg5	CEO	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	pg5	pg5	PB	PB	PB	PB
D. Other essential services	pg5	pg5	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO5
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no7	PB	PB	PB	no
26. Road construction	PB	no8	PB	PB	PB	PB5
27. Land management roads	yes	PB	yes	yes	yes	yes
28. Parking facilities	no	no7	PB	PB	PB	PB5
29. Marinas	PB	no	PB	PB	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32. Signs	yes	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

Ch. 1000: Resource Protection District (RP)

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO

NRPZ Equivalent to Ch. 1000 Resource Protection District

- NRPZ Section 211.2.A.1(b-g)
 - b. Town mapped moderate to high value wetlands
 - c. Maine Geological Survey mapped highly unstable and unstable bluffs
 - d. 100 Year floodplains adjacent to river & tidal areas
 - e. Greater than two (2) acres of steep slopes (>20%)
 - f. Greater than two (2) acres of wetlands
 - g. River and coastal land subject to severe erosion

211.2.A.1(b)

b. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of December 31, 2008, as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map. These areas are defined as "Resource Protection Areas" and include areas which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values (see also section 211.2.A.3). (Amended 5/17/99 E/R, 6/15/09R)

211.2.A.1(c)

c. Water and wetland setback measurements shall be taken from the top of a coastal bluff such as those that have been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map, and as depicted on the Brunswick GIS. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist to make a determination. (Section inserted 6/15/09 R)

211.2.A.1(d)

d. Flood plains adjacent to tidal waters, rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps Flood Boundary and Floodway Maps or the flood of record. (Amended 6/15/09 R)

211.2.A.1(e)

e. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

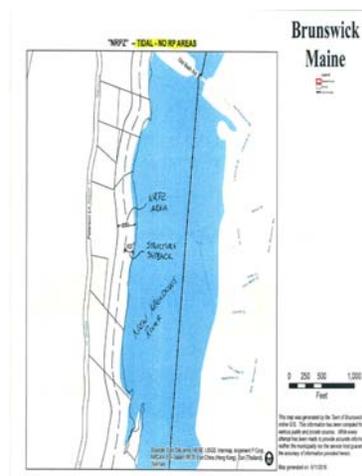
211.2.A.1(f)

f. Areas of two (2) or more contiguous acres of wetlands which are not part of a freshwater or coastal wetland and which are not surficially connected to a river, tidal waters or stream during the period of normal high water.
(Amended 11/18/02 R, 6/15/09 R)

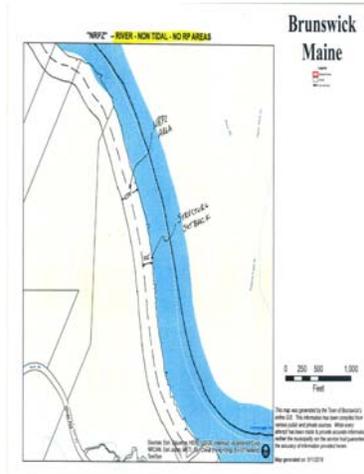
211.2.A.1(g)

g. Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

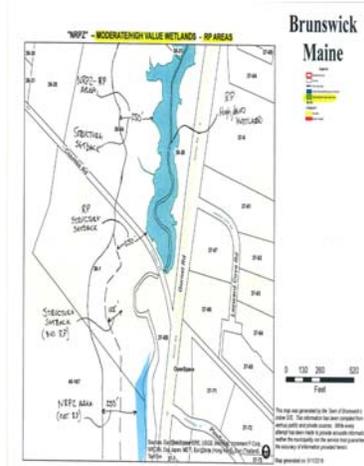
NRPZ – Tidal Areas



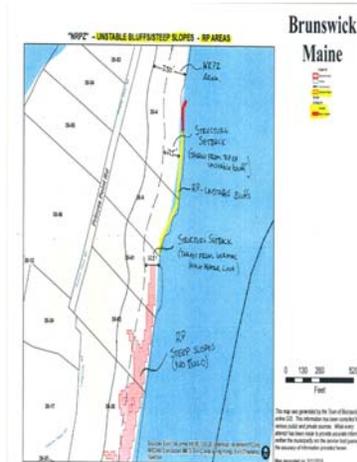
NRPZ - River



NRPZ – “Moderate” to “High” Value Wetlands

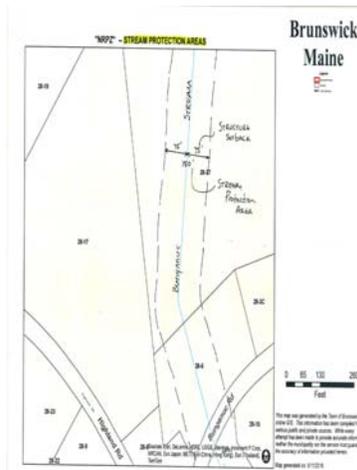


NRPZ – Unstable/Highly Unstable Bluffs, and Steep Slopes (>20%)



Note: As with the steep slopes depicted above, the 100 year floodplain restrictions within the NRPZ are only applied to the extent of the 100 year floodplain. The principal and accessory structure setback is measured from the edge of the river, or coastal wetlands.

NRPZ - Stream



One more time... What is proposed?

