



TOWN OF BRUNSWICK

PLANNING BOARD

85 UNION STREET, BRUNSWICK, ME 04011

**PLANNING BOARD
REVISED AGENDA
BRUNSWICK TOWN HALL
85 UNION STREET
COUNCIL CHAMBERS
TUESDAY, MAY 10, 2016; 7:00 P.M.**

A copy of the proposed zoning amendment in its entirety may be obtained by visiting our website at: <http://www.brunswickme.org/departments/planning-development/planning-board/meeting-schedule-agenda-minutes/>

1. **Public Hearing:** The Board will hold a public hearing to hear public comment and take action regarding the following:
A proposed amendment to the Town of Brunswick's Zoning Ordinance, Chapter Four (Development Review), Section 401 (Applicability) and Section 402 (Development Review Classifications and Thresholds) to Require Review of Filling and Earthmoving Activities within the Natural Resource Protection Zone (NRPZ).
2. **Case #16-012 Wildflowers Gluten-Free Bakery:** 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)**.
3. Other Business

REVISED 4.28.16 to add Item #2

It is the practice of the Planning Board to allow public comment and all are invited to attend and participate. Copies of the proposed zoning amendment are available at the Town of Brunswick Department of Planning and Development, 85 Union Street, Brunswick, ME 04011.

Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521. This meeting will be televised.



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 6, 2016

To: Brunswick Planning Board
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 NRPZ at Section 211.2.A.1(a-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.

Enclosures: Moratorium; Draft Zoning Ordinance Amendment: Sections 401 and 402

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) Aa single or two family dwelling.
 - 2) Uses or structures that are accessory to a single or two family dwelling.
 - 3) Agricultural 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) Unpaved 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(a-g).
- 65) 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,

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(a-g).

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(a-g).

Julie Erdman

From: Morse, Michael J <Michael.J.Morse@maine.gov>
Sent: Tuesday, April 19, 2016 2:51 PM
To: Jared Woolston
Cc: Jeff Hutchinson
Subject: RE: RP

Jared, you're interpretation is correct. In some cases the entire 250-foot shoreland zone might be RP and therefore a new structure would need to be outside the RP district. In the example you provide related to FEMA flood zones, you are correct that the Town's 125' setback would not be increased due to a 50' wide flood zone. The setback would still be measured from the NHWL of the river.

Mike

*Mike Morse
MDEP
Assistant Shoreland Zoning Coordinator
312 Canco Road
Portland, Maine 04103
Ph- 207-822-6328
Fax- 207-822-6303*

From: Jared Woolston [<mailto:jwoolston@brunswickme.org>]
Sent: Friday, April 15, 2016 4:05 PM
To: Morse, Michael J
Cc: Jeff Hutchinson
Subject: RP

Mike: Thanks for taking the time to talk with me and Jeff yesterday. I will keep you updated when a revision to the language for filling and earthmoving is drafted. As we discussed, the draft language will require CEO review and approval for ≤ 10 cubic yards of filling and earthmoving within areas that are equivalent to Resource Protection Districts, and within 75 feet from streams (as defined), $>10-100$ 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.

Regarding RP, will you confirm that RP Districts as defined in 06-096, Ch. 1000 only prohibit new structures (unless specifically allowed in an RP District) within those RP District areas rather than requiring a 250-foot setback within the associated Shoreland Zone. For example, a FEMA 100 year flood zone 50 feet landward from the normal high water line of a river would not increase Brunswick's 125-foot principal and accessory structure setback to a 250-foot setback within the NRPZ; rather, the principal and accessory structure setback remains 125 feet. Here is that tricky Ch. 1000 language:

B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads,

parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

Jared Woolston
Planner
Town of Brunswick
85 Union Street
Brunswick, ME 04011

(207) 725-6660, ext. 4022 (v)
(207) 725-6663 (f)
jwoolston@brunswickme.org
www.brunswickme.org

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

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-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	yes ²	yes ²	yes ²	yes ²	yes ²
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	no ¹⁰	no ¹⁰	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	no ⁷	PB	PB	PB	no
26.	Road construction	PB	no ⁸	PB	PB	PB	PB5
27.	Land management roads	yes	PB	yes	yes	yes	yes
28.	Parking facilities	no	no ⁷	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

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

Zoning Districts

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

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

Chapter Four: Development Review

- Section 401 outlines activities subject to 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.



