



**TOWN OF BRUNSWICK**

**PLANNING BOARD**

85 UNION STREET, BRUNSWICK, ME 04011

**PLANNING BOARD  
AGENDA  
BRUNSWICK TOWN HALL  
85 UNION STREET  
COUNCIL CHAMBERS  
TUESDAY, JUNE 28, 2016; 7:00 P.M.**

1. **Case #16-010 Beacon Ridge Subdivision:** The Planning Board will review and take action on a **Sketch Plan Major Development Review** application submitted by authorized representatives from Site Design Associates for Ecopath Developers, LLC, to revise a Sketch Plan that was approved by the Planning Board on April 5, 2016 with the construction of a 1,200 linear foot access road for a single family residential subdivision comprised of twenty four (24) lots, located in the **R6 (Cook's Corner Neighborhood); Cooks Corner Zoning District; and Natural Resource Protection Zone (NRPZ) (Map 42, Lot 16).**
2. **Case #16-022 Mid-Coast Health Services Sketch Plan:** The Planning Board will review and take action on a **Sketch Plan Major Development Review** application submitted by authorized representatives from Pine Tree Engineering for Mid-Coast Health Services to construct three (3) new parking areas containing one hundred fifteen (115) new parking spaces. The site is located at 123 Medical Center Drive within the **CC (Cooks Corner Center) Zoning District, the Medical Use Overlay Zone (MUZ).** The parcel contains the **Natural Resource Protection Zone (NRPZ), and Rural Brunswick Smart Growth Overlay District - Wildlife Habitat Block, (Map 45, Lot 32).**
3. **Case #16-024 Sweet Dreams Major Development Review Amendment:** The Planning Board will review and take action on a combination Sketch & **Final Plan Major Development Review** application submitted by Marcus Headley for Sweet Dreams Inc. to provide new outdoor display areas. The site is located at 256 Bath Road within the **CC (Cooks Corner Center) Zoning District (Map 45, Lot 55)**
4. **Other Business**
5. **Approval of Minutes**

This agenda is mailed to owners of property within 200 feet of proposed development sites. 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 BREINICH, FAICP  
DIRECTOR OF PLANNING & DEVELOPMENT

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

### MEMORANDUM

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TO: The Planning Board  
FROM: Jared Woolston, Planner  
DATE: June 23, 2016  
RE: Sketch Plan Review of Beacon Ridge 24-Lot Residential Subdivision

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#### PROJECT SUMMARY

Staff has reviewed the Sketch Plan application and determined that it is complete.

The proposed Sketch Plan Major Development Review application was submitted by authorized representatives from Site Design Associates for Ecopath Developers, LLC, to revise a Sketch Plan that was approved by the Planning Board on April 5, 2016. The proposal is revised to include the construction of a 1,200 linear foot access road for a single family residential subdivision comprised of twenty four (24) lots. The proposed 24-lot residential subdivision is located at the same 29.88 acre parcel off of Thomas Point Road that was previously approved as described above. As depicted on the Sketch Plan, the subject parcel is proposed to be divided into three (3) parcels of land which include two (2) parcels retained by Ecopath Development LLC, and one (1) parcel to be developed with the proposed Beacon Ridge Subdivision. One of the two retained parcels is comprised of 12.1 acres and is located at the western most portion of the subject parcel with frontage on Thomas Point Road. The second retained parcel is comprised of 1.3 acres at the east property boundary at the dead end of Evergreen Drive. The remaining parcel is comprised of five (5) acres of open space and approximately 16.5 acres of development area for 24 units (residential lots), and an approximately 1,200-linear foot access road constructed to town standards for a Minor Road<sup>1</sup>. A 10-foot wide “pedestrian access easement” is proposed between lot 16 and lot 17. A proposed 25-foot wide easement between lot 21 and lot 22 is proposed for access to lot 24 which is considered a rear (“flag”) lot<sup>2</sup>.

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<sup>1</sup> Brunswick Zoning Ordinance, Appendix II: Street Standards

<sup>2</sup> Brunswick Zoning Ordinance, Section 305.7(B) Rear (“Flag”) Lots In Growth Districts

The parcel is located within the Cooks Corner Neighborhood (R6) Zoning District, and the Natural Resource Protection Zone (NRPZ). The application indicates that subject parcel was surveyed for protected natural resources, including, wetlands, and significant wildlife habitat (as defined by the Natural Resources Protection Act [(NRPA)]. The application indicates that wetland areas that were found to exhibit vernal pool characteristics were surveyed this spring but were determined not to contain significant wildlife habitat. According to the net site area calculation, 7.27 acres of wetlands, and 1.46 acres of street right-of-way were subtracted from the subject parcel. As proposed, the subdivision adheres to all dimensional and density requirements for an open space subdivision.

The Staff Review Committee (SRC) reviewed the Sketch Plan application on June 22, 2016. During the SRC meeting, the applicant indicated that the project was revised to an open space development pursuant to Section 308 of Brunswick's Zoning Ordinance. The applicant further indicated that the proposed development may be completed in three (3) phases. The staff notes that the application indicates that the proposed development would be completed as one (1) phase. The possible phasing indicated by the applicant at SRC may require clarification. The proposed open space subdivision would conserve land, and increase density in Brunswick's Growth Zone. During the SRC meeting, the applicant reported that public sewer service is currently being considered as the preferred alternative to private subsurface wastewater disposal systems (septic systems); however, no final agreement with the Brunswick Sewer District has been reached. The applicant reduced the size of each lot within the allowed standards for an open space lot. The Code Enforcement Officer (CEO) advised that the proposed lot dimensions are acceptable because no lot is proposed to be served by a private septic system. The Director of Planning and Development indicated that the proposed open space subdivision would require review by Brunswick's Conservation Commission, and Recreation Commission prior to acceptance by the Planning Board as a Final Plan. The Director of Assessing indicated that the proposed access road must be named; and recommended that at least three (3) proposed names be offered by the applicant for staff consideration.

A Sketch Plan of the proposed development was prepared by Site Design Associates and is referenced as Sheet C-101, entitled "Existing Conditions Plan", and dated March 2016 with a most recent revision date of June 1, 2016.

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**DRAFT MOTIONS**  
**SKETCH PLAN MAJOR REVIEW – BEACON RIDGE RESIDENTIAL SUBDIVISION**  
**Case # 16-010**

**Motion 1.** That the Board deems the Sketch Plan to be complete.

**Motion 2.** That the Board approves the Sketch Plan.

# Site Design Associates

## Consulting Engineering and Land Planning

June 7, 2016

Jared Woolston, Planner  
Department of Planning & Development  
Town of Brunswick  
85 Union Street  
Brunswick, ME 04011

**RE: Beacon Ridge  
Proposed Subdivision  
Thomas Point Road  
Amended Sketch Plan Review**

Dear Jared:

On behalf of Ecopath Developers, LLC, Site Design Associates is pleased to present a Major Development Review Sketch Plan application for a proposed 24 lot single family residential subdivision to be located on Thomas Point Road. Enclosed is one copy of the following information for your completeness review:

- Major Development Review Sketch Plan Application and Checklist
- Letter of Agent Authorization
- Location Map
- List of Abutters within 200 ft
- Certificate of Corporate Formation
- Purchase and Sale Agreement and Amendment
- Proposed Typical Road Section
- Wetland Investigation Report
- Existing Conditions Plan
- Conceptual Plan

The property is located in the Residential 6/Cook's Corner zone, where single family housing is a permitted use. Dimensional standards and a net site area calculation are provided on Drawing C-101.

Since our original sketch plan application was submitted and reviewed by the planning board, Ecopath has revised their proposal, with less, and smaller lots than the 35 originally proposed. The proposed project now includes the construction of approximately 1,200 linear feet of access road, constructed to town standards for a minor road, and the creation of 24 lots for single family residential housing on a parcel approximately 16.5 acres in size. The remaining land will be retained by Ecopath. The project is proposed as an open space development, and would preserve approximately 5 acres of undeveloped open space.

Mr. Jared Woolston

6/7/2016

Page 2 of 2

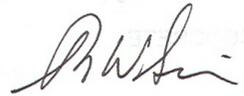
Since our last meeting with the planning board, Ecopath has been working with the Brunswick Sewer District exploring the possibility of extending public sewer service to the site. We will be able to report on this in more detail at or prior to the planning board meeting. Overhead electrical service with pole mounted transformers will be constructed. The project as now proposed would no longer be phased.

Wetlands were mapped by Mark Cenci Geologic. As noted on Drawing C-100, there were five wetland systems identified. Wetland 1 had some areas that had vernal pool characteristics. These were monitored this spring and it was determined that they are not significant wildlife habitat. This is the wetland that apparently coincides with the NRPZ, so the limits of the NRPZ were adjusted from the location shown on the town zoning map. Wetlands 2, 3, 4, and 5 are forested wetlands.

We anticipate that an application will be submitted to the DEP under the Stormwater Permit By Rule provisions.

We look forward to working with the town staff toward amending the Sketch Plan Approval for this project. If you have any questions or comments related to the application materials, please do not hesitate to contact us.

Sincerely,  
Site Design Associates



Tom Saucier, P.E.  
President

# ECOPATH DEVELOPERS LLC

17 ARROWHEAD DRIVE  
BRUNSWICK, ME 04011  
PHONE: 207-721-0254  
CELL: 207-751-5369

February 19, 2016

Mr. Tom Saucier, P.E.  
Site Design Associates  
23 Whitney Way  
Topsham, ME 04086

TO WHOM IT MAY CONCERN:

This letter authorizes Mr. Tom Saucier to serve as an agent for EcoPath Developers LLC for the purpose of permitting the proposed residential subdivision project located at Thomas Point Road in Brunswick, Maine.

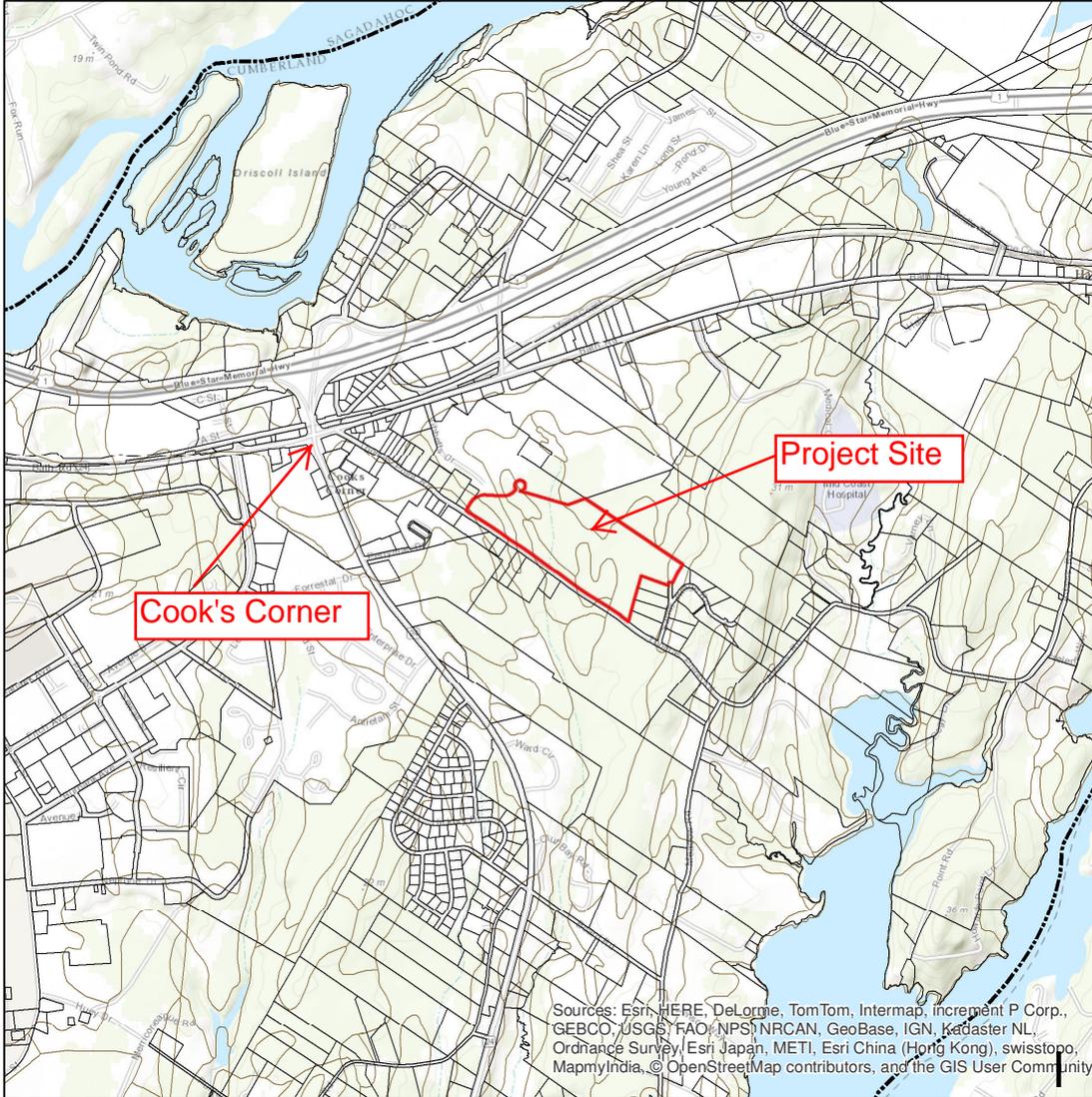
Sincerely,



Paul A. Sharon  
Project Manager

# Brunswick Maine

Location Map



Legend

- Selected Parcels
- Parcels
- Town Boundary
- Soils

0 900 1,800 3,600  
Feet

This map was generated by the Town of Brunswick's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Map generated on: 2/29/2016

Map Lot	Street Number	Street Name	Owner	Owner Address 1	Owner Address 2	Owner City	Owner State	Owner Zip
45-17	250	BATH RD	LHC BRUNSWICK ME LLC	1000 LOWES BLVD		MOORESVILLE	NC	28115
42-12	80	THOMAS PT RD	GREATER (THE) BRUNSWICK HOUSING CORP	PO BOX A		BRUNSWICK	ME	04011
42-167	7	SANDY RIDGE RD	SEMLE, ERIC B & INGRID M	7 SANDY RIDGE RD		BRUNSWICK	ME	04011
42-164	1	EVERGREEN DR	HELMBOLT, DUANE R & MARJORIE B JT	1 EVERGREEN DR		BRUNSWICK	ME	04011
45-52		BATH RD	MID COAST HEALTH SERVICES INC	123 MEDICAL CENTER DR	SUITE 2200	BRUNSWICK	ME	04011
42-20	14	MEADOW RD	CROOKER, FRANKLIN T & THEODORE D T/C	11 HARPSWELL ISLANDS RD		HARPSWELL	ME	04079
42-168	11	SANDY RIDGE RD	SASSO, PAUL	11 SANDY RIDGE RD		BRUNSWICK	ME	04011
42-170	8	SANDY RIDGE RD	BOYLE, BRIAN F & LISA J JT	8 SANDY RIDGE RD		BRUNSWICK	ME	04011
42-17C	128	THOMAS PT RD	MOODY, ANN D	128 THOMAS PT RD		BRUNSWICK	ME	04011
42-36	118	THOMAS PT RD	STINSON, DOREEN	1687 ROXBURY ROAD		ROXBURY	ME	04275
CC2-20	15	TIBBETTS DR	WALMART REAL ESTATE BUSINESS TRUST	PO BOX 8050		BENTONVILLE	AR	72712
42-16		THOMAS PT RD	SANDY RIDGE CORPORATION	111 ROCKWEED RD		W BATH	ME	04530
42-182	104	THOMAS PT RD	STINSON, ALTON JR	7 JOHN SMALL RD		BOWDOIN	ME	04287
42-163	5	SANDY RIDGE RD	WEISS, MICHAEL R & KATHERINE M JT	5 SANDY RIDGE RD		BRUNSWICK	ME	04011
42-162	3	SANDY RIDGE RD	SWAIN, DWIGHT R & ELEANOR L JT	3 SANDY RIDGE RD		BRUNSWICK	ME	04011
42-181	0	THOMAS PT RD	STINSON, JOHN	48 MILITARY LANE		LITCHFIELD	ME	04350
42-161	183	THOMAS PT RD	PRINCE, JASON S & HALLIE E JT	183 THOMAS PT RD		BRUNSWICK	ME	04011
42-8	0	THOMAS PT RD	KELLEY & KELLEY COMMERCIAL	2 MAIN ST, SUITE 202		TOPSHAM	ME	04086
42-11	0	THOMAS PT RD	KELLEY & KELLEY COMMERCIAL	2 MAIN ST, SUITE 202		TOPSHAM	ME	04086
42-10	68	THOMAS PT RD	HART, ROGER W & DIAN I JT	68 THOMAS PT RD		BRUNSWICK	ME	04011
42-14	94	THOMAS PT RD	LIBBY, SHERRI	94 THOMAS PT RD		BRUNSWICK	ME	04011

MAINE  
LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF FORMATION

Filing Fee \$175.00

File No. 20163425DC Pages 2  
Fee Paid \$ 175  
DCN 2160532230004 DLLC  
-----FILED-----  
02/22/2016

  
Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

**FIRST:** The name of the limited liability company is:

Ecopath Developers LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "l3c" - see 31 MRSA 1508.)

**SECOND:** Filing Date: (select one)

- Date of this filing; or  
 Later effective date (specified here): \_\_\_\_\_

**THIRD:** Designation as a low profit LLC (Check only if applicable):

- This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:
- A. The company intends to qualify as a low-profit limited liability company;
  - B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;
  - C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
  - D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

**FOURTH:** Designation as a professional LLC (Check only if applicable):

- This is a professional limited liability company\* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

\_\_\_\_\_  
(Type of professional services)

**FIFTH:** The Registered Agent is a: (select **either** a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number: \_\_\_\_\_

\_\_\_\_\_  
(Name of commercial registered agent)

Noncommercial Registered Agent

Paul A. Sharon

(Name of noncommercial registered agent)

17 Arrowhead Drive Brunswick, ME 04011

(physical location, not P.O. Box – street, city, state and zip code)

\_\_\_\_\_  
(mailing address if different from above)

**SIXTH:** Pursuant to 5 MRSA §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

**SEVENTH:** Other matters the members determine to include are set forth in the attached Exhibit \_\_\_\_\_, and made a part hereof.

**\*\*Authorized person(s)**

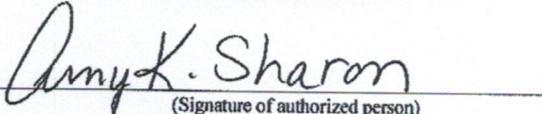
Dated 02/19/2016



(Signature of authorized person)

Paul A. Sharon

(Type or print name of authorized person)



(Signature of authorized person)

Amy K. Sharon

(Type or print name of authorized person)

\*Examples of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list – see 13 MRSA §723.7)

\*\*Pursuant to 31 MRSA §1676.1.A, Certificate of Formation **MUST** be signed by at least one authorized person.