- CEO written approval pursuant to Section 211 of Brunswick's Zoning Ordinance for filling and earthmoving in all areas of the NRPZ with no threshold limits except for within 75 feet of *streams*; and within areas equivalent to a *Ch. 1000 Resource Protection District*, specifically:
 - b. Town mapped moderate to high value wetlands
 - c. Maine Geological Survey mapped highly unstable and unstable bluffs
 - d. 100 Year floodplains adjacent to river & tidal areas
 - e. Greater than two (2) acres of steep slopes (>20%)
 - f. Greater than two (2) acres of wetlands
 - g. River and coastal land subject to severe erosion
- In areas described above CEO approval will be limited to less than 10 cubic yards of filling and earthmoving
- Development review will be required for exceeding 10 cubic yards adjacent to streams, and areas numbered above (1-5)
 - Staff Review Committee (SRC) may review up to 100 cubic yards
 - Planning Board may review more than 100 cubic yards

ITEM 57

BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: May 12, 2016

SUBJECT: Frank J. Wood Bridge

As you know, the Maine Department of Transportation (MDOT) has recommended replacing the Frank J. Wood Bridge with a new bridge to be located upstream from the existing structure. MDOT made a presentation of its findings and recommendations to the Town Council at the April 19th meeting. MDOT held an informational meeting with identified groups on April 25, 2016 at the Topsham Public Library. MDOT followed that with a formal presentation of its recommendation at a public meeting on April 27, 2016 at the South Maine Community College (SMCC) at Brunswick Landing.

Following the public meeting at SMCC, staff from Topsham and Brunswick met in Topsham to discuss potential steps forward. As a result of that meeting, it was suggested that the Topsham Selectmen and the Brunswick Council may wish to go on record regarding MDOT's proposal. A draft resolution, expressing support for MDOT's recommendation is attached.

It was also suggested that the communities may wish to establish a design advisory committee (DAC) to work with MDOT to incorporate enhancements and minor modifications in MDOT's proposal. Of course, that assumes the elected officials in both communities are supportive of MDOT's plan. Conceptually, the DAC would be comprised of seven (7) members from each town.

Attached is a draft resolution. It is presented for discussion. Also attached is a brief history of the naming of the current bridge.

Attachments

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

**A Resolution Expressing the Town Council's Support for the Maine Department of
Transportation's Proposal to Replace the Frank J. Wood Bridge**

WHEREAS, the Brunswick Town Council acknowledges and respects the long service of the Frank J. Wood Bridge (the Bridge), the main link spanning the Androscoggin River between the lower village of Topsham and downtown Brunswick; and

WHEREAS, the Maine Department of Transportation (MDOT) investigated the rehabilitation or replacement of the Bridge; and

WHEREAS, among MDOT's considerations are the following factors:

- accelerating deterioration in the condition of the existing bridge
- increasing maintenance and inspection costs associated with a rehabilitated bridge
- adverse impacts to local businesses arising from repeated, lengthy closures required for rehabilitation
- significantly longer life span of and lower life-cycle costs of a new bridge
- safer transportation facilities for pedestrians and bicyclists

WHEREAS, after its investigation and analysis, MDOT recommends replacement with a new bridge to be located upstream of the current Bridge; and

WHEREAS, MDOT is encouraging the communities to participate in the final design of the replacement to ensure that it best meets the needs of all who will use the bridge;

NOW THEREFORE, BE IT RESOLVED, that the Brunswick Town Council supports the replacement of the Frank J. Wood Bridge with a new bridge that includes improved safety and access for all users, including pedestrians and bicyclists.

BE IT FURTHER RESOLVED, that to ensure that the final design for a new bridge best meets the public's transportation needs while incorporating, to the extent technically and financially feasible, the aesthetic and functional preferences of both Topsham and Brunswick, the Brunswick Town Council agrees to appoint members to a joint Brunswick/Topsham Design Advisory Committee to work with the MDOT to optimize the final design of a new bridge.

FRANK J. WOOD and the FRANK J. WOOD BRIDGE

The Brunswick-Topsham bridge that carries U. S. Route 201 over the Androscoggin River, connecting Maine Street in Brunswick with Main Street in Topsham, is named the Frank J. Wood Bridge.

Built in 1931-32, the bridge is named in honor of a Topsham citizen who convinced the State Highway Commission to change its original plans for the bridge. Originally, the State had intended to build a new bridge on the site of an older bridge. The older bridge connected with a narrow street which runs through the middle of the paper mill property. Frank Wood suggested that the bridge be re-routed around the mill. After much public debate, the State adopted Wood's idea.

The bridge was completed and opened to the public in 1932.

Frank J. Wood (legal name: Joseph Franklin Wood) was born on September 15, 1861. He was a farmer, and proprietor of Longview Farm in Topsham. He also worked as a papermaker at the Bowdoin Paper Co, and was very active in local civic affairs. He died on April 11, 1935. (An obituary appeared in the Brunswick Record on April 18, 1935.)

References about the bridge in the Brunswick Record:

July 10, 1930	April 21, 1932
August 21, 1930	April 28, 1932
August 28, 1930	May 12, 1932
September 4, 1930	July 14, 1932
September 11, 1930	
September 18, 1930	
March 12, 1931	
April 23, 1931	
April 30, 1931	
May 7, 1931	
May 14, 1931	
June 18, 1931	
July 2, 1931	
July 9, 1931	
July 16, 1931	
August 13, 1931	
August 27, 1931	
September 24, 1931	
October 1, 1931	
October 22, 1931	
November 19, 1931	
November 26, 1931	
December 3, 1931	
December 31, 1931	
January 7, 1932	
January 14, 1932	
March 10, 1932	
April 14, 1932	

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NO BACK UP MATERIALS