16 Cubic Yards

1 1/3 Cubic Yards

*Site Visit April 12, 2016
Ray Labbe & Sons, Inc.
4 Highland Road, Brunswick*



85 Cubic Yards

***Site Visit April 12, 2016
Ray Labbe & Sons, Inc.
4 Highland Road, Brunswick***



**1 1/3 Cubic Yard
Loader Bucket**

*Site Visit April 12, 2016
Ray Labbe & Sons, Inc.
4 Highland Road, Brunswick*



**2 Cubic Yard
Loader Bucket**

*Site Visit April 12, 2016
Ray Labbe & Sons, Inc.
4 Highland Road, Brunswick*



**¾ Ton Pickup
<1 Cubic Yard**

***Site Visit April 12, 2016
Ray Labbe & Sons, Inc.
4 Highland Road, Brunswick***



**Single Axle Dump Truck
8 Cubic Yards**

***Site Visit April 12, 2016
Ray Labbe & Sons, Inc.
4 Highland Road, Brunswick***



**Twin Axle Dump Truck
14 Cubic Yards**

*Site Visit April 12, 2016
Ray Labbe & Sons, Inc.
4 Highland Road, Brunswick*



**Tri Axle Dump Truck
16-18 Cubic Yards**

*Site Visit April 12, 2016
Ray Labbe & Sons, Inc.
4 Highland Road, Brunswick*

**Trailer Dump
24 Cubic Yards**



**Site Visit April 12, 2016
Ray Labbe & Sons, Inc.
4 Highland Road, Brunswick**

**Draft 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 (4 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.

DRAFT 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.



Ms. Anna Breinich
Director of Planning and Development
Town of Brunswick
85 Union Street
Brunswick, Maine 04011

Dear Ms. Breinich,

I respectfully submit this Special Permit Application for the proposed use of an existing commercial building located at 54 Cumberland Street in Brunswick. The property is identified at MapU15, Lot 19 according to the Town of Brunswick's Assessor's office.

I own Wildflours Gluten-Free Bakery. Established in 2008, Wildflours was originally a retail shop located at 1 Mason Street in Brunswick. The business was destroyed by fire in April of 2011 and since that time we have been operating as a wholesale and farmer's market business and based out of 54 Cumberland Street. I am submitting this request in order to again open a small retail space. The vision is a small walk-in bakery open five days a week 8am-2pm. Wildflours does not intend to be another café or eatery, but instead an in-and-out bakery that will allow customers access to our products on a more regular and consistent basis than we are currently able to offer by participating in a weekly farmer's market.

The following are responses to the specific questions found on the Special Permit application:

How does your application further the Planning Goals for the Planning Area in which your property is located?

54 Cumberland Street, the proposed cite for our retail outlet is within Planning Area A.1.1 Town Core. The following is an excerpt from the Zoning Ordinance from July 2014 that described Town Core.

" The Town Core Planning Area included the Downtown and its immediately adjacent neighborhoods, including the Core Campus for Bowdoin College. It's the center of the community anchored by Fort Andross and the Androscoggin riverfront to the north and Bowdoin College to the south. The Town Core is envisioned to have the greatest residential density and intensity of nonresidential uses. It is an inviting and vibrant commercial, cultural, educational, recreational and residential center."

The proposed use of the site fits well within the intended use of the planning area. The building is a commercial one; offering services such as accounting, chiropractic and music lessons. 54 Cumberland Street falls within one of the immediately adjacent neighborhoods of the downtown area. It is next to railroad tracks, a home business, (Animal Grooming) and is across the street from the collection of businesses at Brunswick Crossing. These include a tanning salon, comic book shop, redemption center and print shop. We are one block from the Tedford shelter and two blocks from the Union Street Bakery.

How many square feet of space is the proposed use going to occupy?

The bakery will be 940 sq. feet.

Is this use to be located within an existing structure?