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

Secretary of State

Division of Corporations, UCC and Commissions

101 State House Station

Augusta, ME 04333-0101

Telephone Inquiries: (207) 624-7752

Email Inquiries: [CEC.Corporations@Maine.gov](mailto:CEC.Corporations@Maine.gov)

## PURCHASE AND SALE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that the Sandy Ridge Corporation, a corporation organized and existing under the laws of the State of Maine, with a principal place of business in Brunswick, in the County of Cumberland, and State of Maine, hereinafter the Seller, in consideration of [REDACTED] paid by Paul A. Sharon, of Brunswick, in the County of Cumberland, and State of Maine, hereinafter called the Buyer, the receipt whereof it does hereby acknowledge, does agree to bargain, sell and convey unto the said Paul A. Sharon, his heirs and assigns forever, the following:

Certain land being a portion of Phase III of the Sandy Ridge Development, located on the Thomas Point Road, in the Town of Brunswick, County of Cumberland, and State of Maine, and being Lots 21 through 30, 33 and 34, together with land between Lots 21 and 25, adjacent to Phase I, of the Sandy Ridge Development, and to include the property described as Evergreen Drive adjacent to the referenced Lots, all as being a portion of those premises designated as Lot 16, on Town of Brunswick Tax Map 42, and being described as a portion of property in deed recorded in the Cumberland County Registry of Deeds in Book 9881, Page 4 (See attached Map).

As further consideration for the within agreement it is hereby agreed by and between the parties as follows, to wit:

1. **Term - Termination.** The sale of the within premises shall be consummated by delivery of a Warranty Deed from the Seller to the Buyer and payment of the purchase price as specified hereunder on or before Ninety (90) from the date of receipt by the Buyer of all necessary development approvals. Notwithstanding the foregoing, or any other terms and provisions of this Agreement, the Buyer reserves the right to terminate this Agreement at any time prior to closing and upon such termination will receive full refund of all deposit(s).
2. **Purchase Price.** It is agreed that the Buyer will pay and the Seller will accept the total sum of [REDACTED] as the full purchase price for the purchase of the above described premises. The total purchase price is payable as follows:
  - A. Buyer shall receive credit at the time of the closing for the [REDACTED] deposit paid with the execution of this Agreement, to be held in Buyer's Attorney's Trust Account.
  - B. Buyer will pay and the Seller will accept an additional deposit of [REDACTED] after all of the necessary approvals for development, in the form of a certified check, bank check or wire transfer, to be held in Buyer's Attorney's Trust Account. Buyer will receive credit at the time of closing for this additional deposit amount.
  - C. The balance of [REDACTED] shall be financed by the Seller in accordance with the following terms: There will be a Promissory Note from the Buyer to the Seller in the amount of [REDACTED]. In terms of payment, upon the sale of each lot, [REDACTED] of the net purchase price will be

paid to amortize the Note. If the sale is of a developed lot, then Fifty Percent (50%) of the net profit of the sale of the developed lot will be paid. The percentage to be paid upon sale may be reallocated by the parties by mutual consent.

3. Status of Title. The Seller agrees to provide the Buyer with good and marketable title to the above-described premises free and clear of all liens and encumbrances of every kind, nature and description; the Seller further agrees that the payment of any mortgage or lien on the above described premises may be made from funds provided for the purchase of said premises.
4. Extension to Perfect Title. If Seller shall be unable to give good, clear marketable and insurable title in accordance with Paragraph 3 of this Agreement, or to make conveyance or to deliver possession of the property, or if at the time of the delivery of the Deed, the property does not conform with the provisions hereof, then the Seller shall use reasonable efforts to remove any defects in title or to deliver possession as provided herein or to make the property conform to the provisions hereof, as the case may be. Time for performance hereunder shall be extended for a period of Ninety (90) days, which said time may be extended by mutual agreement of these parties if necessary, in order to cure any nonconforming condition or defect. Nothing herein shall preclude the Buyer from electing at either the original term or within any extended time for performance, from accepting such title as the Seller can deliver the property in its then condition.
5. Casualty Loss or Taking. If there is a loss or total taking due to a property condemnation on eminent domain proceeding, or if the property shall have been damaged by fire or other casualty, then the Buyer shall have the right, at the Buyer's election, to terminate this Agreement by written notice to the Seller in which event the deposit, together with all interest thereon, shall be refunded to the Buyer and all further rights and obligations of the parties under this Agreement shall terminate. If the Buyer does not elect to terminate this Agreement due to a casualty loss or taking, or if the damage can be repaired or restored in an amount not equal to the damage amount, the Buyer shall have the option of closing with full payment of the purchase price with the Seller's assigning to the Buyer insurance proceeds or eminent domain or condemnation awards as the case may be.
6. Hazardous Waste. The Seller hereby represents and warrants to the Buyer the absence of any hazardous substance as that term is defined under applicable State and Federal Law and that the property is free from any such substances.
7. Brokers Fees. No broker has been involved in this transaction and, therefore, no broker's fees are due, payable or owing.
8. Taxes. It is hereby agreed that taxes for the current tax year shall be prorated on the basis of the Town of Brunswick's fiscal year, with the Seller being responsible for taxes from July 1<sup>st</sup> of the fiscal year at the time of closing, to the date of closing, and the Buyer being responsible for the taxes from the date of closing to June 30<sup>th</sup> of that fiscal year.
9. Possession and Condition of the Premises. Possession of the premises shall be turned over to the Buyer at the time of closing. The property shall be then in the same condition as it is now, reasonable wear and tear excepted. The Buyer shall be entitled to inspection of the property prior to the delivery of the Deed in order to determine whether the condition thereof

complies with the terms of this Paragraph.

10. Access to the Premises. Subsequent or prior to the date of closing, the Buyer shall have access to the premises at reasonable and appropriate times, and specifically to engage in, and conduct, such testing, and to access the site with testing equipment, as may be required for development purposes.

11. Contingencies. This sale shall be subject to the following contingencies:

A. This Agreement is contingent upon the receipt of the necessary approvals from the Town of Brunswick Planning Board and/or other regulatory entity, as may be necessary for development.

12. Liquidated Damages. If the Buyer fails to perform any of the terms, covenants or conditions contained hereby, then the amount of the deposit shall constitute liquidated damages, and shall be retained by the Seller as damages for breach of this Agreement by the Buyer. This relief is in addition to any other relief that the Seller may have at law or in equity. The parties recognize that it is difficult to estimate the loss suffered by Seller, so the liquidated damages amount is established as a good faith effort to predict that loss.

13. Survivorship. It is understood by and between the parties hereto that the provisions of this Agreement shall survive the consummation of this transaction to the extent necessary to insure compliance therewith.

14. Notices. Notices to the Seller, if required hereunder, are to be given by regular mail addressed to the Seller, Sandy Ridge Corporation, c/o Robert F. Pellegrini, President, 1200 Tarpon Center Drive #208, Venice, FL, 34285. Notices to the Buyer are to be given by regular mail addressed to the Buyer, Paul A. Sharon, at 17 Arrowhead Drive, Brunswick, ME, 04011.

15. Binding Effect. This Agreement is intended to be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto.

16. Ownership. Buyer reserves the right at his option to have the transfer of the property at the time of the closing run to a corporation or other business entity as he may determine.

17. General Provisions.

- a. This agreement constitutes the entire agreement between the parties, supersedes all prior negotiations and understandings between them, and shall not be altered or amended except by a written agreement signed by the Seller and the Buyer.
- b. This agreement may be simultaneously executed in any number of counterparts, each of which when duly executed and delivered shall be an original; but such counterparts shall constitute but one and the same agreement.
- c. If any provision of this agreement is found to be invalid or unenforceable, such finding shall not affect the validity or enforceability of any other provision hereof.

- d. This agreement shall be construed and enforced in accordance with and governed by the laws of the State of Maine.
- e. A signed facsimile/scanned copy may be treated as an original.
- f. The date of this agreement is defined as the date upon which the last party executes same.

IN WITNESS WHEREOF, Sandy Ridge Corporation, Seller, by Robert Pellegrini, its President, and Paul A. Sharon, Buyer, have hereunto set our hands and seals this 1<sup>st</sup> day of August 2015.

SIGNED, SEALED AND DELIVERED  
IN PRESENCE OF

*Handwritten:* 8-1-2015  
*Handwritten initials:* RB

SANDY RIDGE CORPORATION

*Handwritten signature:* Robert C. Pellegrini 8-1-20

By: Robert Pellegrini  
Its: President  
EIN: 01-04-65642

*Handwritten signature:* Paul A. Sharon

Paul A. Sharon, Buyer  
SS# 034-52-5216

*Handwritten:* T Bennett 8-1-15  
*Handwritten:* Thomas J Bennett

AMENDMENT TO PURCHASE AND SALE AGREEMENT

WHEREAS, the Sandy Ridge Corporation, a corporation organized and existing under the laws of the State of Maine, with a principal place of business in Brunswick, in the County of Cumberland, and State of Maine, as Seller, in consideration of [REDACTED] paid by Paul A. Sharon, of Brunswick, in the County of Cumberland, and State of Maine, as Buyer, entered into a Purchase and Sale Agreement, dated August 1, 2015; and

WHEREAS, the purchase and sale involved property that is a portion of Phase III of the Sandy Ridge Development, as is more particularly described in the original referenced Purchase and Sale Agreement; and

WHEREAS, the parties agree to amend certain provisions and reaffirm the remaining provisions of the Purchase and Sale Agreement.

NOW, THEREFORE, BE IT AGREED by and between the Seller and the Buyer as follows:

1. Paragraph 1 of the original Purchase and Sale Agreement entitled "Term - Termination" is amended to read as follows:

1. Term - Termination. The sale of the within premises shall be consummated by delivery of a Warranty Deed from the Seller to the Buyer and payment of the purchase price as specified hereunder on or before Ninety (90) days from the date of execution of this Amendment. Notwithstanding the foregoing, or any other terms and provisions of this Agreement, the Buyer reserves the right to terminate this Agreement at any time prior to closing. The parties understand that there may need to be extensions of the closing date in order that the permitting process regarding development of the premises be undertaken and completed. Such extensions shall be freely given as long as the Buyer is proceeding with development permitting with due diligence and in a good faith manner. The first extension shall be for an additional Ninety (90) days and shall be subject to the provisions of Paragraph 2(A) below. Should the permitting process not be completed at the end of the first 90-day extension, then the Buyer will provide documentation to the Seller that the permitting process is still in process and a reasonable estimate of the additional time necessary to complete the process. The parties shall then negotiate an additional extension as necessary to complete the approval process. Approval of such additional extension shall be granted by the Sellers.

3. Paragraph 2 entitled "Purchase Price" is amended to read as follows:

2. Purchase Price. It is agreed that the Buyer will pay and the Seller will accept the total sum of [REDACTED] as the full purchase price for the purchase of the above described premises. The total purchase price is payable as follows:

A. There shall be an initial deposit of Five [REDACTED] at the time of execution of this Agreement to be paid to Seller. There shall be a second deposit of [REDACTED] for the first 90-day extension. The deposit(s) are non-refundable.

B. Buyer shall pay to the Seller at the time of the closing [REDACTED] less the deposit funds received by Seller under Paragraph 2(A) above.

C. The balance of [REDACTED] shall be financed by the Seller in accordance with the following terms and conditions: There will be a Promissory Note and Purchase Money First Mortgage on the described premises in the amount of [REDACTED] said sum shall be amortized at a rate of [REDACTED] and a monthly payment of [REDACTED]. The Note shall provide for a balloon payment of all outstanding principal and interest due Two (2) years from the date of the first payment. The Promissory Note will provide for prepayment in whole or in part by the Buyer without penalty.

D. At the option of the Buyer, any individual lot may be removed from the operation of the Mortgage securing the Promissory Note described in Section C above, upon the payment [REDACTED] said amount to be credited against the balance of the Promissory Note.

3. The Partners of Sandy Ridge Partnership, predecessors in title to this Seller, shall execute and record in the Cumberland County Registry of Deeds a Confirmatory Assignment of Declarant Rights transferring any and all rights owned or reserved by Sandy Ridge Partnership as Declarant in the Sandy Ridge, Thomas Point Road, Brunswick, Maine, Phases II and III, Declaration of Easement Rights, Protective Covenants, Restrictions and Reservations dated January 1, 1988 and duly recorded in the Cumberland County Registry of Deeds in Book 8895, Page 231 as amended. The Seller shall further execute an Amendment to Declaration of Easement Rights, Protective Covenants, Restrictions and Reservations, specifically amending Paragraph 1 entitled "Use of Parcel" and Paragraph 2 entitled "Subdivision", to allow the independent development of the premises which are the subject matter of the original Purchase and Sale Agreement and this Amendment to that Agreement.

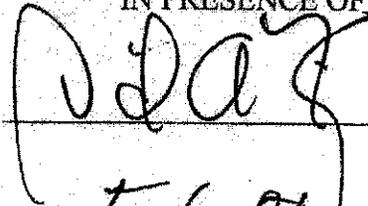
4. Add a new paragraph to the original Purchase and Sale Agreement as follows:

Authority of Seller. Seller is a corporation organized and existing under the laws of the State of Maine, and requires that the party or parties executing this Agreement on behalf of the Seller do so in a representative capacity. Each individual executing this Amendment on behalf of said corporation represents and warrants that he is duly authorized to execute and deliver this Amendment on behalf of said corporation in accordance with the By-Laws or other operating documents of the corporation and that this Amendment and the remaining unaltered provisions of the Purchase and Sale Agreement of August 1, 2015 be binding upon said corporation.

5. All other terms and conditions of the original Purchase and Sale Agreement between these parties, dated August 1, 2015, are hereby ratified and deemed to be in full force and effect and fully enforceable.

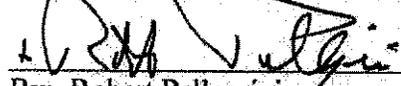
IN WITNESS WHEREOF, Sandy Ridge Corporation, Seller, by Robert Pellegrini, its President, and by Timothy J. Vigue, its Treasurer, and Paul A. Sharon, Buyer, have hereunto set our hands and seals this 28<sup>th</sup> day of October, 2015.

SIGNED, SEALED AND DELIVERED  
IN PRESENCE OF

  
\_\_\_\_\_  
to both  
\_\_\_\_\_

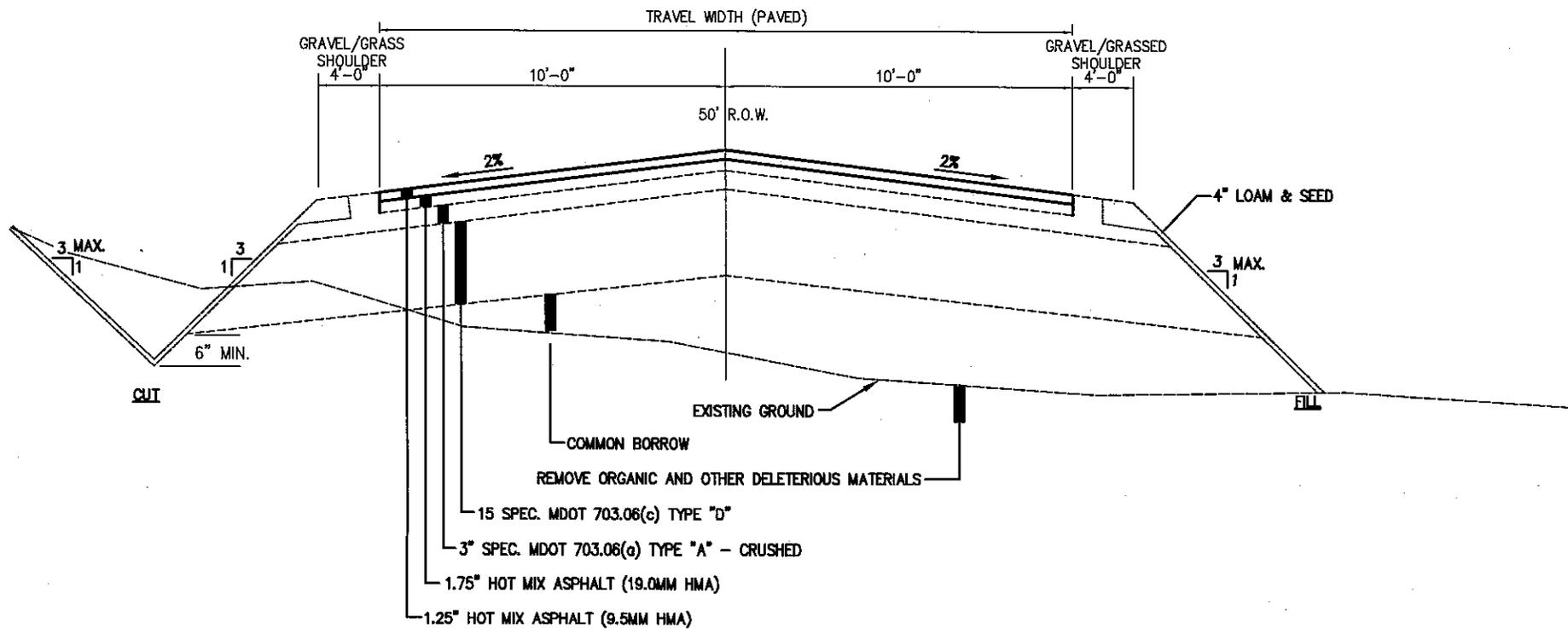
  
\_\_\_\_\_

SANDY RIDGE CORPORATION

  
\_\_\_\_\_  
By: Robert Pellegrini  
Its: President

  
\_\_\_\_\_  
By: Timothy J. Vigue  
Its: Treasurer

  
\_\_\_\_\_  
Paul A. Sharon, Buyer



**TYPICAL MINOR ROAD SECTION**

SCALE: N.T.S.



## Wetlands Investigation and Mapping Report Thomas Point and Sandy Ridge Roads Brunswick, Maine

**Date:** November 30, 2015

**To:** Paul Sharon  
PAS Construction, LLC  
17 Arrowhead Drive  
Brunswick, ME 04011

### Project Summary:

Wetlands were found and delineated on the property. There are several types of wetlands on the property, with varying characteristics and regulatory implications. All wetland filling and/or disturbances are regulated by the *Natural Resource Protection Act* (the N.R.P.A.).

Generally, it is possible to obtain a permit, or several permits, from the Maine D.E.P. to fill and/or disturb 14,999 square feet of wetlands on the property.

Some wetlands may be *Wetlands of Special Significance*, according to the definitions in the N.R.P.A. These wetlands require no-disturbance buffers as well as regulated direct filling and/or disturbances. Other wetlands on the property are not *Wetlands of Special Significance* and require no buffers of no-disturbance, but do require a permit for filling and disturbance greater than 4,300 square feet.

There is one wetland area that is potential vernal pool habitat, which may require additional no-disturbance buffers. However, no definitive confirmation of these habitats can be made until the months of April and May.

**Dates of Investigation:** October and November, 2015

**Location of the Investigation:**

The property investigated is located on the northerly side of Thomas Point Road and the westerly side of Sandy Ridge Road, Brunswick. The parcel is wooded.

**Purposes of the Investigation:**

The purposes of the wetland investigation are to identify and describe wetlands on the property according to definitions in the *Natural Resources Protection Act (N.R.P.A.)* to determine if specific alteration and filling permits are required and if there are any setbacks required under the *N.R.P.A.*, and to determine the Maine D.E.P. jurisdictional status of any streams in the wetlands and to search for potential vernal pools.

**Methods of the Investigation:**

A literature search and on-site investigations were made. The investigations were performed following the guidelines described in the 1987 Corps of Engineers Delineation Manual and the 2009 Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. This procedure uses a multiple parameter approach that requires the presence of three primary components for an area to be identified as a wetland: 1) hydric soils; 2) predominance of hydrophytic vegetation; and 3) wetland hydrology.

Plans of the property by Kimball Chase associated with the development of lots on Sandy Ridge Road were used in the field during the investigation. These plans included survey, topographic and soil mapping information.

Wetland/upland boundary lines were flagged at inflection points, which were located by a Trimble Geo XH GPS device. The data was processed for accuracy and sent to Tom Saucier, PE, in AutoCAD format.

**Results of the Wetlands Investigation:**

The property is located on a nearly level plain, westerly of a northeast trending ridge (see Figure 1). Drainage is southerly to Woodward Cove via several mapped and unmapped drainages.

The site is depicted as an association of Windsor loamy sand, Walpole fine sandy loam and Scarborough sandy loam on the *National Cooperative Soil Survey* (see attached photomap and description). These are medium to fine textured soils, derived from medium to fine textured glacio-marine sediments. Scarborough sandy loam is a hydric soil and is often the site of extensive wetlands. Wetlands can also be found in Walpole fine sandy loam.

There are Palustrine forested wetlands depicted on the property on the *National Wetlands Inventory* (see attached photomap). The mapped wetlands on the property are less extensive than what is depicted on the *Inventory*.

For discussion and classification purposes, the wetlands were numbered. Wetland Area 1 is associated with the intermittent drainage, marked as a dashed line on the topographic map (see Figure 1.). It is a forested wetland, which becomes a scrub-shrub wetland near Thomas Point Road. It appears the culvert beneath Thomas Point Road is set high enough to dam the drainage at this point.

There is no defined stream channel in this feature, although standing water occurs seasonally and after precipitation events. As such, there is a “flow” through the wetland body. This wetland should be inspected in the spring of the year to search for and count any amphibian egg masses. The pooling areas of water may be vernal pool habitat, which would affect the classification of the wetland.

The wetland could be a *Wetland of Special Significance* if the habitat meets the criteria for *Significant Vernal Pool Habitat*, which would have setback and development implications. If there is no *Significant Vernal Pool Habitat*, the wetland would have no mandated buffers of no-disturbance, because the drainage does not meet the criteria for a “jurisdictional stream”, according to the *N.R.P.A.*

There is a local Natural Resource Protection Zone associated with this wetland on the Brunswick Zoning Map. The Zone boundary does not exactly coincide with the delineated wetland.

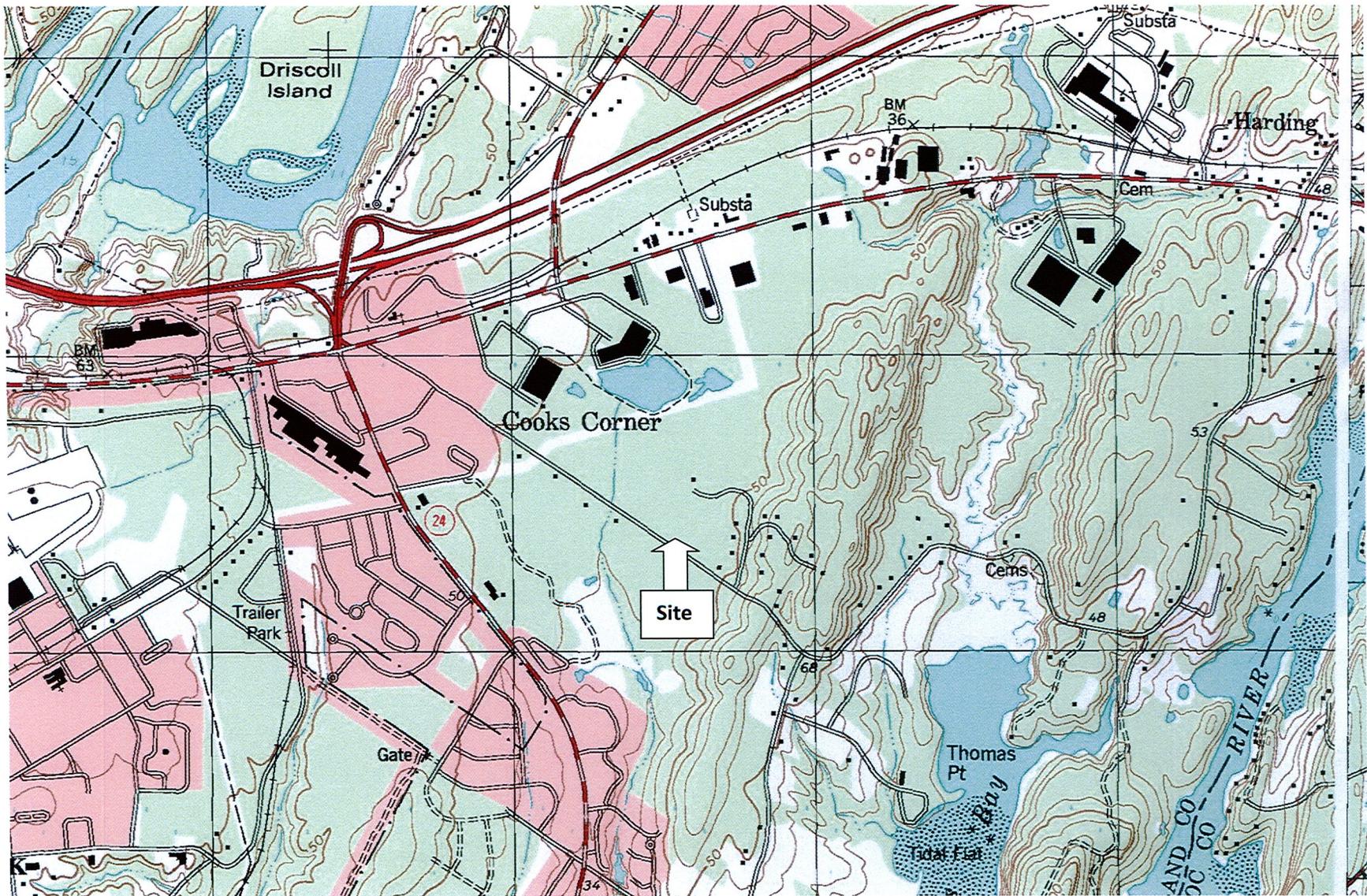
Wetland Areas 2 & 3 are forested wetlands. These are not *Wetlands of Special Significance*, and it is possible to obtain a permit to disturb these wetlands. Wetland Area 2 could be completely filled. Wetland Area 3 could be crossed or have portions filled, if necessary, with a permit. There are no potential vernal pool habitats in these wetlands.

Wetland Areas 4 and 5 are hydraulically connected by a culvert beneath an old trail and should be considered part of the same drainage system. There is flowing water in a channel flowing through Wetland Area 5. This is depicted on the Kimball Chase maps. It appears this is a man-made drainage feature, constructed at some unknown time. The channel does not appear on either the USGS topographic map or the maps of the Town of Brunswick. As such it is not a “jurisdictional stream”, and the associated wetlands are not *Wetlands of Special Significance*. There are no potential vernal pool habitats in these wetlands.



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Mark Cenci  
Maine Certified Geologist #467



**Figure 1.**  
**Topographic Locus Map of the Area of Thomas Point Road and Sandy Ridge Road, Brunswick**

Soil Map—Cumberland County and Part of Oxford County, Maine  
 (Area of Thomas Point and Sandy Ridge Roads, Brunswick)



Map Scale: 1:9,160 if printed on A landscape (11" x 8.5") sheet.

0 100 200 400 600 Meters

0 400 800 1600 2400 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 19N WGS84

Soil Map—Cumberland County and Part of Oxford County, Maine  
(Area of Thomas Point and Sandy Ridge Roads, Brunswick)

### MAP LEGEND

#### Area of Interest (AOI)

 Area of Interest (AOI)

#### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

#### Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

#### Water Features

 Streams and Canals

#### Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

#### Background

 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine  
Survey Area Data: Version 11, Sep 17, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 17, 2010—Jul 27, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Cumberland County and Part of Oxford County, Maine (ME005)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Au	Au Gres loamy sand	35.0	8.3%
BuB	Buxton silt loam, 3 to 8 percent slopes	2.3	0.5%
DeB	Deerfield loamy sand, 3 to 8 percent slopes	28.0	6.6%
Gp	Gravel pits	9.4	2.2%
HrB	Hollis fine sandy loam, 3 to 8 percent slopes	26.2	6.2%
HrC	Hollis fine sandy loam, 8 to 15 percent slopes	82.8	19.6%
Sn	Scantic silt loam, 0 to 3 percent slopes	16.5	3.9%
So	Scarboro sandy loam	33.4	7.9%
Tm	Tidal marsh	9.2	2.2%
W	Water	10.1	2.4%
Wa	Walpole fine sandy loam	95.1	22.5%
WmB	Windsor loamy sand, 0 to 8 percent slopes	64.3	15.2%
WmC	Windsor loamy sand, 8 to 15 percent slopes	0.4	0.1%
WmD	Windsor loamy sand, 15 to 35 percent slopes	10.7	2.5%
<b>Totals for Area of Interest</b>		<b>423.3</b>	<b>100.0%</b>



U.S. Fish and Wildlife Service  
**National Wetlands Inventory**

Area of Sandy  
Ridge Road,  
Brunswick

Nov 29, 2015

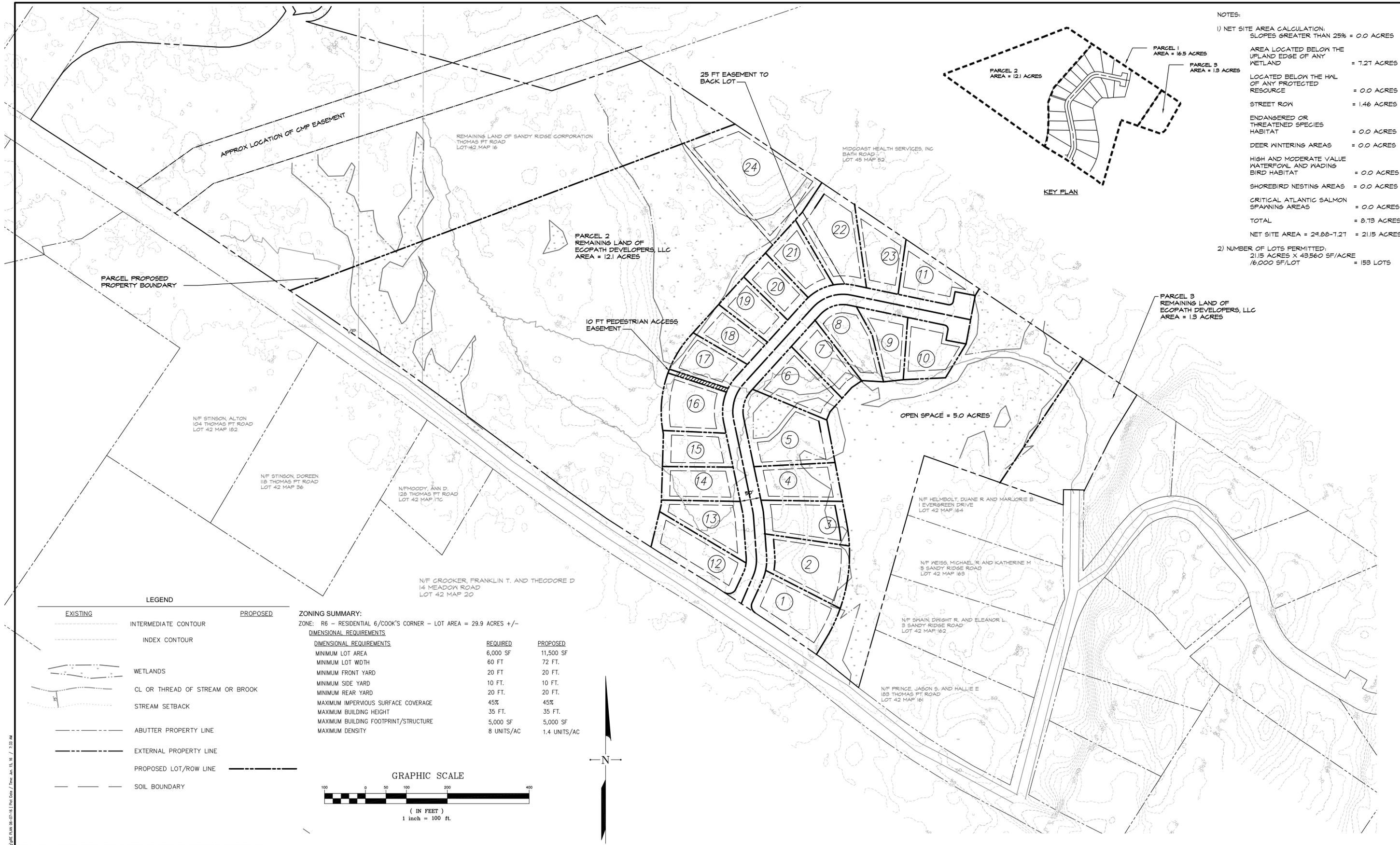


**Wetlands**

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**User Remarks:**



NOTES:

1) NET SITE AREA CALCULATION:  
 SLOPES GREATER THAN 25% = 0.0 ACRES  
 AREA LOCATED BELOW THE UPLAND EDGE OF ANY WETLAND = 7.21 ACRES  
 LOCATED BELOW THE HALL OF ANY PROTECTED RESOURCE = 0.0 ACRES  
 STREET ROW = 1.46 ACRES  
 ENDANGERED OR THREATENED SPECIES HABITAT = 0.0 ACRES  
 DEER WINTERING AREAS = 0.0 ACRES  
 HIGH AND MODERATE VALUE WATERFOCAL AND WADING BIRD HABITAT = 0.0 ACRES  
 SHOREBIRD NESTING AREAS = 0.0 ACRES  
 CRITICAL ATLANTIC SALMON SPANNING AREAS = 0.0 ACRES  
 TOTAL = 8.73 ACRES  
 NET SITE AREA = 29.88-7.21 = 21.15 ACRES

2) NUMBER OF LOTS PERMITTED:  
 21.15 ACRES X 43,560 SF/ACRE = 921,000 SF  
 16,000 SF/LOT = 57.56 LOTS

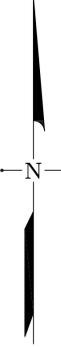
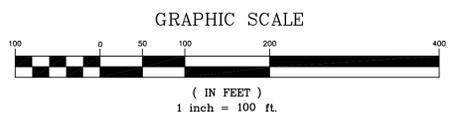
**LEGEND**

EXISTING	PROPOSED
--- (dashed)	--- (dashed)
--- (dotted)	--- (dotted)
--- (dash-dot)	--- (dash-dot)
--- (long-dash)	--- (long-dash)
--- (short-dash)	--- (short-dash)
--- (dash-dot-dot)	--- (dash-dot-dot)
--- (solid)	--- (solid)
--- (dotted)	--- (dotted)
--- (dash-dot)	--- (dash-dot)
--- (dash-dot-dot)	--- (dash-dot-dot)
--- (solid)	--- (solid)

**ZONING SUMMARY:**

ZONE: R6 - RESIDENTIAL 6/COOK'S CORNER - LOT AREA = 29.9 ACRES +/-

DIMENSIONAL REQUIREMENTS	REQUIRED	PROPOSED
MINIMUM LOT AREA	6,000 SF	11,500 SF
MINIMUM LOT WIDTH	60 FT	72 FT
MINIMUM FRONT YARD	20 FT	20 FT
MINIMUM SIDE YARD	10 FT	10 FT
MINIMUM REAR YARD	20 FT	20 FT
MAXIMUM IMPERVIOUS SURFACE COVERAGE	45%	45%
MAXIMUM BUILDING HEIGHT	35 FT	35 FT
MAXIMUM BUILDING FOOTPRINT/STRUCTURE	5,000 SF	5,000 SF
MAXIMUM DENSITY	8 UNITS/AC	1.4 UNITS/AC



THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SITE DESIGN ASSOCIATES, ANY ALTERATIONS, OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SITE DESIGN ASSOCIATES.

REV.	DATE	STATUS	BY	CHKD.	APPD.	REV.	DATE	STATUS	BY	CHKD.	APPD.
B	06/07/16	FOR AMENDED SKETCH PLAN REVIEW	DEPT	TWS	TWS						
A	03/01/16	TO THE TOWN OF BRUNSWICK FOR COMPLETENESS REVIEW	DEPT	TWS	TWS						

**Site Design Associates**  
 Consulting Engineering & Land Planning

23 Whitney Way Topsham, Maine 04086 Tel: (207) 449-4275

CLIENT: **ECOPATH DEVELOPERS, LLC**  
 17 ARROWHEAD DRIVE BRUNSWICK, MAINE 04011

DESIGN: TWS	PROJECT: <b>PROPOSED SUBDIVISION</b> THOMAS POINT ROAD BRUNSWICK, ME
DRAWN: DEPT.	<b>CONCEPTUAL PLAN</b>
CHKD: TWS	
DATE: MARCH 2016	PROJ. NO.
SCALE: 1"=100'	DWG. NO.
	REV. <b>B</b>



## TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

ANNA BREINICH, FAICP  
DIRECTOR OF PLANNING & DEVELOPMENT

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

### MEMORANDUM

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TO: The Planning Board  
FROM: Jared Woolston, Planner  
DATE: June 23, 2016  
RE: Sketch Plan Review of Mid-Coast Health Services

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#### PROJECT SUMMARY

Staff has reviewed the Sketch Plan application and determined that it is complete.

The proposed Sketch Plan Major Development Review application was submitted by authorized representatives from Pine Tree Engineering for Mid-Coast Health Services to construct three (3) new parking areas containing one hundred fifteen (115) new parking spaces. The proposed parking lots are intended to serve the existing on-site parking need for the Mid-Coast campus located at 123 Medical Center Drive (Map 45, Lot 16). The proposed parking lots are located outside of the Natural Resources Protection Zone (NRPZ), and the mapped Wildlife Habitat Block at the subject parcel. The applicant's agent was advised by staff that the 75-foot NRPZ that is depicted on the site plan must be depicted from the edge of the stream as defined by Brunswick's Zoning Ordinance. The applicant's agent indicated that the stream setback is depicted on the plan at the thread of the channel (the middle of the stream) rather than the edge of the stream but the stream would be field verified to determine the edge of the stream, including all adjacent wetlands that are influenced by floodplain hydrology from the stream as defined prior to the Final Plan submission. The applicant's agent further indicated that the proposed parking lot fill extension would be minimized to avoid the 75-foot stream setback based on the findings of the field determination with a retaining wall if necessary.