Yes, the business will be entirely within the existing structure. No new structures are proposed.

If a new structure is proposed how many square feet is the structure?

No new building structures are proposed. A new front entrance, bakery window with window boxes and a foundation garden will improve the exterior of the building.

How many people are to be employed at this site should the Special Permit be granted?

Wildflours will employ 5 part-time people at the start of business, with more employees to be added as business expands.

If this involves a residential component, how many dwelling units are proposed?

There are no residential units proposed.

How many customers are likely to use the site during the course of a day? Week? Please anticipate peak demand.

We anticipate that, on average, 20 customers a day will visit the site (100 per week).

How many service vehicles that will service the business should the Special Permit be granted? The number of service vehicles will remain the same. During the busiest season, suppliers will deliver once a week.

What are the sizes of the vehicles that will service the business should the Special Permit be granted? United Natural Foods and Hillcrest Foods deliver using 48' and 53' commercial trailer trucks respectively.

If you are reusing a structure, demonstrate the mutual benefits associated with your application request (in other words, how will this project provide a benefit to its larger area in spite of the fact that it may be occurring within a pre-existing structure that is generally larger than typically found.)

As mentioned, we intend to visually improve the exterior of the building by adding a front entrance on the roadside of the building. Once approved, we will add an awning, front door, bakery window, window boxes and foundation gardens. Our bakery will enhance the downtown neighborhood feel, much like the addition of Union Street Bakery has done.

Explain how this application enhances or further maintains a pedestrian oriented character for the larger neighborhood.

We do not expect an issue with traffic or parking as we are a small operation (\$125,000 annual gross sales projected) and will not be functioning as a restaurant or a café. Our products will be offered to go Tuesday-Saturday 8am-2pm. As previously mentioned, there will not be an increase in service vehicles. (While it is true that we will need more supplies, it only means an increase in the size of our orders from current vendors, not an increase in the frequency with which they are delivered.)

We appreciate your time and consideration of our application for special permit in order to change our use of the property 54 Cumberland Street.

Respectfully,

A handwritten signature in black ink that reads "Kelley Hughes". The signature is written in a cursive, flowing style.

Kelley Hughes, Owner
Wildflours Gluten-Free Bakery
207-725-7973

COPY

Commercial Rental Agreement

This Agreement is entered into between Cabot Rental Corp. "Tenant" and Honalee Realty, LLC / Stephan Bamburger "Landlord." Tenant is jointly and severally liable for the payment of rent and performance of all other terms of this agreement.

1. The Landlord rents to Tenant, and Tenant rents from Landlord, for commercial purposes only, the Parking Area behind the Brunswick Crossing Mall located on Cushing St.. in Brunswick Maine.

2. The parking area is to be used only for commercial parking for Tenant(s) of 54 Cumberland Street.

3. The rental will begin on January 1, 2016 and continue until January 1, 2021 . Landlord may terminate the tenancy or modify the terms of this Agreement at any time by giving the Tenant(s) 30 days' written notice. Tenant(s) may terminate the tenancy at any time by giving the Landlord 30 days' written notice.

4. Tenant will pay to Landlord a monthly rent of \$130, payable in advance on the first day of each month, except when that day falls on a weekend or legal holiday, in which case

rent is due on the next business day. Rent will be paid to Honalee Realty, LLC at 45 Page St., Brunswick, Maine 04011 or at such other place as the Landlord may designate.

5. Rent may be paid:

by mail, to Above Address

in person, at _____

6. Landlord will accept payment in these forms:

personal check made payable to Honalee Realty, LLC

cashier's check made payable to _____

credit card

money order

cash

7. If Tenant(s) fail to pay the rent in full before the end of the 15th day after it is due, Tenant(s) will pay Landlord a late charge of \$10.00, Landlord does not waive the right to insist on payment of the rent in full on the date it is due. If any check offered by Tenant(s) to Landlord in payment of rent or any other amount due under this Agreement is returned for lack of sufficient funds, a "stop payment," or any other reason, Tenant(s) will pay Landlord a returned check charge of \$20.00.