The Staff Review Committee (SRC) reviewed the Sketch Plan application on June 22, 2016. During the SRC meeting, the applicant indicated that the proposed parking lot is not intended to provide additional spaces for a future development, rather, that the proposed lots are required to serve the existing on-site facilities. At the SRC meeting, the applicant was asked by a member of the public (Marcus Headley at 256 Bath Road, Brunswick, ME) if the applicant considered

constructing a multi-level parking garage to minimize expanding the footprint of the development. The applicant responded that a parking garage was considered as a development alternative but due to the estimated cost of \$10,000 per parking space the parking garage was considered cost prohibitive and the preferred alternative is the proposed three (3) parking lots.

The staff recapitulated an inquiry from the public that requested clarification for the proximity of the proposed development to a mapped wetland that contains waterfowl habitat as shown on Brunswick's zoning map. The staff advised that the proposed development is located more than 250 feet from the mapped wetland and therefore is outside of the associated jurisdiction of that area of the NRPZ. The applicant indicated that the 250-foot NRPZ area associated with the mapped wetland area was known to the applicant and its agent, and the development is oriented to avoid all activities within that area. Additionally, the applicant indicated that the proposed parking lots were designed to minimize the area of disturbance to natural features on-site including bedrock outcrops, wetlands, water bodies, and existing vegetation to the extent practical. The applicant noted that added costs to the construction of the proposed parking lots from having to blast ledge (bedrock) were considered unavoidable.

A Sketch Plan of the proposed development was prepared by Pine Tree Engineering and is referenced as Sheet 1 of 1, entitled "Parking Expansion Sketch Plan", and dated May 20, 2016 with a most recent revision date of June 13, 2016.

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## **DRAFT MOTIONS**

### **SKETCH PLAN MAJOR REVIEW – MID-COAST HEALTH SERVICES**

#### **Case # 16-022**

**Motion 1.** That the Board deems the Sketch Plan to be complete.

**Motion 2.** That the Board approves the Sketch Plan.

# **Pine Tree Engineering, Inc.**

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53 Front Street  
Bath, Maine 04530  
(207) 443-1508  
Fax: (207) 442-7029  
E-mail: [pte@pte-maine.com](mailto:pte@pte-maine.com)

June 13, 2016

Ms. Anna Breinich, Director  
Planning and Development  
Municipal Building  
85 Union Street  
Brunswick, Maine 04011

**Subject: Major Development Review Sketch Plan Application  
Mid Coast Hospital Parking Expansion  
Brunswick, Maine**

**#95041.17**

Dear Anna:

We are pleased to submit nine (9) copies of the Major Development Review Sketch Plan Application for expanded parking on the Mid Coast Hospital campus. Mid Coast Hospital is proposing to increase their available parking by 115 spaces to meet their customer needs. This proposal is not part of a phased plan to construct new buildings.

Please contact me if you have any questions or comments concerning the application.

Sincerely,

**PINE TREE ENGINEERING, INC.**



Robert L. Prue, P.E.  
Project Manager

RLP/szd  
Enclosures

c: Michael Pinkham, CHFM, Mid Coast Health Services

**MAJOR DEVELOPMENT REVIEW  
SKETCH PLAN APPLICATION**

1. Project Name: Mid Coast Hospital Parking Expansion
2. Project Applicant  
Name: Mid Coast Health Services  
Address: 123 Medical Center Drive  
Brunswick, ME 04011  
Phone Number: (207) 373-6701
3. Authorized Representative  
Name: Michael Pinkham  
Address: 123 Medical Center Drive  
Brunswick, ME 04011  
Phone Number: (207) 373-6701
3. List of Design Consultants. Indicate the registration number, address and phone number of any engineer, surveyor, architect, landscape architect or planner used:
1. Pine Tree Engineering, Inc., Robert L. Prue, P.E., Lic. 6092, 53 Front St., Bath, ME 04530
  2. \_\_\_\_\_
  3. \_\_\_\_\_
5. Physical location of property being affected: 81 and 123 Medical Center Drive, Brunswick ME
6. Lot Size: 113 acres
7. Zoning District: Medical Use Zone
8. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If not, who owns the property subject to this application?  
Mid Coast Health Services is the owner of the subject property.
9. Assessor's Tax Map 45 Lot Number 32 of subject property.
10. Brief description of proposed use: Parking
11. Describe specific physical improvements to be done: Expansion of existing parking lots to include new paved areas, drainage systems, lighting, and landscaping.

Owner Signature: \_\_\_\_\_

Applicant Signature (if different): Michael S. Pinkham CHFM

**Required Attachments (by Applicant):**

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

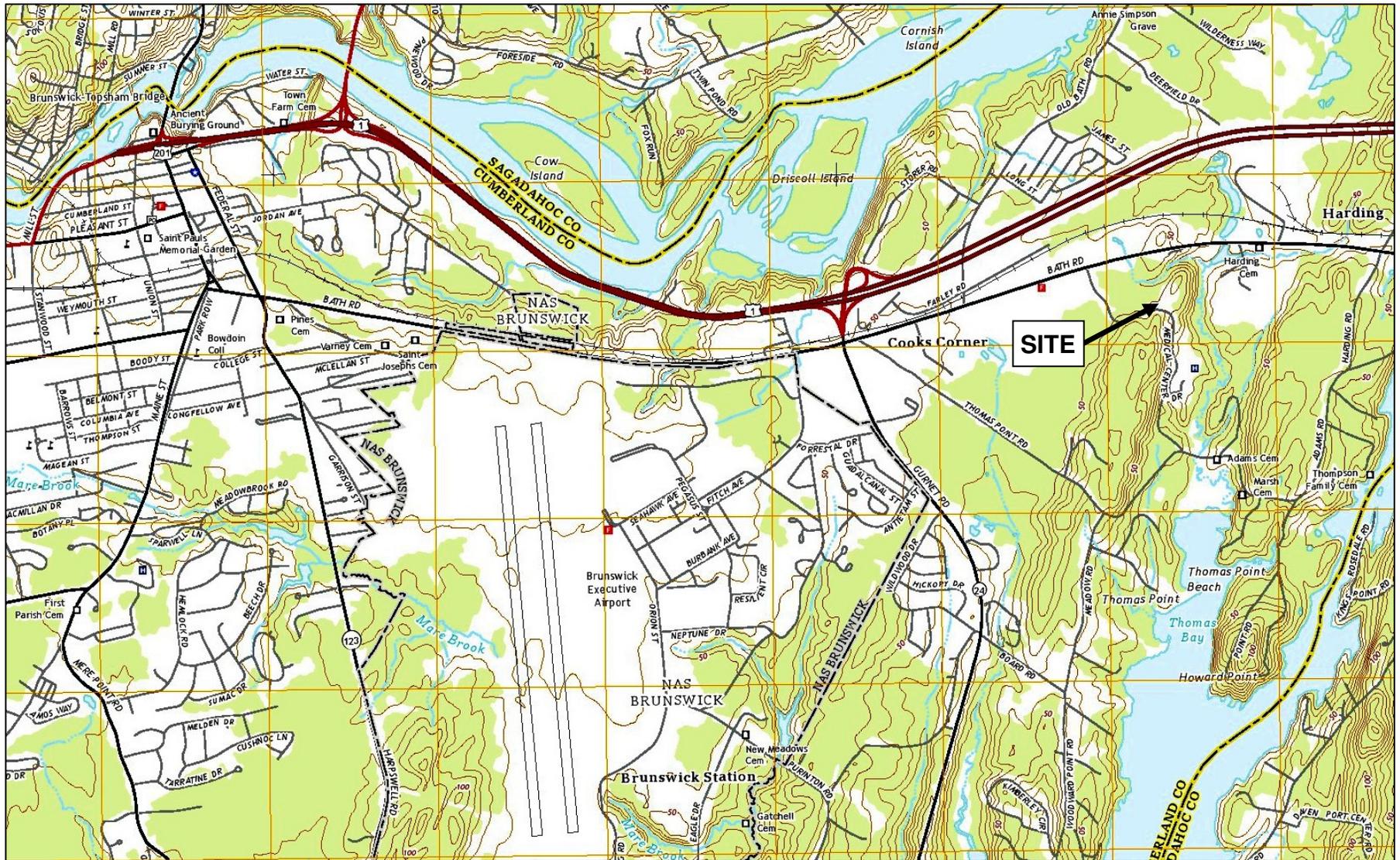
**Required Attachment (by Planning and Development Department):**

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

## SKETCH PLAN REQUIREMENTS

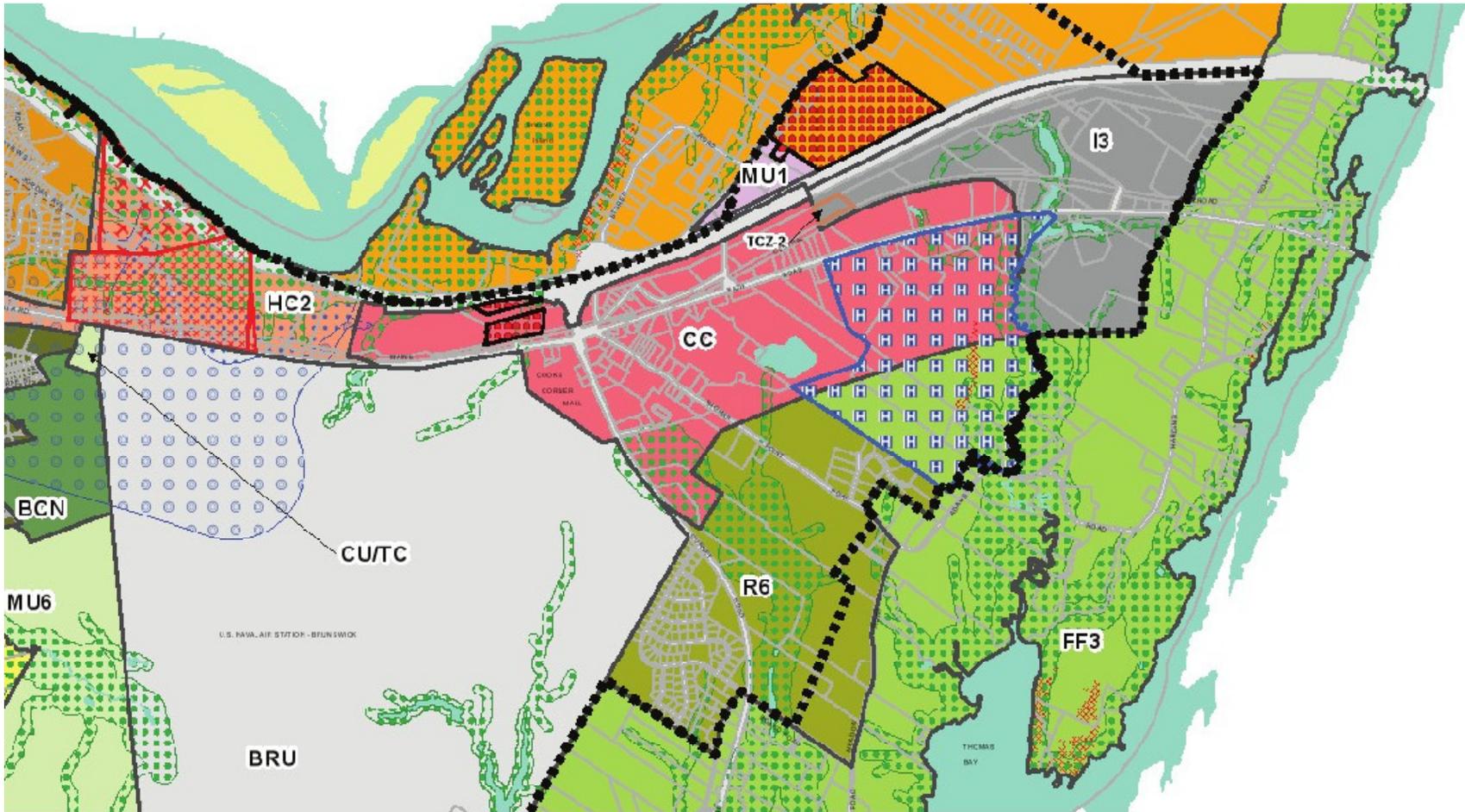
Key: "O"= omit; "S"=submit; "NA"=not applicable; "W" = waiver; "P"=pending

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



<b>Pine Tree Engineering</b> Civil/Environmental Engineering ♦ Surveying	53 Front Street Bath, Maine 04530 Tel: (207) 443-1508 Fax: (207) 442-7029	<b>MID COAST HOSPITAL PARKING EXPANSION</b> SITE LOCATION MAP		DATE JANUARY 18, 2016
	PLACE: <b>81 MEDICAL CENTER DRIVE</b> TOWN: <b>BRUNSWICK</b> COUNTY: <b>CUMBERLAND</b> STATE: <b>MAINE</b>	APPLICATION BY: MID COAST HEALTH SERVICES 123 MEDICAL CENTER DRIVE BRUNSWICK, MAINE 04011		

# Brunswick Zoning Map (eff. December 5, 2012) Mid Coast Hospital



**KEY:**

CC Commercial/Cook's Corner

FF3 Farm Forest 3

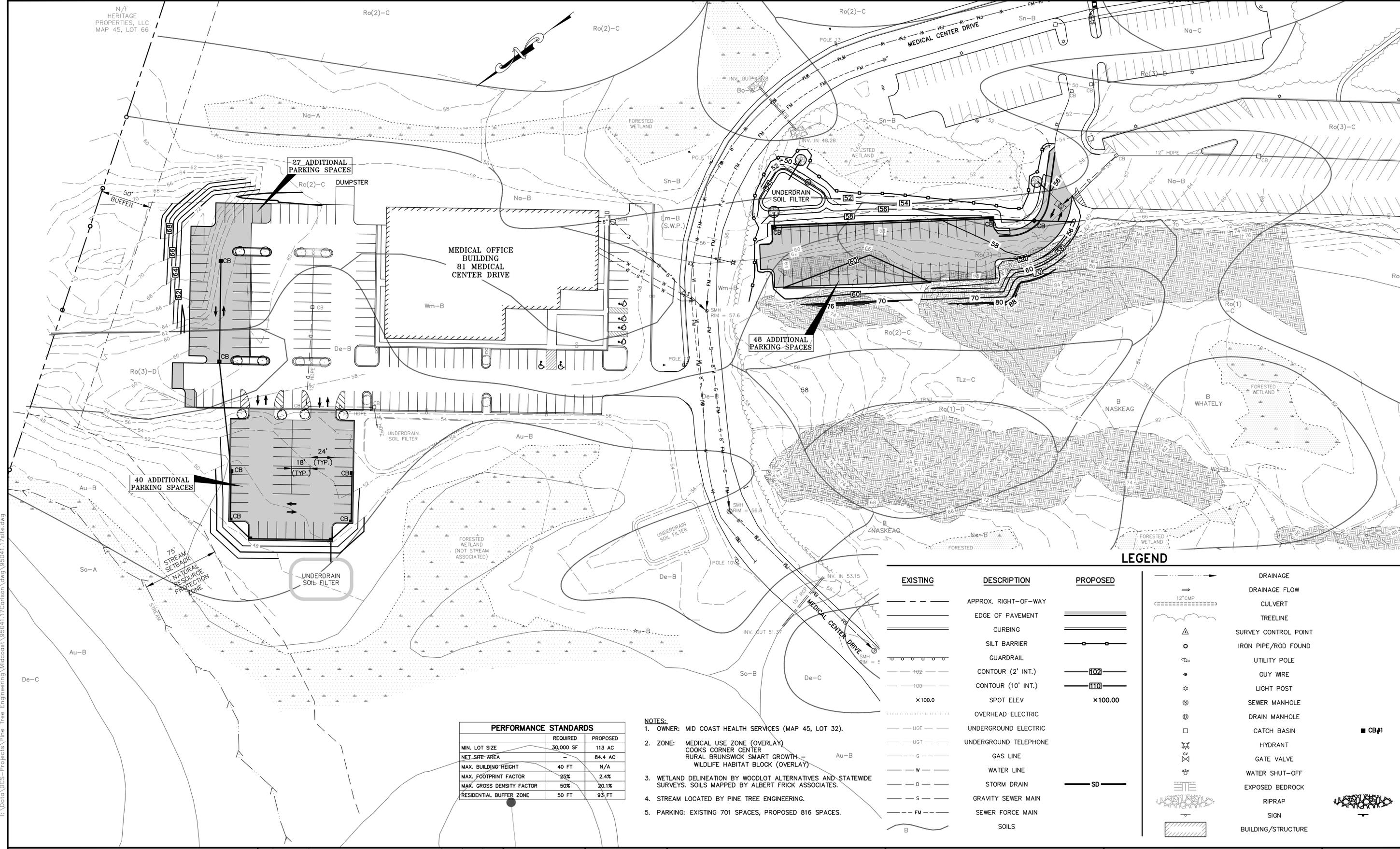
**H** Medical Use Zone

ROAD  
(Old U.S. Road)

# SOIL LEGEND

---

ADAMS	Wm
BIDDEFORD	Bo
CHOCORUA	Ch
CROGAN	De
ELMWOOD	Em
FINCH	Sd
ROCK OUTCROP	Ro(1)
LYMAN-TUNBRIDGE ROCK OUTCROP COMPLEX	Ro(2)
LYMAN ROCK OUTCROP COMPLEX	Ro(3)
TUNBRIDGE-LYMAN COMPLEX	TLz
NASKEAG	Na
NAUMBURG	Au
SCANTIC	Sn
SEARSPORT	So
SEARSPORT NAUMBURG ASSOCIATION	So/Au
SWANTON	Sz
WHATELY	Wg



27 ADDITIONAL PARKING SPACES

48 ADDITIONAL PARKING SPACES

40 ADDITIONAL PARKING SPACES

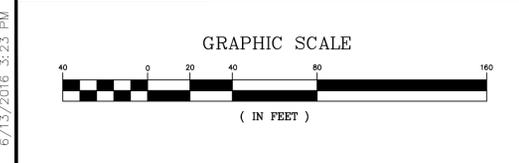
MEDICAL OFFICE BUILDING  
81 MEDICAL CENTER DRIVE

PERFORMANCE STANDARDS		
	REQUIRED	PROPOSED
MIN. LOT SIZE	30,000 SF	113 AC
NET SITE AREA	-	84.4 AC
MAX. BUILDING HEIGHT	40 FT	N/A
MAX. FOOTPRINT FACTOR	25%	2.4%
MAX. GROSS DENSITY FACTOR	50%	20.1%
RESIDENTIAL BUFFER ZONE	50 FT	93 FT

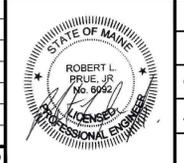
- NOTES:**
- OWNER: MID COAST HEALTH SERVICES (MAP 45, LOT 32).
  - ZONE: MEDICAL USE ZONE (OVERLAY)  
COOKS CORNER CENTER  
RURAL BRUNSWICK SMART GROWTH -  
WILDLIFE HABITAT BLOCK (OVERLAY)
  - WETLAND DELINEATION BY WOODLOT ALTERNATIVES AND STATEWIDE SURVEYS. SOILS MAPPED BY ALBERT FRICK ASSOCIATES.
  - STREAM LOCATED BY PINE TREE ENGINEERING.
  - PARKING: EXISTING 701 SPACES, PROPOSED 816 SPACES.

EXISTING	DESCRIPTION	PROPOSED
---	APPROX. RIGHT-OF-WAY	---
---	EDGE OF PAVEMENT	---
---	CURBING	---
---	SILT BARRIER	---
---	GUARDRAIL	---
---	CONTOUR (2' INT.)	---
---	CONTOUR (10' INT.)	---
x100.0	SPOT ELEV	x100.00
---	OVERHEAD ELECTRIC	---
---	UNDERGROUND ELECTRIC	---
---	UNDERGROUND TELEPHONE	---
---	GAS LINE	---
---	WATER LINE	---
---	STORM DRAIN	SD
---	GRAVITY SEWER MAIN	---
---	SEWER FORCE MAIN	---
B	SOILS	---

LEGEND	
---	DRAINAGE
---	DRAINAGE FLOW
---	CULVERT
---	TREELINE
△	SURVEY CONTROL POINT
○	IRON PIPE/ROD FOUND
○	UTILITY POLE
○	GUY WIRE
☆	LIGHT POST
⊙	SEWER MANHOLE
⊙	DRAIN MANHOLE
□	CATCH BASIN
■	CB#1
---	HYDRANT
---	GATE VALVE
---	WATER SHUT-OFF
---	EXPOSED BEDROCK
---	RIPRAP
---	SIGN
---	BUILDING/STRUCTURE



REV	DATE	STATUS	BY	CHKD	APPD
1	6/13/2016	TOWN REVIEW COMMENTS	DB	RLP	RLP



DESIGNED BY: RLP  
DRAWN BY: JCD  
CHECKED BY: RLP  
APPROVED BY: RLP  
DATE: 5/20/2016

**Pine Tree Engineering**  
53 Front Street  
Bath, Maine 04530  
Tel: (207) 443-1508  
Fax: (207) 442-7029  
Civil/Environmental Engineering • Surveying

CLIENT  
**MID COAST HEALTH SERVICES**  
123 MEDICAL CENTER DRIVE  
BRUNSWICK, MAINE 04011

PROJECT  
**MID COAST HOSPITAL CAMPUS**  
TITLE  
**PARKING EXPANSION  
SKETCH PLAN**

SCALE 1" = 40'  
PROJECT NO. 95041.17  
DRAWING NO. 95041.17site1.dwg  
SHT. 1 of 1 REV. 1

I:\Data\DCS-Projects\Pine\_Tree\_Engineering\Midcoast\95041.17\Carlsen.dwg 95041.17site.dwg 6/13/2016 3:23 PM

## Julie Erdman

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**From:** Rob Prue <rprue@pte-maine.com>  
**Sent:** Tuesday, June 14, 2016 4:06 PM  
**To:** Julie Erdman; mpinkham@midcoasthealth.com  
**Cc:** Anna Breinich; Jared Woolston  
**Subject:** Re: Case 16-022, Sketch Plan

Hi Julie,

OK, we'll plan on meeting on the 22nd. Thanks,

Rob

Robert L. Prue, P.E.

Pine Tree Engineering, Inc.  
53 Front Street  
Bath, ME 04530  
tel (207) 443-1508  
fax (207) 442-7029

**From:** [Julie Erdman](#)  
**Sent:** Tuesday, June 14, 2016 8:24 AM  
**To:** [Rob Prue](#) ; [mpinkham@midcoasthealth.com](#)  
**Cc:** [Anna Breinich](#) ; [Jared Woolston](#)  
**Subject:** RE: Case 16-022, Sketch Plan

Rob/Mike,

I'm sorry to say that we can't pull together a quorum for tomorrow's Staff Review Committee meeting so we will have to wait until next Wednesday for the Committee to review your application. This will not slow down the process at all however, you will still be on track for Planning Board review on the 28<sup>th</sup>. When Jared returns from his seminar and drafts the agendas for the next two weeks we will forward them along. Please let me know if you have any questions.

Thank you for getting the applications to us yesterday.

Julie Erdman  
Administrative Assistant  
Department of Planning & Development  
Town of Brunswick  
(207)725-6660 x4025

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**From:** Rob Prue [mailto:rprue@pte-maine.com]  
**Sent:** Monday, June 13, 2016 12:33 PM  
**To:** Anna Breinich; Jared Woolston  
**Cc:** mpinkham@midcoasthealth.com; Julie Erdman  
**Subject:** Re: Case 16-022, Sketch Plan

Yes, we will.

Rob

Robert L. Prue, P.E.

Pine Tree Engineering, Inc.  
53 Front Street  
Bath, ME 04530  
tel (207) 443-1508  
fax (207) 442-7029

**From:** [Anna Breinich](#)  
**Sent:** Monday, June 13, 2016 12:29 PM  
**To:** [Rob Prue](#) ; [Jared Woolston](#)  
**Cc:** [mpinkham@midcoasthealth.com](mailto:mpinkham@midcoasthealth.com) ; [Julie Erdman](#)  
**Subject:** RE: Case 16-022, Sketch Plan

Please provide electronically as well, as soon as possible.

Anna Breinich, FAICP  
Director of Planning and Development  
Town of Brunswick  
85 Union Street  
Brunswick, ME 04011

(207) 725-6660, ext. 4020 (v)  
(207) 725-6663 (f)  
(207) 504-0549 (c)  
[abreinich@brunswickme.org](mailto:abreinich@brunswickme.org)  
[www.brunswickme.org](http://www.brunswickme.org)

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**From:** Rob Prue [<mailto:rprue@pte-maine.com>]  
**Sent:** Monday, June 13, 2016 12:05 PM  
**To:** Jared Woolston  
**Cc:** [mpinkham@midcoasthealth.com](mailto:mpinkham@midcoasthealth.com); Anna Breinich; Julie Erdman  
**Subject:** Re: Case 16-022, Sketch Plan

Thanks Jared. We will get the revised plans to Anna this afternoon.

Rob

Robert L. Prue, P.E.

Pine Tree Engineering, Inc.  
53 Front Street  
Bath, ME 04530  
tel (207) 443-1508  
fax (207) 442-7029

**From:** [Jared Woolston](#)  
**Sent:** Saturday, June 11, 2016 9:32 PM

**To:** [rprue@pte-maine.com](mailto:rprue@pte-maine.com)  
**Cc:** [mpinkham@midcoasthealth.com](mailto:mpinkham@midcoasthealth.com) ; [Anna Breinich](#) ; [Julie Erdman](#)  
**Subject:** Case 16-022, Sketch Plan

Robert: This email will serve to follow up to our phone conversation on 6/1/2016 regarding Staff Review Committee (SRC), and Planning Board meetings for your client's proposed Sketch Plan application for three (3) new parking areas containing 115-new parking spaces off Medical Center Drive at Mid Coast Health Services. As we discussed, your SRC meeting is this Wednesday, June 15, 2016 at 10AM in Room 206.

From our conversation, I understand the new parking spaces are requested to serve the existing facility and existing use, and are not part of a phased plan to construct new buildings or increase use of the site. Please confirm, or clarify this information as you determine necessary for the record and copy our Director of Planning and Development, Anna Breinich. It may be helpful to the review entities for you to revise your cover letter with this information. Either way, I imagine this email correspondence will be part of the review perhaps only for SRC and possibly for Planning Board.

For your submission to SRC, please provide the following additional information on the sketch plan:

1. Provide a legend with labels for all symbols shown on the plan;
2. Depict the location of the development area on the soils map (or depict the soils on the sketch plan);
3. Indicated Natural Resource Protection Zone (NRPZ) on the sketch plan (re: stream, wetlands, and mapped "high-moderate value wet areas" [all areas of mapped NRPZ do not appear to be within proposed development but are within the subject parcel]);
4. Depict the NRPZ within the project vicinity on the sketch plan;
5. Indicate "Rural Brunswick Smart Growth – Wildlife Habitat Block" on the sketch plan (the parcel is within this overlay zone but the proposed development is not within the mapped area);
6. Depict the tax map and lot number for the subject parcel on the sketch plan (re: Map 45, Lot 32);
7. Provide a table indicating the density requirements;
8. Provide a table indicating the existing, and proposed density at the site (or include within requested table above);
9. Provide a table indicating the net site area pursuant to Section 501.2;
10. Provide a table indicating the existing and proposed parking spaces on-site;
11. Avoid the 75-foot "stream setback";
12. Please clarify that the wetland depicted adjacent to the stream is not part of the stream (pursuant to Brunswick Zoning Ordinance "stream" definition floodplain wetlands adjacent to a stream are part of the stream and the 75-foot setback is measured accordingly);
13. Revise the 75-foot "stream setback" if necessary (re: #8);
14. Provide the name of the professional(s) that identified the wetlands, and stream on the sketch plan.

Please provide nine (9) copies of the application for SRC distribution on Monday with attention to our Director, Anna Breinich. The application copies may contain three (3) full size sets of plans, and the remaining copies may contain 11"x17" plans in lieu of full size plans. Please email Julie Erdman (copied above) a digital copy of your application. I will be out of town for your SRC meeting so please contact either Julie or Anna with any questions until Thursday when I return.

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](mailto:jwoolston@brunswickme.org)

**Julie Erdman**

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**From:** Rob Prue <rprue@pte-maine.com>  
**Sent:** Thursday, June 23, 2016 2:31 PM  
**To:** Jared Woolston  
**Cc:** Mike Pinkham  
**Subject:** Mid Coast Hospital

Hi Jared,

We have reviewed the Rural Brunswick Smart Growth Overlay District-Wildlife Habitat Block boundary(Section 217, Brunswick Zoning Ordinance) as requested By Anna at the Staff Review Meeting. As we discussed, since the proposed work on the Mid Coast Hospital site is outside of this Overlay area, this Section does not apply to this project. Thank you for your assistance.

Rob

Robert L. Prue, P.E.

Pine Tree Engineering, Inc.  
53 Front Street  
Bath, ME 04530  
tel (207) 443-1508  
fax (207) 442-7029

**DRAFT Findings of Fact  
Major Development Review  
Final Site Plan Amendment  
Tuesday, May 31, 2016**

**Project Name:** Major Development Review Amendment, Case 16-024 (formerly Case #99-064)  
Sweet Dreams

**Case Number:** 16-016

**Tax Map:** Map 45, Lot 55

**Zoning District:** CC (Cooks Corner Center)

**Applicant:** Marcus Headley  
256 Bath Road  
Brunswick, ME 04011

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

#### **CASE HISTORY**

The Major Development Review for Sweet Dreams Site Plan (Case #99-064) was approved by the Planning Board on June 8, 1999. The approved Site Plan included the development of the existing ‘Sweet Dreams’ retail store. Staff reviewed the Planning Board minutes, and the file for Case #99-064 and found that the project was approved with existing vegetation, and landscaping around the proposed retail building. No outdoor display areas for products available for purchase have been approved as a result of development review to date.

Subsequent to the Planning Board’s approval, the project received several approvals from the Department of Planning and Development for Minor Modifications to the Site Plan including alterations to the building, and entrances. Between June and July of 2004 the site received town approval for the receipt of soil fill material, and the removal, and replacement of trees for an undeveloped portion of the subject parcel. According to email correspondence from former Director, Theo H.B.M. Holtwijk, that any use of the approved filled, loamed and seeded area requires explicit approval from the Town of Brunswick; and that any new impervious surfaces require a stormwater management plan. No stormwater management plan has been approved to date.

#### **PROJECT SUMMARY**

Staff review is based on the attachments included in the Major Development Review application (Case #16-024), and the review of the original Site Plan file for Case #99-064, Sweet Dreams. The application includes an updated version of the original site plan on Drawing C-1 entitled, “Existing Conditions Plan”, and a new site plan on Drawing C-2 entitled, “Proposed Site Plan” prepared by Doug Rice from Wright-Pierce and dated June 3, 2016 with a most recent revision date of June 16, 2016. The Proposed Site Plan includes a stormwater management plan for existing and proposed impervious areas at the location of the filled, loamed and seeded area described in the Case History above.

The Staff Review Committee (SRC) reviewed the proposed development on June 22, 2016. During the SRC meeting the Director of Planning and Development reiterated for the record that no outdoor display

area was approved at the 1999 Planning Board; and that the existing conditions require Planning Board review and approval to retain or expand the outdoor display area that currently exists on-site. Further, the proposal was amended via in 2004 in consideration of fill material, and a planting plan. The applicant indicated that outdoor display is an integral part of the business model for Sweet Dreams, and that products that are heavy, and therefore likely to create impervious surface would be displayed at the proposed impervious surface location, and treated with the proposed stormwater management areas developed by Doug Rice of Wright-Pierce.

During the SRC meeting, the Code Enforcement Officer (CEO) indicated that all existing, and proposed structures that are proposed to remain on-site require building permits. However, temporary structures that would be on display for sale would not require building permits. The applicant indicated that building permits would be submitted for existing and proposed structures. The CEO further noted previous conversations regarding potential code conflicts with so-called 'tiny houses' which the applicant may display for sale at the location of the proposed impervious display area. The applicant dually noted the concern for building code as an issue that would be resolved upon commissioning the construction of the structures. The CEO noted the existing prevalence of furniture on display outdoors, and requested that a note be included on the plan that indicates the extent of the requested outdoor display. Further, the CEO indicated that the 'brush pile' should be removed from the site plan since it is not proposed to be permanent. The applicant responded that the furniture, particularly the chairs, needs to be displayed to the maximum extent possible in as many varieties possible. The applicant indicated that patrons to their retail establishment frequent the outdoor display during off business hours on Sunday, and return during business hours to request specific colors that were observed on display outdoors. The CEO noted the possibility that the proposed grading plan for the new display area, and stormwater management area may result in the removal of existing vegetation shown on the plan, and further indicated that impacts to trees and shrubs must be avoided to the extent practical, and may require re-orienting the proposed graded area away from existing trees, shrubs, and associated root systems. The Planner requested a narrative description and maintenance plan to accompany the proposed stormwater management plan, and reiterated the request of the CEO to avoid tree and shrub roots during construction and/or reorient the proposed graded area away from existing vegetation.

The Planner requested additional stormwater treatment by allowing meadow vegetation to grow to the extent practicable within the proposed infiltration areas by cutting no more than twice per year. The applicant agreed to consider the request with the design engineer. Notes from the SRC meeting were sent via email correspondence to the applicant and the design engineer on June 22, 2016. The applicant responded that any vegetation that was removed during construction would be replaced, and building permits would be submitted. The applicant further indicated that the staff may contact the design engineer with the requested modifications to the Proposed Site Plan, and the stormwater management plan.

**DRAFT MOTIONS**  
**MAJOR DEVELOPMENT REVIEW AMENDMENT**  
**Sweet Dreams Amendment**  
**CASE NUMBER 16-024**

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

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

1. That the Board's review and approval does hereby refer to the these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.
2. That prior to the issuance of a building permit for existing and proposed structures as required by the CEO, a copy of the final stormwater management plan, including a narrative, and maintenance plan shall be signed and sealed by the design engineer or other qualified professional and provided to the satisfaction of the Director of Planning and Development.
3. That prior to the issuance of a building permit for existing and proposed structures as required by the CEO, test pit logs at the location of the proposed infiltration BMP, and a statement from the design engineer or other qualified professional that the proposed stormwater treatment system including two (2) infiltration areas, and a sediment trap was constructed to function as it was designed shall be provided to the satisfaction of the Director of Planning and Development.
4. That within thirty (30) days of Planning Board approval, the Site Plan must be revised to indicate the extent of the approved outdoor display areas, and the removal of the brush pile to the satisfaction of the CEO.

16-024

**MAJOR DEVELOPMENT REVIEW  
FINAL PLAN APPLICATION**

1. Project Name: SWEET DREAMS INC.

2. Project Applicant  
Name: MARCUS HEADLEY  
Address: 256 BATH RD.  
BRUNSWICK ME, 04011  
Phone Number: 207 724 0091



3. Authorized Representative  
Name: CATHY HEADLEY DAVID + CATHERINE MITCHELL  
Address: \_\_\_\_\_  
SAME  
Phone Number: \_\_\_\_\_

4. List of Design Consultants. Indicate the registration number, address and phone number of any engineer, surveyor, architect, landscape architect or planner used:  
1. DOUGLAS RICE PE WRIGHT-PIERCE  
2. TOPSHAM, ME 04086  
3. \_\_\_\_\_

5. Physical location of property being affected: 256 BATH RD.

6. Lot Size: 59 000 SQ FT. APPROX.

7. Zoning District: COOKS CORNER

8. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If not, who owns the property subject to this application?  
OWNER OF PROPERTY  
NOT THE OWNER OF ABUTTING

9. Assessor's Tax Map 45 Lot Number 55 of subject property.

10. Brief Description of proposed: EXISTING RETAIL LOCATION WISHES TO EXPAND OUTDOOR SALES AND DISPLAY

11. Describe Specific Physical Improvements to be Done: USE OF SOME LOW LEVEL DECKS, LANDSCAPE PAVING + CRUSHED STONE TO ENHANCE DISPLAY OF OUTDOOR FURNITURE, OUTDOOR STRUCTURES, SHEDS + TINY HOMES

Owner Signature: Marcus Headley  
Applicant Signature (if different): \_\_\_\_\_

**Required Attachments (by Applicant):**

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

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

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

## FINAL PLAN REQUIREMENTS

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

Item	O	S	NA	W	P	Comments
Name of Development		✓				
Scale, date, north point, area, number of lots (if subdivision)		✓				
Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property identified as existing or proposed.		✓				
Certification by a professional land surveyor that the land has been surveyed and the boundaries established in accordance with the State of Maine Board of Licensure for Professional Surveyors standards for Category 1 (Standard Boundary Survey), conditions 1, 2, or 3.		✓				
Existing zoning district and overlay designation.		✓				
Names of engineer and surveyor; and professional registration numbers of those who prepared the plan.		✓				
Names of current owner(s) of subject parcel and abutting parcels.		✓				
Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1 inch equals 5 feet, with all elevations referred to in U.S.G.S. datum.		✓				
A general road plan noting circulation, direction, traffic control devices, street lighting and type of lighting proposed.			✓			
Existing and proposed easements associated with the development.			✓			
Kind, location, profile and cross-section of all proposed drainage facilities, both within the development and outside of it, and a storm-water management plan which includes the submission requirements listed in the storm-water management checklist available in the Planning Department.		✓				
Location of features, natural and artificial, such as water bodies, wetlands, streams, vegetation, railroads, ditches and buildings.		✓				