8. Tenant(s) will pay no utility charges, all will be paid by the Landlord:

9. Tenant(s) will not sublet any part of the premises or assign this Agreement without the prior written consent of Landlord.

10. Except as provided by law, or as authorized by the prior written consent of Landlord,

a. Tenant(s) will not, without Landlord's prior written consent, alter or change the rented parking area.

11. Tenant(s) and guests or invitees will not use the area or adjacent areas in such a way as to:

- a. violate any law or ordinance, including laws prohibiting the use, possession, or sale of illegal drugs;
- b. commit waste (severe property damage); or
- c. create a nuisance by annoying, disturbing, inconveniencing, or interfering with the quiet enjoyment and peace and quiet of any other tenant or nearby resident.

12. Tenant(s) will keep the Parking Area clean, sanitary, and in good condition and, upon termination of the tenancy, return the Parking Area to Landlord in a condition identical to that which existed when Tenant(s) took occupancy, except for ordinary wear and tear.

- a. Tenant(s) will immediately notify Landlord of any defects or dangerous conditions in and about the Parking Area of which Tenant(s) becomes aware.

13. In any action or legal proceeding to enforce any part of this lease, the prevailing party shall recover reasonable attorney fees and court costs.

14. The failure of Tenant(s) or Tenant(s)'s guests or invitees to comply with any term of this Agreement, or the misrepresentation of any material fact on Tenant(s)'s Rental Application, will be grounds for termination of the tenancy.

15. This document constitutes the entire Agreement between the parties, and no promises or representations, other than those contained here and those implied by law, have been made by Landlord or Tenant(s). Any modifications to this Agreement must be in writing signed by Landlord and Tenant.

16. Additional provisions which are incorporated into this Agreement are as follows:

17. If any portion of this Agreement is held to be invalid, its invalidity will not affect the validity or enforceability of any other provision of this Agreement.

- a. Tenant(s) will immediately notify Landlord of any defects or dangerous conditions in and about the Parking Area of which Tenant(s) becomes aware.

13. In any action or legal proceeding to enforce any part of this lease, the prevailing party shall recover reasonable attorney fees and court costs.

14. The failure of Tenant(s) or Tenant(s)'s guests or invitees to comply with any term of this Agreement, or the misrepresentation of any material fact on Tenant(s)'s Rental Application, will be grounds for termination of the tenancy.

15. This document constitutes the entire Agreement between the parties, and no promises or representations, other than those contained here and those implied by law, have been made by Landlord or Tenant(s). Any modifications to this Agreement must be in writing signed by Landlord and Tenant.

16. Additional provisions which are incorporated into this Agreement are as follows:

17. If any portion of this Agreement is held to be invalid, its invalidity will not affect the validity or enforceability of any other provision of this Agreement.

Signed on Date: January 1, 2016

SMZ 4/1/16

Manager/Owner Honalee Realty, LLC/ Stephan Bamberger

[Signature] 4/1/16

Tenant

Contact number and Address for Tenant(s) :

Cabot Rental Corp./ George D. Cabot IV

582 River Rd. Brunswick, Maine 04011

207-751-8080

gdciv@msn.com

COPY

Commercial Rental Agreement

This Agreement is entered into between Cabot Rental Corp. "Tenant" and Kathy Wilson "Landlord." Tenant is jointly and severally liable for the payment of rent and performance of all other terms of this agreement.

1. The Landlord rents to Tenant, and Tenant rents from Landlord, for commercial purposes only, the Parking Area (4 Spaces) behind the Residence located on Cumberland St. in Brunswick Maine.

2. The parking area is to be used only for commercial parking for Tenant(s) of 54 Cumberland Street.

3. The rental will begin on May 1, 2016 and continue until May 1, 2021. Landlord may terminate the tenancy or modify the terms of this Agreement at any time by giving the Tenant(s) 30 days' written notice. Tenant(s) may terminate the tenancy at any time by giving the Landlord 30 days' written notice.

4. Tenant will pay to Landlord a monthly rent of \$50, payable in advance on the first day of each month, except when that day falls on a weekend or legal holiday, in which case rent is due on the next business day. Rent will be paid to Kathy Wilson at 36 Cushing St., Brunswick, Maine 04011 or at such other place as the Landlord may designate.