Location of existing and proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of any private wells.		✓				
Existing and proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability.			✓			
Topography with counter intervals of not more than 2 feet.		✓				
A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists.						REQUEST WAIVER
Location of all existing trees over 10 inches in diameter, locations of tree stands, and a plan showing all trees to removed as a result of the development proposal.		✓				
Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site.			✓			
Existing locations and proposed locations, widths and profiles of sidewalks.			✓			
Location map.		✓				
Approximate locations and dimensions of proposed parking areas.			✓			
Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation.			✓			
Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization.		✓				
Reference to special conditions stipulated by the Planning Board, with conditions either set forth in full or on the plan or identified as specific documents filed with the Board.			✓			
A wetlands map drawn by a specialist delineating wetland boundaries in accordance with the methods prescribed by the US Army Corps of Engineers.			✓			L-10649-23-L-M ~ NO WETLANDS
Dedicated public open specs, areas protected by conservation easements, and existing and proposed open spaces or recreation areas.			✓			

For Open Space Development, a note indicating the total permitted lot count of the entire land tract based upon the destiny standards in this Ordinance, the number of lots created by the Plan, and the numebr of lots permitted to be subdivided in the future, as well as a table showing setback requirements and impervious surface coverage limits for each lot.			✓			
Building envelops showing acceptable locations for principal and accessory structures.		✓				

**FINAL PLAN/SUPPORTING DOCUMENTS**

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

Item	O	S	NA	W	P	Comments
Documentation of Ownership or contract.		✓				
Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which conservation land will be owned, maintained, and protected.		✓				
Draft performance guarantee or conditional agreement.			✓			
Disclosure of any required permits from the Department of Environmental Protection, Marine Resources, US Army Corps of Engineers, Department of Inland Fisheries and Wildlife, or other agencies, as applicable; or, if a permit has already been granted, a copy of that permit.		✓				ORIGINAL DEVELOPMENT PERMIT: L-10649-23-J-C MAY 1999
Any additional studies required by the Planning Baord, which are deemed necessary in accordance with this Ordiancne.			✓			
Storm water management program for the propsed project prepared by a professional engineer.		✓				
A storm water management checklist prepared by the Cumebrland County Soil and Water Conservation District made availabel at the Brunswick Department of Planning and Development.		✓				

An erosion and sedimentation control checklist prepared by the Cumberland County Soil and Water Conservation District.		✓				
A statement from the Brunswick-Topsham Water District of conditions under which water will be provided.			✓			
A statement from the Brunswick-Topsham Water District of its review and comments on the proposed use if the project involves development within the Aquifer Protection Zone.			✓			
A Statement from the Fire Chief recommending the number, size, and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken.					✓	
A statement from the Superintendent of the Brunswick Sewer District of the conditions under which the Sewer District will provide sewerage disposal service and approval of the sanitary sewers proposed within the development.			✓			
Where a septic system is to be used, evidence of soil suitability.			✓			
All applicable materials necessary for the reviewing entity to review the proposal in accordance with the Criteria of Section 411.	✓					
A plan of all buildings with new construction or expansion of an existing facility, including type, size, and footprint, floor layout, setback, elevation of first floor slab, storage, and loading areas.	✓	✓				NO BUILDING IS PROPOSED. AREA IS FOR DISPLAY ONLY
An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, and signage.	✓	✓				FLUCTUATING DISPLAY - NOT PERMANENT
A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems.			✓			
The size and proposed location of water supply and sewage disposal systems.			✓			
A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, location and purpose and type of vegetation.	✓					

Reference is made to Case No. 99-064, Final Plan application for Sweet Dreams, of the Brunswick Planning Board from June 8th, 1999.

Tax map 45 / Lot 55, Cooks Corner Zoning District.

Applicant:

Marcus and Cathy Headley

Sweet Dreams

256 Bath Road

Brunswick, ME, 04011

Tel: 207 721 0091

The owners of the property wish to expand their lines of outdoor furniture and to display such items in an attractive manner around the existing building and throughout the garden area. We hope to introduce a line of 'tiny homes' and possibly some storage sheds. To display the furniture some additional impervious surface is needed - for instance, some areas of landscape paving, some low level decks and some areas of crushed stone.

At the time of construction of the original store a landscape plan was proposed, approved, and implemented. Subsequently we have enhanced the landscaping with additional shrubbery and tree plantings, as indicated on the enclosed plans.

Sweet Dreams is a valuable employer and very reputable, established business in Brunswick. We are the largest furniture store in the entire Bath - Brunswick - Topsham region, and enjoy a stellar reputation, selling largely American made products. We pay a very significant tax bill annually. Because the product sold is of high quality the business attracts customers to the Cooks Corner area who have sizable disposable incomes, and this, in turn, brings income and business to other Cooks Corner enterprises. Therefore it is highly unlikely that any other retailer in the neighborhood would wish to see business at Sweet Dreams curtailed.

As in all aspects of life, consumer needs and demands change and outdoor furniture is one of the fastest growing sectors of the home furnishings industry. It is a very significant and necessary part of our business model. If we cannot readily pursue this significant portion of our

trade it will very greatly impact our business viability in the Cooks Corner area.

Reference: Brunswick Zoning Ordinance, Chapter 5.

#### 501. Preservation of Natural Features and Net Site Area

The property is not located within the Natural Resources Protection Zone, the Aquifer Protection Zone, or the Casco Bay Watershed.

The overall lot size is 59,855 sq. ft. or 1.37 acres. The building footprint is 11,983 sq.ft. and there is approx. 4,413 sq.ft. of impervious surface - loading driveway and walkway.

This means there is approximately 40,318 sq.ft. or 68% of the total lot size which is currently maintained green space.

There are no fewer than 63 trees on or along the boundary of the property. Some of these trees are as big as 36" in diameter.

These are extraordinarily 'green' figures when compared to any other retail location in the Brunswick - Topsham area.

A landscape plan was required for the initial development in 1999. Subsequent to that time other shrubbery has been added (2004) and the original plantings have matured into very pleasing and some very large, vegetation. This shrubbery is clearly seen when passing by or visiting the store, and we frequently receive compliments on our gardens and flowers. Sweet Dreams has been referenced in a State level planning meeting as an example of conscientious New England style development - exactly as called for in the Cooks Corner Master Plan. Furthermore, all existing shrubbery will not be compromised by the current application. However, there is a small possibility that construction work may compromise some of the existing trees near to the proposed new impervious surface. In the event of this possibility Sweet Dreams warrants to replace those affected trees with similar hardwoods.

There are mocking birds, mourning doves, American robins, and numerous other small birds and mammals that make the Sweet Dreams gardens their permanent home.

Per the Maine Department of Environmental Protection Department Order # L-10649-23-J-C of May 14th, 1999 the development of the subject property by Sweet Dreams was approved.

Subsequently Order # L-10649-23-L-M of December 17th, 2002, confirmed that there is no wetland on the property.

#### 502. Flood hazard Area

The property is not located within the Special Flood Hazard Area.

#### 503. Steep Slopes and Embankments

Not applicable.

#### 504. Storm Water Management

The original plans prepared by Doug Rice, PE, of Wright & Pierce of Topsham in 1999 addressed and calculated storm water needs for the development at that time.

The new plans call for some additional impervious surface and a storm water management plan is prepared and enclosed. During any construction measures will be taken to control any potential for erosion. Similarly measures will be made to protect any existing trees and to replace them if necessary. The illustrated storm water management plan will be maintained correctly, as time passes, so as to achieve and maintain full effectiveness.

#### 505. Groundwater

The property is located over a mapped sand and gravel aquifer, though not within the Aquifer Protection Zone. The site and adjacent sites are served by public water and sewer. There is no additional impact from this application

#### 506. Erosion and Sedimentation

An erosion and sedimentation control plan, prepared by Doug Rice

PE, was submitted with the original 1999 application. As noted above Doug Rice has prepared a new plan relevant to the proposed impervious display area.

#### 507. Sewerage Disposal

The existing development is served by municipal sewer and this is unaffected by the current application.

#### 508. Water Systems

The existing development is served by municipal water and this is unaffected by the current application.

#### 509. Community Facilities Impact Analysis

Bath Road Traffic, Solid Waste, East Brunswick Fire Substation, and Sewer impact fees were assessed and paid at the time of the original development.

There will be no additional impacts.

#### 510. Development Impact Fees

See 509. above

#### 511. Development of New Streets

Not applicable

#### 512. Off Street Parking

Parking for Sweet Dreams is provided for and allowed in the density standards as submitted with the original plans in 1999/2000. The owners of the shopping mall are responsible for maintenance and upkeep of all public parking. We utilize shared parking as suggested by the Cooks Corner Design Standards - "Key requirements are provision of.....shared parking areas...Following the Master Plan.....buildings with.....parking behind....are encouraged..."

### 513. Curb Cuts and highway Access

Not applicable

### 514. Off Street loading Requirements

Sweet Dreams has an existing loading dock. No additional facilities will be needed.

### 515. Appearance Assessment

Reference Section 501 above.

The site is not located in the Coastal Protection Zone or the Village Review Zone. No development is proposed on steep slopes or within the Natural Resources Protection Zone.

The plan will not affect existing topography and will have minimal impact on grassy vegetation. Existing shrubbery will not be affected. The proposed octagonal display decks are a mere inches above ground level, and allow for a more visually appealing display of outdoor furniture. Application will be made to Codes Enforcement for permits for these decks. Similarly the few areas of landscape paving and crushed stone are at ground level.

The Plan seeks permission for the display of 'tiny houses', storage sheds, gazebos, pergolas, lawn swings and miscellaneous outdoor furniture. We anticipate all, or the large majority, of any small sheds/tiny homes to be sited on the proposed new impervious surface. However, our displays of outdoor chairs, swings and furniture are required all around the property. These items are all for sale and the concept is for them to be inter-changed for different designs from time to time. Stock will naturally fluctuate, similarly to Lowe's and Walmart, so displays will be in a constant state of change.

The furniture and structures sold are very much of a New England style - the classic adirondack chair for instance, and this definitely coordinates with the recommendations of the Cooks Corner Design Standards - "Architecture should follow traditional patterns that have evolved in New England..." ".....encourage landscaping....providing visual interest throughout the year...."

#### 515.4 Relationship of Lighting to Project.

Sweet Dreams is not currently open beyond 6 pm and no lighting is proposed for the project.

#### 515.5 Relationship of Signs to the Project

No additional signage is anticipated

#### 515.7 Cook's Corner District.

Per the Brunswick Zoning Ordinance Section 306.18 "Outdoor Sales is permitted in CC (Cook's Corner)....."

This Plan is in line with the suggestions of the Cook's Corner Design Standards, as outlined - "...it is a specifically identifiable growth area. The focus of most of the Town's recent commercial growth."

#### 516. Building Configuration.

The structures and furniture proposed are not permanent. Rather they are for display and sale purposes.

#### 517. Preservation of Historic Resources

Not applicable

#### 518. Access for Persons with Disabilities

The majority of the display area is level, or very marginally inclined ground, very largely accessible under the ADA.

#### 519. Recreational Requirements for Residential Developments

Not applicable

#### 520. Fiscal Capacity

Not applicable, already evident

521. Performance Guarantee

Not applicable

522. Home Owners'/Property Owners' Associations

Not applicable

523.

524. Noise and Dust

Not applicable



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17      AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

SWEET DREAMS, INC	) SITE LOCATION OF DEVELOPMENT
Brunswick, Cumberland County	)
SWEET DREAMS	) MODIFICATION
L-10649-23-L-M (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., the Department of Environmental Protection has considered the application of SWEET DREAMS, INC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Board Order #L-10649-23-A-N, dated April 10, 1985, the Board approved the development of Ames Plaza, a 207,000 square foot shopping center located on a 25-acre site on Bath Road in the Town of Brunswick. Subsequently, the Department approved a number of modifications and condition compliance orders for the project. Department Order #L-10649-23-J-C, dated May 14, 1999, approved the development of Lot 4 by Sweet Dreams, Inc.

B. Summary: The applicant is seeking Department concurrence with a reassessment of the wetland status of a portion of Lot 4 in the development. This area was depicted as wetland on a plan entitled, "Final Plan of Proposed Subdivision, Ames Plaza, 250 Bath Road, Brunswick, Maine", drawn by Titcomb Associates, dated August 27, 1997, last revised November 6, 1997. The applicant submitted a report, dated August 7, 2002, by Woodlot Alternatives, Inc., which details the findings of a site investigation done by that firm on July 24, 2002 to determine whether any wetlands are present on the Sweet Dreams parcel. This report states that soils, vegetation and hydrology on the site indicate that no wetlands are present on Lot 4.

2. FINDING:

Department staff conducted a site visit and confirmed that Lot 4 is largely upland area and that the wetland area depicted on the plan referenced above is not present. The proposed project is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Board Order #L-10649-23-A-N, and subsequent orders.

*Bill Bullard*

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of SWEET DREAMS, INC to redesignate a portion of Lot 4 as upland as outlined above, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

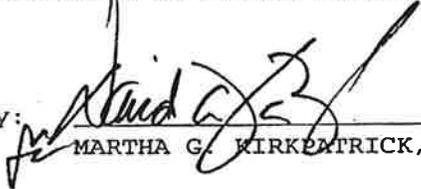
3. All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-10649-23-A-N, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 17<sup>th</sup> DAY OF December, 2002.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:



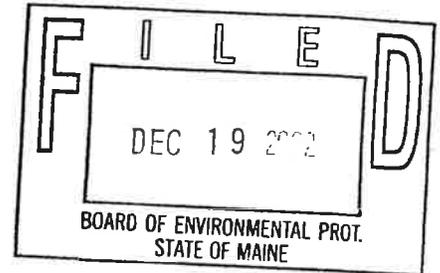
MARTHA G. KIRKPATRICK, COMMISSIONER

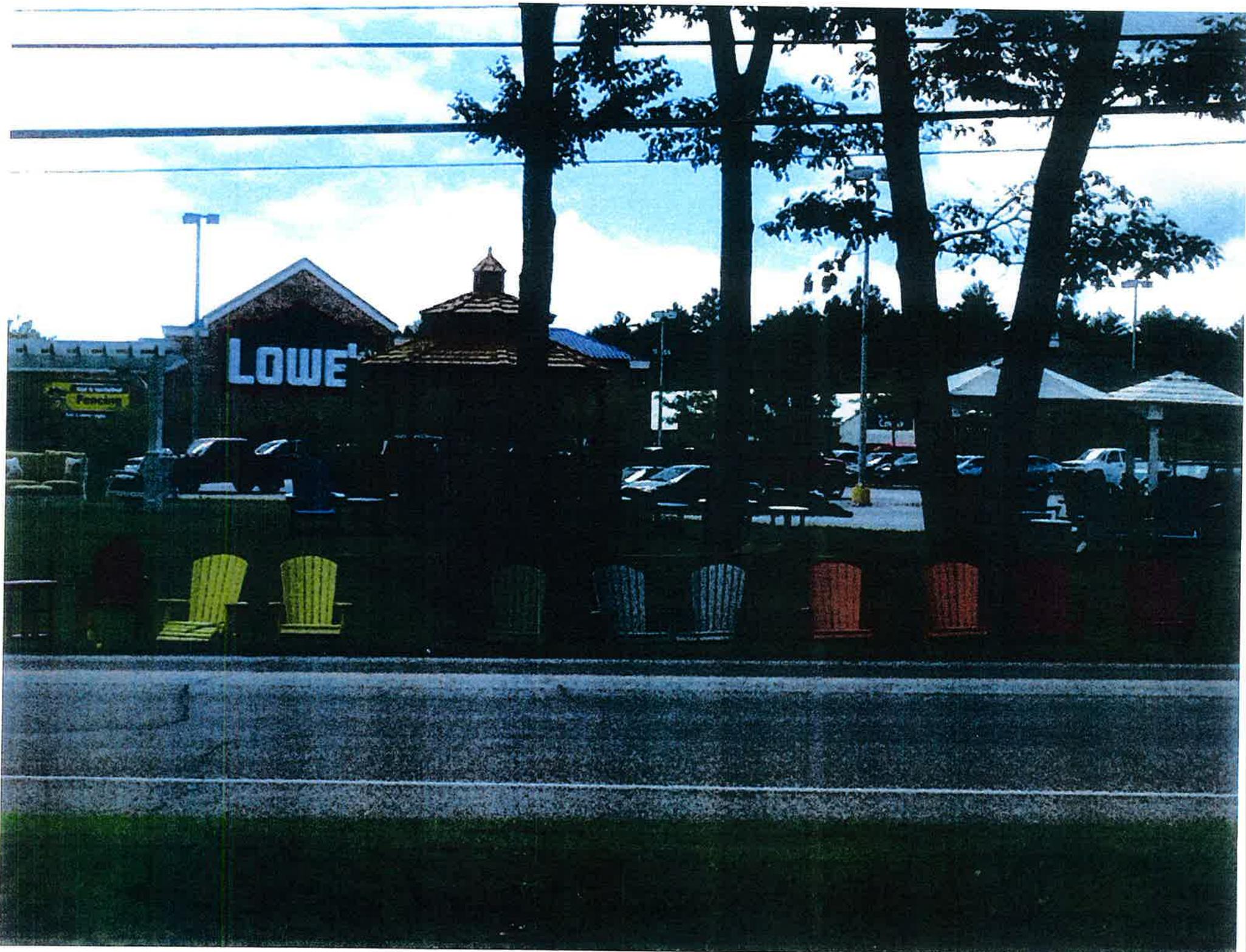
PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application 11/13/2002

Date of application acceptance 11/27/2002

Date filed with Board of Environmental Protection  
WB/L10649LM



















## REAL ESTATE PURCHASE AND SALE AGREEMENT

THIS AGREEMENT, dated as of the "Contract Date" (as such term is defined below), is by and between **KONOVER FAMILY LIMITED PARTNERSHIP**, a Connecticut limited partnership, having an office at 2410 Albany Avenue, West Hartford, Connecticut 06117 ("**Seller**") and **MARCUS HEADLEY, CATHY HEADLEY, DAVID MITCHELL** and **CATHERINE MITCHELL**, each a natural person having an office at 8 Gurnet Road, Cooks Corner Mall, Brunswick, Maine 04911 (collectively, "**Purchaser**"). The term "**Contract Date**" as used herein shall mean the date this Agreement is executed by the last of the parties hereto.

### 1. Purchase and Sale of Property.

Subject to the terms and conditions set forth herein, Seller hereby agrees to sell and convey to Purchaser and Purchaser hereby agrees to purchase from Seller, together with all improvements thereon (collectively, the "**Premises**"), the property owned by Seller and known as "Lot 4", containing an area of approximately 59,855 square feet as shown on the plan entitled "Final Plan of Proposed Subdivision Ames Plaza 250 Bath Road Brunswick, Maine," dated August 25, 1997, revised through November 6, 1997, prepared by Titcomb Associates, and recorded in the Cumberland County Registry of Deeds in Plan Book 197, Page 509, a copy of which is attached hereto as **Exhibit A**.

### 2. Purchase Price.

The purchase price for the Premises shall be [REDACTED] Dollars [REDACTED] (the "**Purchase Price**"), and shall be payable as follows:

(a) Upon full execution of this Agreement, Purchaser shall deliver to Escrow Agent (as defined below) the sum of [REDACTED] Thousand and 00/100 Dollars ([REDACTED]) to be held as earnest money deposit hereunder (being hereinafter referred to as the "**Deposit**").