5. Rent may be paid:

by mail, to Above Address

in person, at _____

6. Landlord will accept payment in these forms:

personal check made payable to Kathy Wilson

cashier's check made payable to _____

credit card

money order

cash

7. If Tenant(s) fail to pay the rent in full before the end of the 15th day after it is due, Tenant(s) will pay Landlord a late charge of \$10.00, Landlord does not waive the right to insist on payment of the rent in full on the date it is due. If any check offered by Tenant(s) to Landlord in payment of rent or any other amount due under this Agreement is returned for lack of sufficient funds, a "stop payment," or any other reason, Tenant(s) will pay Landlord a returned check charge of \$20.00.

8. Tenant(s) will pay no utility charges, all will be paid by the Landlord:

9. Tenant(s) will not sublet any part of the premises or assign this Agreement without the prior written consent of Landlord.

10. Except as provided by law, or as authorized by the prior written consent of Landlord,

a. Tenant(s) will not, without Landlord's prior written consent, alter or change the rented parking area.

11. Tenant(s) and guests or invitees will not use the area or adjacent areas in such a way as to:

- a. violate any law or ordinance, including laws prohibiting the use, possession, or sale of illegal drugs;
- b. commit waste (severe property damage); or
- c. create a nuisance by annoying, disturbing, inconveniencing, or interfering with the quiet enjoyment and peace and quiet of any other tenant or nearby resident.

12. Tenant(s) will keep the Parking Area clean, sanitary, and in good condition and, upon termination of the tenancy, return the Parking Area to Landlord in a condition identical to that which existed when Tenant(s) took occupancy, except for ordinary wear and tear.

- a. Tenant(s) will immediately notify Landlord of any defects or dangerous conditions in and about the Parking Area of which Tenant(s) becomes aware.

13. In any action or legal proceeding to enforce any part of this lease, the prevailing party shall recover reasonable attorney fees and court costs.

14. The failure of Tenant(s) or Tenant(s)'s guests or invitees to comply with any term of this Agreement, or the misrepresentation of any material fact on Tenant(s)'s Rental Application, will be grounds for termination of the tenancy.

15. This document constitutes the entire Agreement between the parties, and no promises or representations, other than those contained here and those implied by law, have been made by Landlord or Tenant(s). Any modifications to this Agreement must be in writing signed by Landlord and Tenant.

16. Additional provisions which are incorporated into this Agreement are as follows:

17. If any portion of this Agreement is held to be invalid, its invalidity will not affect the validity or enforceability of any other provision of this Agreement.

Signed on Date: May 1, 2016

Kathy E Wilson

Owner Kathy Wilson

Jan 9 2016 5/3/16

Tenant Cabot Rental Corp.

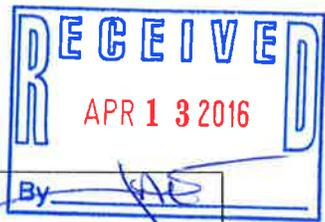
Contact number and Address for Tenant(s) :

Cabot Rental Corp./ George D. Cabot IV

582 River Rd. Brunswick, Maine 04011

207-751-8080

gdciv@msn.com



APPLICATION/CHECK LIST
SPECIAL PERMIT FOR UNCLASSIFIED AND OMITTED USES
BRUNSWICK PLANNING BOARD

1. Applicant:

Name: KELLEY HUGHES
Address: 35 CHAMBERLAIN
BRUNSWICK
Phone #: 207-751-8080 / 207-725-7973

2. Business:

Name: WILDFLOWERS GLUTEN-FREE BAKERY
Address: 54 CUMBERLAND
BRUNSWICK
Phone #: 207-725-7973

3. Property/Building Owner:

Name: GEORGE CAROT
Address: 582 RIVER RD
BRUNSWICK ME 04011

4. Assessor's Tax Map # 15 Lot # 19 of subject property.

5. Zoning District TOWN CORE A.1.1.

6. Street Address of Parcel(s) For Consideration: 54 CUMBERLAND ST.

7. Planning Area (See Appendix I): TOWN CORE A.1.1.

Owner Signature: Kelley Hughes

Applicant Signature (if different): _____



SUBMISSION REQUIREMENTS

- Site Plan. If copies are greater than 11" x 17", submit 17 copies of all materials. Otherwise, one copy is sufficient. Site plan should include all elements indicated in the application packet.