(b) The balance of the Purchase Price, subject to adjustment as provided herein, shall be paid by Purchaser to Seller by certified check at the closing of title to be held as provided in Section 8 hereof (the "**Closing**"); provided, however, that Seller shall have the right to require Purchaser to pay the balance due at the Closing by wiring funds to an account designated by Seller by giving written notice to Purchaser at the Closing.

### 3. Escrow Agent.

Seller and Purchaser agree that the Deposit shall be held in escrow by Cohen, Gershman & Wakim, P.C., having an office at 2410 Albany Avenue, West Hartford, Connecticut 06117 (the "**Escrow Agent**"). Upon execution of this Agreement, Seller and Purchaser direct Escrow Agent to invest the Deposit in a non-interest bearing, separate, segregated savings or money-market account at a commercial bank, which shall be federally insured if Purchaser so elects and otherwise acceptable to Seller and Purchaser. The parties agree that Escrow Agent is not bound by any agreement between

IN WITNESS WHEREOF, the parties have executed this Agreement as a sealed instrument as of the date set forth below their respective signatures, to be effective as of the Contract Date.

WITNESS

Maion M. Mitchell

**SELLER:**

KONOVER FAMILY LIMITED PARTNERSHIP, a Connecticut Limited Partnership

By: Konover Management Corporation, Its General Partner

By: Alan E. Smith

Printed name: Alan E. Smith

Its: Executive Vice President

Date: March 8, 1999

**PURCHASER:**

Jean A. Conroy

Marcus Headley

**MARCUS HEADLEY**

Date: 3/5/99

Jean A. Conroy

Cathy Headley

**CATHY HEADLEY**

Date: 3/5/99

Jean A. Conroy

David A. Mitchell

**DAVID MITCHELL**

Date: 3-5-99

Jean A. Conroy

Catherine Mitchell

**CATHERINE MITCHELL**

Date: 3-5-99

**ESCROW AGENT: (As to Section 3 only)**

COHEN, GERSHMAN & WAKIM, P.C.

By: [Signature]  
Its President

## EXHIBIT B

### DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS

This Declaration, made as of the 4<sup>th</sup> day of December, 1997, by KONOVER FAMILY LIMITED PARTNERSHIP, a Connecticut family limited partnership having an office and principal place of business at 2410 Albany Avenue, West Hartford, Connecticut 06117 (hereinafter referred to as "Declarant").

#### WITNESSETH

WHEREAS, Declarant is the owner in fee simple of certain real property known as Ames Plaza (the "Shopping Center"), situated in the Town of Brunswick, Cumberland County and State of Maine, as delineated on a certain subdivision plan entitled "Final Plan of Proposed Subdivision Ames Plaza 250 Bath Road Brunswick, Maine" prepared by Titcomb Associates, dated 8/25/97, revised through 11/6/97 (the "Plan"), and recorded in the Cumberland County Registry of Deeds in Plan Book 197, Page 509, a reduced copy of which Plan is attached hereto and incorporated herein as Exhibit A.

NOW THEREFORE, Declarant hereby declares that the Shopping Center shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with the title to the said Shopping Center and be binding on all parties having any right, title or interest in the said Shopping Center or any portion thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner of any portion thereof.

#### ARTICLE I

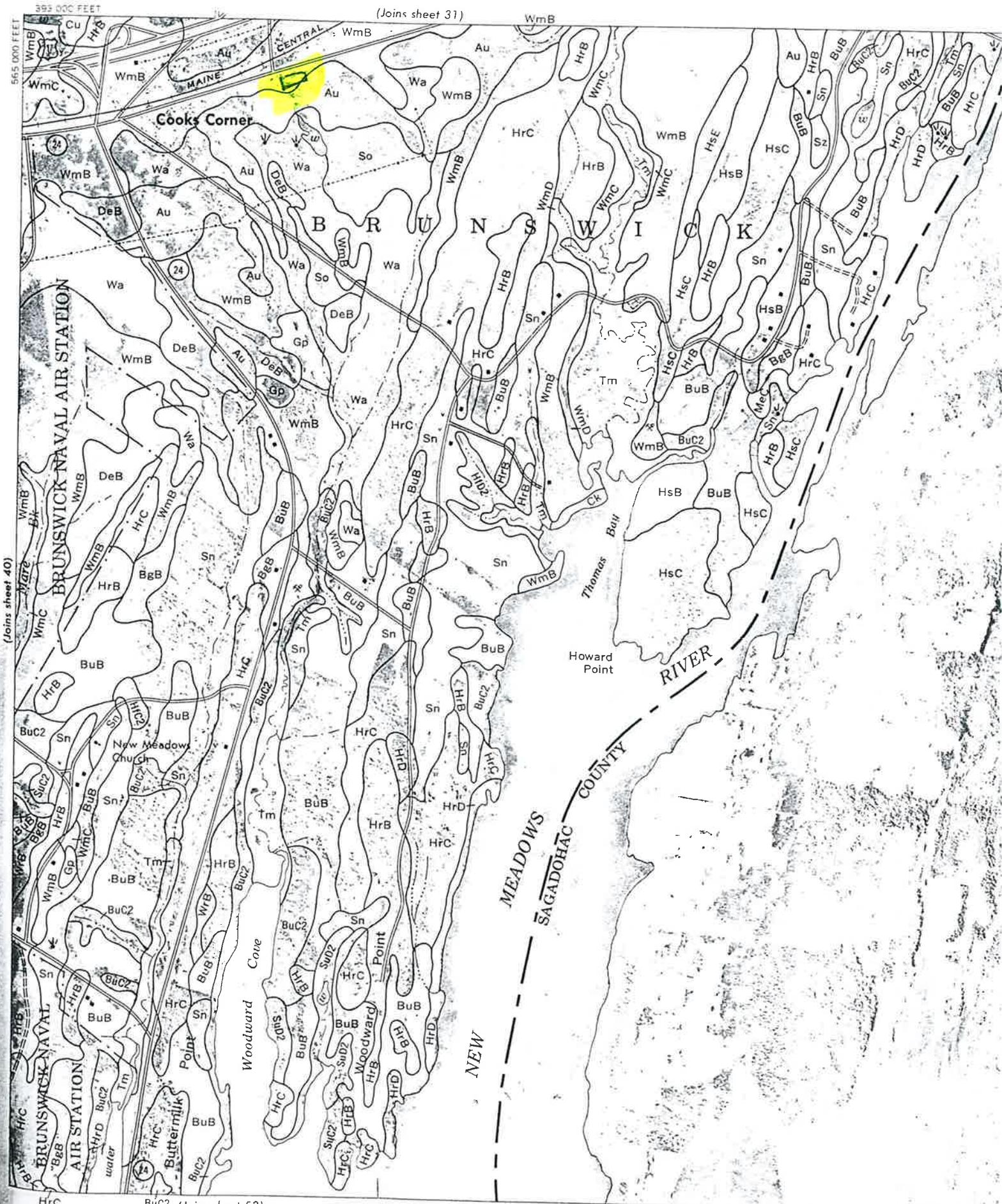
##### DEFINITIONS

Section 1.1. "Access Drives" shall mean those driveways providing ingress and egress to the Shopping Center to and from Bath Road, as well as the internal site drives providing for circulation of vehicles and pedestrians within the Shopping Center, as depicted on the Plan.

Section 1.2. "Building Area" shall mean the limited areas of the Shopping Center within which buildings (including canopies, supports or other outward extensions) may be constructed, placed or located, shown as "Building Envelopes" on the Plan.

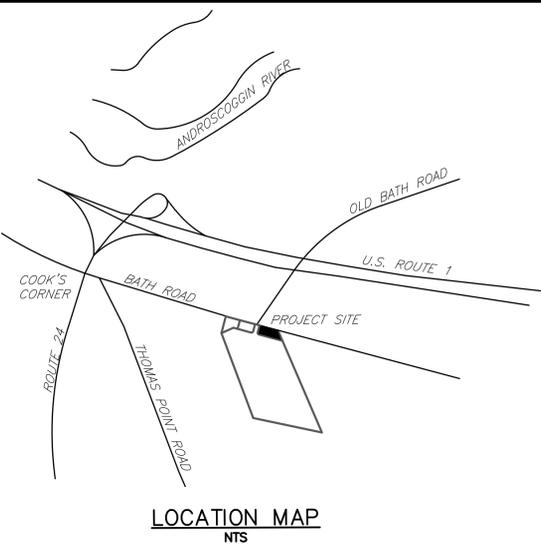
Section 1.3. "Common Area" shall mean all areas, facilities, signs, installations, and equipment provided from time to time by Declarant within the exterior boundaries of the Lots (as such term is defined below), as depicted on the Plan, for the common use and benefit of the occupants of the Shopping Center, including without limitation, the area identified as "Access Easement" on the Plan, and all parking areas, footways, exits, entrances, access roads, driveways, sidewalks, retaining walls, landscaped areas, and pedestrian malls or courts, and exclusive of the following: i) any buildings and

(Joins sheet 31)



HrC BuC2 (Joins sheet 52)





**EXISTING SITE NOTES:**

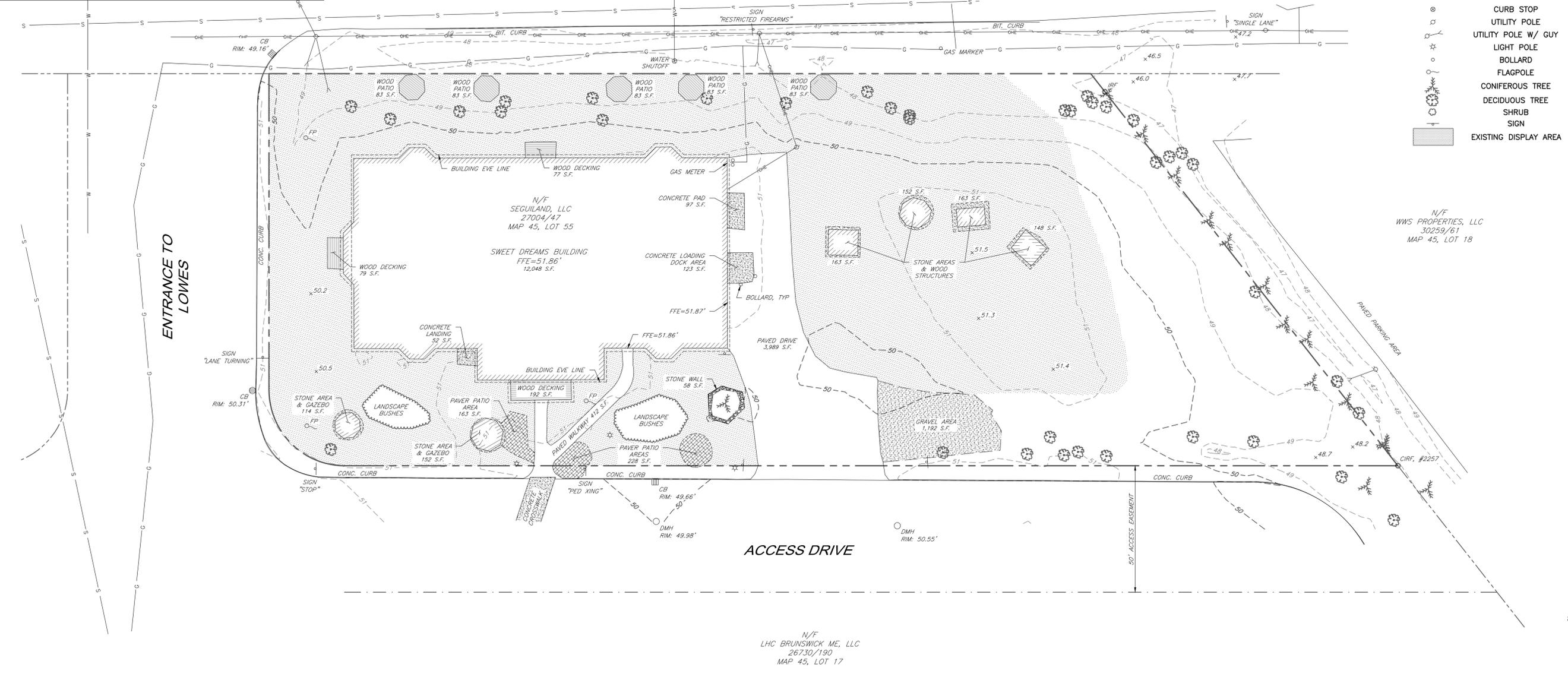
- REFERENCE IS MADE TO "FINAL PLAN OF PROPOSED SUBDIVISION, AMES PLAZA, 250 BATH ROAD, BRUNSWICK, MAINE." MADE FOR KONOVER FAMILY LIMITED PARTNERSHIP BY TITCOMB ASSOCIATES, FALMOUTH, MAINE, DATED AUGUST 25, 1997, FOR PARCEL BOUNDARY AND NOTES 1, 7 & 8. ABOVE MENTIONED PLAN RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 197, PAGE 509.
- BEARINGS ARE BASED ON GRID NORTH AS DEFINED BY THE MAINE STATE COORDINATE SYSTEM.
- THE PROPERTY IS LOCATED IN THE COMMERCIAL/COOK'S CORNER ZONING DISTRICT.
- NO NEW CURB CUTS TO BE ALLOWED ON THE BATH ROAD PER PRIOR BRUNSWICK PLANNING BOARD & DEP CONDITIONS.
- VERTICAL DATUM IS REFERENCED TO NGVD 29.
- REFERENCE IS MADE TO WRIGHT PIERCE PROJECT NUMBER 5755 PROPERTY SURVEY FOR BRUNSWICK COMMERCIAL ASSOCIATES BATH ROAD, BRUNSWICK, MAINE DATED JUNE 1985.
- NEW TOPOGRAPHIC INFORMATION WAS OBTAINED FROM ON-GROUND SURVEY BY WRIGHT PIERCE IN MAY 2016.
- EXISTING SITE LIGHTING TO REMAIN.

**LOT STATISTICS:**

MINIMUM LOT AREA: 15,000 S.F.	ACTUAL
MAXIMUM IMPERVIOUS COVERAGE: 80%	59,855 S.F.
MAXIMUM BUILDING HEIGHT: 40 FT.	PRE-33.4% POST-41.2%
MAXIMUM BUILDING FOOTPRINT: 50,000 S.F.	12,048 S.F.

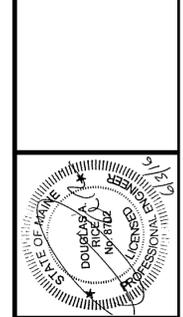
**LEGEND**

- PROPERTY/ROW LINE
- SETBACK LINE
- EASEMENT LINE
- EDGE OF PAVEMENT
- CURBING
- EDGE OF GRAVEL
- EDGE OF CONCRETE
- 122- CONTOUR
- ▨ BUILDING
- ▨ STONEWALL
- ~ TREELINE
- S SEWER
- G GAS
- W WATER
- SD STORM DRAIN
- CULVERT
- OHE OVERHEAD ELECTRIC
- IRON PIPE/REBAR
- SPOT ELEVATION
- DMH SEWER MANHOLE
- CB DRAINAGE MANHOLE
- CATCH BASIN
- GATE VALVE
- CURB STOP
- UTILITY POLE
- UTILITY POLE W/ GUY
- LIGHT POLE
- BOLLARD
- FLAGPOLE
- CONIFEROUS TREE
- DECIDUOUS TREE
- SHRUB
- SIGN
- ▨ EXISTING DISPLAY AREA



NO.	ISSUED FOR PERMITTING	DATE
	DAR	6/7/16
	REVISIONS PER BRUNSWICK PLANNING BOARD	
	DAR	6/7/16

DESIGNED BY:	DAR
CAD COORD:	RPB
CHECKED BY:	DAR
DATE:	6-3-16
APPROVED BY:	DAR
DATE:	6-3-16
PROJECT NO.:	13483A



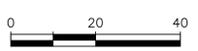
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SWEET DREAMS  
COOK'S CORNER  
BRUNSWICK, MAINE

EXISTING CONDITIONS SITE PLAN

DRAWING  
C-1

**FOR PERMITTING USE ONLY**





JONES MOVED TO APPROVE THE FINAL PLAN WITH THE FOLLOWING CONDITIONS:

1. That the Board's review and approval hereby refers to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant's representatives, reviewing officials and members of the public as reflected in the minutes. 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 modifications shall require review and approval in accordance with the Brunswick Zoning Ordinance.
2. That the written recommendation of the Town Engineer regarding this project shall be implemented and the Solid Waste Impact Fee recommended by him is hereby assessed and shall be paid prior to issuance of a building permit.
3. That proposed traffic improvements regarding destination and directional signage, clearing for sight distance and pavement markings shall be reviewed by the Director of Planning and Development and the Town Engineer as a minor modification.

IT WAS SECONDED BY SMITH AND CARRIED 5-0.

**Sweet Dreams Site Plan, Case No. 99-064:** Carey outlined the project before the Board. (Written comments from the Town Engineer are pending.)

Marcus Headley presented improvements proposed to address concerns expressed by the Board. Liscovitz asked about the doors out of the front of the building. Headley stated that these doors were fire exits only.

Jones asked about signage on the Bath Road. Headley stated that he could have signage on the Bath Road, but he added that he did not anticipate doing so.

Worthing asked if the purchase and sale agreement required a certain number of parking spaces. (Headley answered "No.") Smith asked about the handicap parking spaces. Headley stated that the "most suitable" spaces for handicap parking would be as close to the entrance of the building as possible. Carey clarified that the plan allows for two standard spaces to be converted to handicap spaces-one van accessible handicap space.

JONES MOVED TO WAIVE THE FOLLOWING SUBMISSION REQUIREMENTS:

- 412.2B.16 Class A Soils Survey
- 412.2B.17 Location of trees 10" or greater

IT WAS SECONDED BY SMITH AND CARRIED 5-0.

Wiercinski pointed out that the Lumber Company was over the line. Smith added that "where" the buffer was could be worked out.

Worthing stated that a site walk would be helpful. Wiercinski agreed. Liscovitz noted that the site walk would be helpful, but she pointed out that DEP issues needed to be addressed first. She asked if trees in the front of the building could be maintained. Wiercinski stated that the view of some of the building was also desired. (Wiercinski detailed the contours of the site for the Board.)

LISCOVITZ MOVED TO DEEM THE SKETCH PLAN COMPLETE. IT WAS SECONDED BY JONES AND CARRIED 5-0.

LISCOVITZ MOVED TO APPROVE THE SKETCH PLAN WITH THE FOLLOWING CONDITION:

1. That the approval does not extend to the elements of the plan that are not in conformance with required buffers.

IT WAS SECONDED BY SMITH AND CARRIED 5-0.

The Board set a date for a site walk on June 11, 1999 at 6:30 p.m. Wiercinski stated that he could inform the Board at the site walk regarding the DEP review of the project. Carey will notify effected abutters regarding the site walk.

**Minutes:** The Board deferred the review and approval of the minutes for June 1, 1999.

**Other:** The Board discussed agenda items for upcoming meetings. Worthing welcomed the newest Planning Board member, Jeanne Parker.