On this form, or on a separate letter to the Planning Board, please indicate your responses to the following:

1. How does your application further the Planning Goals for the Planning Area in which your property is located. Please indicate each of the Planning Area Goals with your response.

SEE ATTACHED

2. How many square feet of space is the proposed use going to occupy? _____.
Is this use to be located within an existing structure? _____ If a new structure(s) is proposed how many square feet is the structure(s)? _____

SEE ATTACHED

3. How many people are to be employed at this site should the Special Permit be granted?

5

4. If this involves a residential component, how many dwelling units are proposed? 0

5. How many customers are likely to use the site during the course of a day? 20 week? 100. Please anticipate peak demand.

6. How many service vehicles per week do you anticipate? 1

7. What are the sizes of vehicles that will service the business should the Special Permit be granted? SEE ATTACHED

8. If you are reusing a structure, demonstrate the mutual benefits associated with your application request. (In other words, how will this project provide a benefit to its larger area in spite of the fact that it may be occurring within a pre-existing structure that is generally larger than typically found. _____

SEE ATTACHED

9. Explain how this application enhances or further maintains a pedestrian oriented character for the larger neighborhood. SEE ATTACHED

**NOTIFICATION
SPECIAL PERMIT APPLICATION
FOR UNCLASSIFIED AND OMITTED USES**

Pursuant to Section 701 of the Brunswick Zoning Ordinance, land uses that are neither permitted nor prohibited may be considered by the Planning Board, subject to a Special Permit. Notice is required to be forwarded to any property owner within 200 feet of the lot boundaries of the proposed permit.

Applicant: KELLEY HUGHES

Business Name: WILDFLOURS GLUTEN-FREE BAKERY

Proposed Land Use: RETAIL BAKERY

Street Address of Property: 54 CUMBERLAND ST

Zoning District of Property: TOWN CORE A.I.I.

The Planning Board will conduct a PUBLIC HEARING on this Special Permit application on _____ . As a person entitled to notice, you may submit comments on the proposal to the Planning Board, or may provide testimony at the Public Hearing. The Planning Board may deny the Special Permit if it finds that, based on evidence provided by persons entitled to notice that the proposal shall 1) adversely effect the enjoyment or use of your property; or 2) that the proposal will devalue such property.

The application is on file at the Planning Office. For further information contact 725-6660.

**NOTICE OF PLANNING BOARD PUBLIC HEARING
FOR SPECIAL PERMIT
FOR UNCLASSIFIED OR OMITTED USES**

Pursuant to Section 701 of the Brunswick Zoning Ordinance, land uses that are neither permitted nor prohibited may be considered by the Planning Board, subject to a Special Permit. Notice is required to be placed in this newspaper two times, the first notice appearing at least seven days before the hearing.

Applicant: KELLEY HUGHES

Business Name: WILDFLOURS GLUTEN-FREE BAKERY

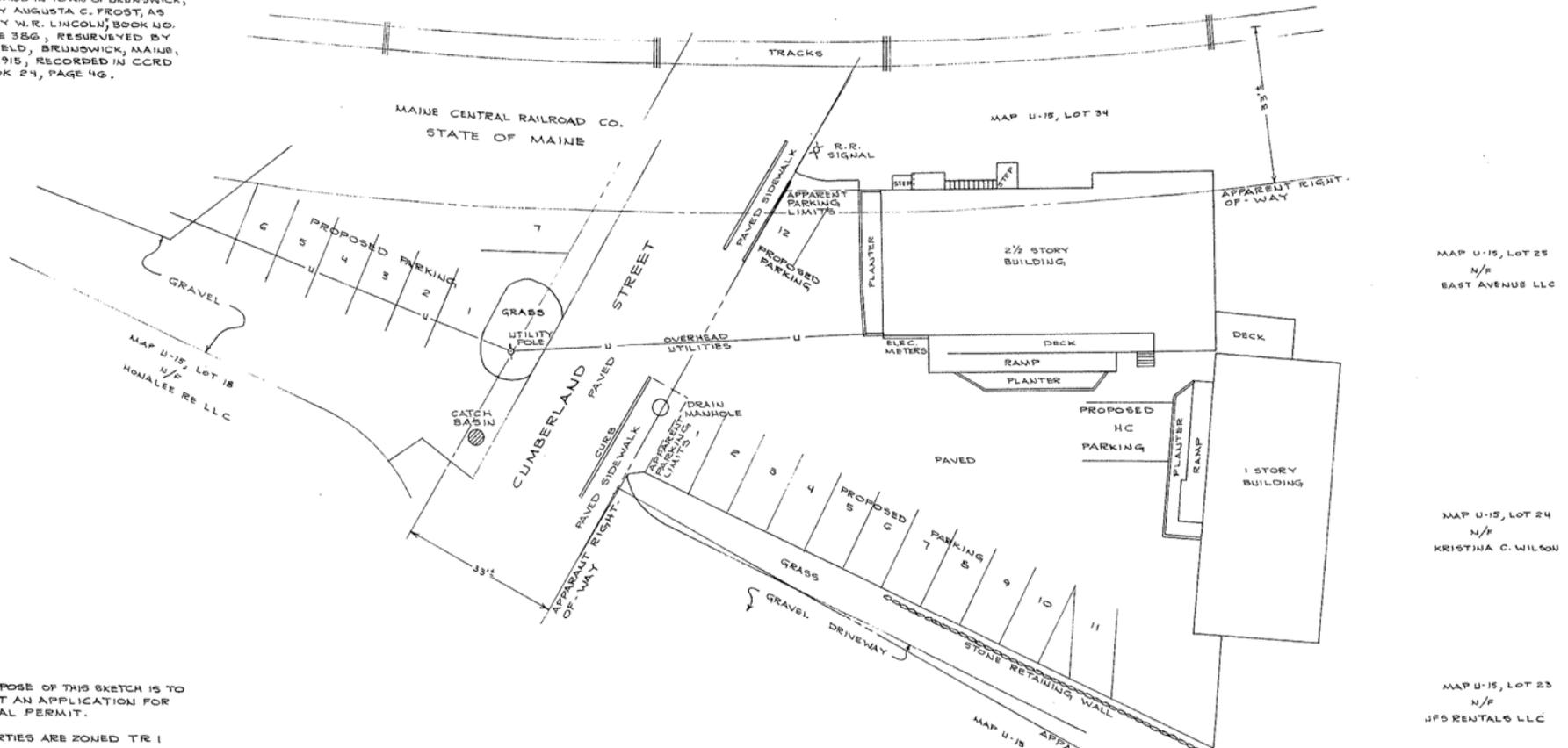
Proposed Land Use: RETAIL BAKERY

Street Address of Property: 54 CUMBERLAND ST

Zoning District of Property: TOWN CORE A-1.1

The Planning Board will conduct a PUBLIC HEARING on this Special Permit application on _____ . All members of the public are encouraged to attend. The application is on file at the Planning Office. For further information contact 725-6660.

PLAN REFERENCE:
 PLAN OF LAND IN TOWN OF BRUNSWICK,
 OWNED BY AUGUSTA C. FROST, AS
 DEEDED BY W.R. LINCOLN, BOOK NO.
 829, PAGE 356; RESERVEED BY
 S. LITCHFIELD, BRUNSWICK, MAINE,
 JULY 26, 1915; RECORDED IN CCRD
 PLAN BOOK 24, PAGE 46.



- NOTE:
1. THE PURPOSE OF THIS SKETCH IS TO SUPPORT AN APPLICATION FOR A SPECIAL PERMIT.
 2. PROPERTIES ARE ZONED TR 1
 3. NOMINAL PARKING REQUIREMENTS:
 RETAIL 990 SQ. FT. @ 4 SPACES/1000 SQ. FT.
 OFFICE/PROFESSIONAL OFFICE
 3,310 SQ. FT. @ 3 SPACES/1000 SQ. FT.
 = 13 SPACES

SITE PLAN SKETCH
 WILDFLOURS GLUTEN-FREE BAKERY
 54 CUMBERLAND STREET
 BRUNSWICK, MAINE
 DATE: MARCH 24, 2016
 SCALE: 1" = 10' ±

MAP U-15, LOT 20
 N/F
 DAVID E. & EVELYN M.
 DESAOND

MAP U-15, LOT 25
 N/F
 EAST AVENUE LLC

MAP U-15, LOT 24
 N/F
 KRISTINA C. WILSON

MAP U-15, LOT 23
 N/F
 JFS RENTALS LLC

7. Major economic and employment activities including a potential new business park should be accommodated in well-planned areas designated for this purpose.

8. The Exit 28 area adjacent to the I-295 interchange should develop as a dense, mixed-use area with residential, office, and service uses.

9. Affordable housing should be encouraged through the provision of density bonuses.

The following sections and the Land Use Map translate these concepts into more specific land use designations.

1. Town Core

The Town Core is the center of the community. It is where the greatest density of commercial and residential use occurs. The Town Core encompasses the Downtown and immediately adjacent neighborhoods including part of the Bowdoin College campus (see Land Use Map). The area includes the current TC and TR zones (except part of the TR 5 zone), part of Water Street, the CU 1, 3, 4, and 6 zones and the in-town portion of the MU 2 zone.

Vision

The Town Core continues to be the center of our community and, therefore, it is where the greatest density of residential and commercial uses occurs. It is an inviting, vibrant commercial, cultural, educational, recreational and residential center. Fort Andross and the riverfront anchor one end of the Town Core and increasingly become integral parts of the Core. Bowdoin College anchors the southern end of the Core and provides a transition between the Core and adjacent residential neighborhoods. The college is an important institution in the community offering cultural, educational, and open space opportunities for the entire community as well as significant economic benefits. The linkage between the Town Core and downtown Topsham is strengthened and the two sides of the river increasingly function as a single area.

The Town's primary municipal service facilities are located within the Town Core. The Town Core maintains its pedestrian scale and orientation. Pedestrians move easily and safely through the Town Core. Existing green spaces and recreational assets are maintained and additional public green space is planned and protected where appropriate. Continuing infill development and redevelopment increase the overall density of the Core while maintaining its attractiveness and livability. The Maine Street Station site and railroad corridor are redeveloped into a compact mixed-use area with dense commercial and residential uses. The amount of commercial use in the Core continues to expand where current zoning allows. New

residential units are added throughout the area to increase the level of activity in the Core.

Allowed Uses

The allowed uses generally reflect the established pattern of development and current zoning and vary in different parts of the Town Core. In general, the following types of uses are appropriate in the Town Core:

- 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.

Development Standards

The focus of the development standards in the Town Core should be on allowing infill development and redevelopment as well as expansions to existing buildings that maintain the overall character of the Core while allowing for intensification of use. New development, including significant enlargements or modifications of existing buildings, located in a potentially expanded Village Review Zone should be subject to design review to ensure its compatibility with the objectives for the Town Core.

The objective of the Town 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. Zoning provisions within this area should be developed to protect and enhance existing development patterns of established neighborhoods, such as the mass and scale of buildings, average density, lot size, setbacks, impervious coverage and parking. The creation of more accessory dwelling units is encouraged. Any redevelopment should blend well and complement these established areas.

Development should be required to provide pedestrian and bicycle facilities as part of the project. The land use regulations should provide some flexibility in meeting parking requirements. The use of drive-through facilities should be limited and should be strictly controlled. All development should be subject to stringent landscaping standards including the planting of trees consistent with Tree City USA standards.

2. Town Residential

The Town Residential area includes the older neighborhoods adjacent to the Town Core and the newer portion of the Bowdoin campus and is typically within a five to ten minute walk of the edge of the Town Core (see Land Use Map). The area includes the current R 1, 7, and 8 zones, parts of the TR 5 zone, the CU 2 and 5 zones, and the MU 3 and 6 zones.