**Adjourn:** With no further business to discuss, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

  
Judy Carter Ayles  
Recording Secretary

040916

**phil carey**

---

**From:** Theo Holtwijk [holtwijk@brunswickme.org]  
**Sent:** Thursday, June 24, 2004 6:01 PM  
**To:** 'phil carey'; 'Jeff Hutchinson'  
**Cc:** 'Claire Connors'; swalker@brunswickme.org  
**Subject:** Sweet Dreams site

On 6/24 Steve Walker, Claire Connors and I visited the Sweet Dreams site and inspect the proposed tree cutting and placement of fill.

1. We hung additional flagging on trees to be preserved along Bath Road, the side property line and one tree facing the Lowe's access road. We also instructed the owner to not place any fill on the tree roots of the trees marked. He was in agreement with this plan. There are two trees that are possibly in question. These will be re-evaluated for preservation/cutting when a proposed building plan will be put forth.
2. The owner also agreed to prepare a plan for additional tree planting around the existing building. The Lowe's developer has provided money for that. This plan will be submitted prior to July 3rd. As part of that plan a blue spruce will be planted that apparently was part of the previously approved plan and never planted. (Jeff: Please make sure that planting plans have been installed when you or Carl do occupancy inspections.)
3. I gave verbal approval to the proposed cutting and filling.
4. We did note drainage pipe day lighting into the area to be filled that drains a tree well (?). This will obstructed with new fill and proper arrangements should be made for that. This has not yet been communicated to the owner. Phil: Can you forward this to Marcus Headley?
5. Please add this note to Sweet Dreams files.

Steve/Claire: Did I miss anything? If so, please hit "reply all."

Theo H.B.M. Holtwijk, Director  
Planning & Development Department  
Town of Brunswick  
28 Federal Street  
Brunswick, ME 04011-1581

phone: 207/725-6660  
fax: 207/725-6663  
e-mail: [holtwijk@brunswickme.org](mailto:holtwijk@brunswickme.org)  
[www.brunswickme.org/planning](http://www.brunswickme.org/planning)

**phil carey**

---

**From:** Theo Holtwijk [holtwijk@brunswickme.org]  
**Sent:** Friday, June 25, 2004 2:46 PM  
**To:** 'Jeff Hutchinson'; 'phil carey'; swalker@brunswickme.org  
**Subject:** Sweet Dreams 2

Two more thoughts on this:

1. We did not discuss grass cover for the fill. This would have to be a requirement, I would think, just as it is at Farley Road.
2. Mat thinks they may want to park trucks on this fill area, and there was absolutely no discussion of that. So I am expecting no use, other than grass surface.

Do you agree? If so, Phil, can you communicate that to them? Anything else we are missing? Drainage?  
Thanks.

Theo H.B.M. Holtwijk, Director  
Planning & Development Department  
Town of Brunswick  
28 Federal Street  
Brunswick, ME 04011-1581

phone: 207/725-6660  
fax: 207/725-6663  
e-mail: [holtwijk@brunswickme.org](mailto:holtwijk@brunswickme.org)  
[www.brunswickme.org/planning](http://www.brunswickme.org/planning)

**phil carey**

---

**From:** phil carey [carey@brunswickme.org]  
**Sent:** Friday, June 25, 2004 2:58 PM  
**To:** 'cmitchell@clinic.net'  
**Cc:** holtwijk@brunswickme.org; swalker@brunswickme.org  
**Subject:** RE: Sweet Dreams Fill Limits

Theo has asked me to also point out that once the fill is in place, the area must be loamed and seeded and that it has not been approved for parking or outdoor displays or storage.

Thanks.

-----Original Message-----

**From:** phil carey [mailto:carey@brunswickme.org]  
**Sent:** Friday, June 25, 2004 2:48 PM  
**To:** 'cmitchell@clinic.net'  
**Cc:** holtwijk@brunswickme.org; swalker@brunswickme.org  
**Subject:** Sweet Dreams Fill Limits

Dear Marcus and Dave,

Theo has asked me to bring an issue to your attention that wasn't noted to you at the site visit you had with Steve, Theo and Claire yesterday:

There is a 6" pvc pipe that outlets into the area that is to be filled. It was unclear what the purpose of the pipe is - it may drain a tree well or serve some other function. Once fill is put in place, the outlet of this pipe will be underground and it will no longer be able to drain. You will need to make appropriate arrangements to account for this problem. Please let us know what you find.

Thanks.

## Theo Holtwijk

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**To:** cmitchell@clinic.net  
**Cc:** Peter Baecher; Steve Walker; Phil Carey; Jeff Hutchinson; 'John Foster'  
**Subject:** Sweet Dreams - Clearcut/Fill Amendment

Dave/Marcus (also via fax 721-0091):

We looked over your undated plan and undated note that you submitted to us on Friday 7/16/04.

**I approve of the plan as a de minimus change with the following conditions:**

**1. That the following new tree plantings are made:**

- 11 new trees total;
- min. planting size: 3" minimum caliper;
- species selection: red oak, white ash or red maple;
- all plantings (except for #6) are to be 10 feet from curb line (#6 to be in line of existing trees);
- locations: Tree #1-2 along exit drive, 45' o.c. (west side of building); tree #3-4-5 in front of building, 45' o.c. (south side); tree #6 along Bath Road; tree 7-8-9-10-11 along clearcut area, 40' o.c. (along Lowe's service drive);
- planting to occur by September 30, 2004;
- fill to be removed from tree root area ASAP.

**2. That any use of the filled, loamed and seeded site requires explicit approval from the Town of Brunswick.**

**3. That any new impervious surfaces will require a stormwater management plan based on the original, wooded condition of the site.**

I will await your confirmation before transmitting this approval to Leslie Cohen. Thanks.

Theo H.B.M. Holtwijk, Director  
Planning & Development Department  
Town of Brunswick  
28 Federal Street  
Brunswick, ME 04011-1581

phone: 207/725-6660

fax: 207/725-6663

e-mail: [holtwijk@brunswickme.org](mailto:holtwijk@brunswickme.org)

[www.brunswickme.org/planning](http://www.brunswickme.org/planning)

## Theo Holtwijk

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**From:** Theo Holtwijk [holtwijk@brunswickme.org]  
**Sent:** Monday, July 26, 2004 11:01 AM  
**To:** 'Cmitchell'  
**Cc:** 'Phil Carey'; 'Steve Walker'  
**Subject:** RE: Sweet Dreams

Marcus:

Thank you for your letter of July 22, 2004 and explanations.

For the record (i.e. what you did not write in your letter):

1. At our site inspection, we had a mutual agreement to preserve the oak tree that was cut. 2. It was no ordinary tree, it was a 100+ year old oak tree. 3. We had a mutual agreement to reevaluate the future of this tree when you would come in with a building expansion plan. We essentially wanted to give it more time to see if it could be worked into a plan. 4. You did not notify us immediately after you obtained the negative opinion of Mr. Howard, before cutting. 5. You did not notify us immediately after the tree was actually cut.

To close this matter for now, I will agree to delete tree 1, 2, and 11 from the plan. Tree #6 remains a requirement (the tree cutting along Bath Road has created a gap that exposes the loading dock side of the building) as well as the others noted in my previous correspondence.

Again, I request your confirmation of this modified approval before I will transmit it to Leslie Cohen.

Thank you.

Theo H.B.M. Holtwijk, Director  
Planning & Development Department  
Town of Brunswick  
28 Federal Street  
Brunswick, ME 04011-1581

phone: 207/725-6660  
fax: 207/725-6663  
e-mail: holtwijk@brunswickme.org  
www.brunswickme.org/planning

-----Original Message-----

From: Cmitchell [mailto:cmitchell@clinic.net]  
Sent: Thursday, July 22, 2004 2:08 PM  
To: holtwijk@brunswickme.org  
Subject: Sweet Dreams  
Importance: High

## Julie Erdman

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**From:** Marcus Headley <marcusmheadley@yahoo.com>  
**Sent:** Wednesday, June 22, 2016 10:50 PM  
**To:** Jared Woolston  
**Subject:** Re: RE: Fw:

Jared,

I have to be at work tomorrow. So far I haven't heard from Doug Rice. However, I did revise my narrative somewhat, below, 1. to reflect possible threats to trees and their replacement, 2. to assure effective maintenance of the storm water management plan, 3. to confirm that I will seek approval from Jeff for the octagonal decks

Marcus

Reference is made to Case No. 99-064, Final Plan application for Sweet Dreams, of the Brunswick Planning Board from June 8th, 1999.

Tax map 45 / Lot 55, Cooks Corner Zoning District.

Applicant:  
Marcus and Cathy Headley  
Sweet Dreams  
256 Bath Road  
Brunswick, ME, 04011  
Tel: 207 721 0091

The owners of the property wish to expand their lines of outdoor furniture and to display such items in an attractive manner around the existing building and throughout the garden area. We hope to introduce a line of 'tiny homes' and possibly some storage sheds. To display the furniture some additional impervious surface is needed - for instance, some areas of landscape paving, some low level decks and some areas of crushed stone.

At the time of construction of the original store a landscape plan was proposed, approved, and implemented. Subsequently we have enhanced the landscaping with additional shrubbery and tree plantings, as indicated on the enclosed plans.

Sweet Dreams is a valuable employer and very reputable, established business in Brunswick. We are the largest furniture store in the entire Bath - Brunswick - Topsham region, and enjoy a stellar reputation, selling largely American made products. We pay a very significant tax bill annually. Because the product sold is of high quality the business attracts customers to the Cooks Corner area

who have sizable disposable incomes, and this, in turn, brings income and business to other Cooks Corner enterprises. Therefore it is highly unlikely that any other retailer in the neighborhood would wish to see business at Sweet Dreams curtailed.

As in all aspects of life, consumer needs and demands change and outdoor furniture is one of the fastest growing sectors of the home furnishings industry. It is a very significant and necessary part of our business model. If we cannot readily pursue this significant portion of our trade it will very greatly impact our business viability in the Cooks Corner area.

Reference: Brunswick Zoning Ordinance, Chapter 5.

501. Preservation of Natural Features and Net Site Area

The property is not located within the Natural Resources Protection Zone, the Aquifer Protection Zone, or the Casco Bay Watershed.

The overall lot size is 59,855 sq. ft. or 1.37 acres. The building footprint is 11,983 sq.ft. and there is approx. 4,413 sq.ft. of impervious surface - loading driveway and walkway.

This means there is approximately 40,318 sq.ft. or 68% of the total lot size which is currently maintained green space.

There are no fewer than 63 trees on or along the boundary of the property. Some of these trees are as big as 36" in diameter.

These are extraordinarily 'green' figures when compared to any other retail location in the Brunswick - Topsham area.

A landscape plan was required for the initial development in 1999. Subsequent to that time other shrubbery has been added (2004) and the original plantings have matured into very pleasing and some very large, vegetation. This shrubbery is clearly seen when passing by or visiting the store, and we frequently receive compliments on our gardens and flowers. Sweet Dreams has been referenced in a State level planning meeting as an example of conscientious New England style development - exactly as called for in the Cooks Corner Master Plan. Furthermore, all existing shrubbery will not be compromised by the current application. However, there is a small possibility that construction work may compromise some of the existing trees near to the proposed new impervious surface. In the event of this possibility Sweet Dreams warrants to replace those affected trees with similar hardwoods.

There are mocking birds, mourning doves, American robins, and numerous other small birds and mammals that make the Sweet Dreams gardens their permanent home.

Per the Maine Department of Environmental Protection Department Order # L-10649-23-J-C of May 14th, 1999 the development of the subject property by Sweet Dreams was approved.

Subsequently Order # L-10649-23-L-M of December 17th, 2002, confirmed that there is no wetland on the property.

#### 502. Flood hazard Area

The property is not located within the Special Flood Hazard Area.

#### 503. Steep Slopes and Embankments

Not applicable.

#### 504. Storm Water Management

The original plans prepared by Doug Rice, PE, of Wright & Pierce of Topsham in 1999 addressed and calculated storm water needs for the development at that time.

The new plans call for some additional impervious surface and a storm water management plan is prepared and enclosed. During any construction measures will be taken to control any potential for erosion. Similarly measures will be made to protect any existing trees and to replace them if necessary. The illustrated storm water management plan will be maintained correctly, as time passes, so as to achieve and maintain full effectiveness.

#### 505. Groundwater

The property is located over a mapped sand and gravel aquifer, though not within the Aquifer Protection Zone. The site and adjacent sites are served by public water and sewer. There is no additional impact from this application

#### 506. Erosion and Sedimentation

An erosion and sedimentation control plan, prepared by Doug Rice PE, was submitted with the original 1999 application. As noted above Doug Rice has prepared a new plan relevant to the proposed impervious display area.

#### 507. Sewerage Disposal

The existing development is served by municipal sewer and this is unaffected by the current application.

#### 508. Water Systems

The existing development is served by municipal water and this is unaffected by the current application.

#### 509. Community Facilities Impact Analysis

Bath Road Traffic, Solid Waste, East Brunswick Fire Substation, and Sewer impact fees were assessed and paid at the time of the original development.  
There will be no additional impacts.

#### 510. Development Impact Fees

See 509. above

#### 511. Development of New Streets

Not applicable

#### 512. Off Street Parking

Parking for Sweet Dreams is provided for and allowed in the density standards as submitted with the original plans in 1999/2000. The owners of the shopping mall are responsible for maintenance and upkeep of all public parking. We utilize shared parking as suggested by the Cooks Corner Design Standards - "Key requirements are provision of.....shared parking areas...Following the Master Plan.....buildings with.....parking behind....are encouraged..."

#### 513. Curb Cuts and highway Access

Not applicable

#### 514. Off Street loading Requirements

Sweet Dreams has an existing loading dock. No additional facilities will be needed.

#### 515. Appearance Assessment

Reference Section 501 above.

The site is not located in the Coastal Protection Zone or the Village Review Zone. No development is proposed on steep slopes or within the Natural Resources Protection Zone.

The plan will not affect existing topography and will have minimal impact on grassy vegetation. Existing shrubbery will not be affected. The proposed octagonal display decks are a mere inches above ground level, and allow for a more visually appealing display of outdoor furniture. Application will be made to Codes Enforcement for permits for these decks. Similarly the few areas of landscape paving and crushed stone are at ground level.

The Plan seeks permission for the display of 'tiny houses', storage sheds, gazebos, pergolas, lawn swings and miscellaneous outdoor furniture. We anticipate all, or the large majority, of any small sheds/tiny homes to be sited on the proposed new impervious surface. However, our displays of outdoor chairs, swings and furniture are required all around the property. These items are all for sale and the concept is for them to be inter-changed for different designs from time to time. Stock will naturally fluctuate, similarly to Lowe's and Walmart, so displays will be in a constant state of change.

The furniture and structures sold are very much of a New England style - the classic adirondack chair for instance, and this definitely coordinates with the recommendations of the Cooks Corner Design Standards - "Architecture should follow traditional patterns that have evolved in New England..." ".....encourage landscaping....providing visual interest throughout the year...."

#### 515.4 Relationship of Lighting to Project.

Sweet Dreams is not currently open beyond 6 pm and no lighting is proposed for the project.

#### 515.5 Relationship of Signs to the Project

No additional signage is anticipated

515.7 Cook's Corner District.

Per the Brunswick Zoning Ordinance Section 306.18 "Outdoor Sales is permitted in CC (Cook's Corner)....."  
This Plan is in line with the suggestions of the Cook's Corner Design Standards, as outlined - "...it is a specifically identifiable growth area. The focus of most of the Town's recent commercial growth."

516. Building Configuration.

The structures and furniture proposed are not permanent. Rather they are for display and sale purposes.

517. Preservation of Historic Resources

Not applicable

518. Access for Persons with Disabilities

The majority of the display area is level, or very marginally inclined ground, very largely accessible under the ADA.

519. Recreational Requirements for Residential Developments

Not applicable

520. Fiscal Capacity

Not applicable, already evident

521. Performance Guarantee

Not applicable

522. Home Owners'/Property Owners' Associations

Not applicable

523.

524. Noise and Dust

Not applicable

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**From:** Jared Woolston <jwoolston@brunswickme.org>  
**To:** Marcus <marcusmheadley@yahoo.com>  
**Cc:** Douglas Rice <douglas.rice@wright-pierce.com>; Jeff Hutchinson <jhutchinson@brunswickme.org>  
**Sent:** Wednesday, June 22, 2016 1:09 PM  
**Subject:** RE: RE: Fw:

Marcus: Yes, the copies for Planning Board should be dropped off at the latest by Friday (preferably tomorrow). If you can revise the plans/narrative and email me the revised material by tomorrow that would be excellent. Here is a list of the requested additional information/modifications to your proposal from our SRC meeting today:

- revise the proposed grading area on the site plan to avoid impacts to existing trees and shrubs (including associated root systems);
- planting plans to replace vegetation should unforeseen impacts to existing vegetation occur during construction;
- a narrative description of the proposed stormwater management plan including treatment provided
- a long term maintenance plan for the stormwater management system;
- revise the plan to allow meadow vegetation to grow within the proposed stormwater treatment area to the extent practicable (mowing no more than twice per year);
- revise the plan to indicate all proposed display areas on the parcel;
- revise the project description to include applying for a building permit for all unlicensed structures, including the platforms used for display;
- remove the brush pile from the plan since it is not proposed to be permanent;

I am going out on a few site visits this afternoon but I will be back in the office a bit later if you or Doug have questions and want to call me.

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](mailto:jwoolston@brunswickme.org)  
[www.brunswickme.org](http://www.brunswickme.org)

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**From:** Marcus [mailto:marcusmheadley@yahoo.com]  
**Sent:** Wednesday, June 22, 2016 12:26 PM  
**To:** Jared Woolston  
**Subject:** Re: RE: Fw:

Jared

Do I need to pick up all the copies of the plans from you to make the changes Jeff wanted, or make new copies? Presumably the sooner the better as you have to give them to each PB member.  
Thanks for the help  
Marcus

Sent from my iPhone

On Jun 20, 2016, at 5:18 PM, Jared Woolston <[jwoolston@brunswickme.org](mailto:jwoolston@brunswickme.org)> wrote:

Hi Marcus: Thanks for dropping off the extra copies for the Staff Review Committee (SRC). I looked at the picture you sent, and reviewed your description of the activity at Johnsons. I recommend filing a complaint with our Code Enforcement Officer (CEO) Jeff Hutchinson to determine the need to provide a stormwater management plan. If I understand your concern correctly, you want Jeff to determine if the activities at Johnsons are reducing soil permeability enough to be considered impervious (by Brunswick's Zoning Ordinance), and as a result, require a stormwater management plan. I copied Jeff on this email to provide you the chance to clarify your concern and file a formal complaint if you like.

Jared Woolston  
Planner  
Town of Brunswick  
85 Union Street

Brunswick, ME 04011

(207) 725-6660, ext. 4022 (v)

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**From:** Marcus Headley [<mailto:marcusmheadley@yahoo.com>]

**Sent:** Monday, June 20, 2016 1:46 PM

**To:** Jared Woolston

**Subject:** Fw:

Hello Jared,

I dropped off everything I believe you need this morning. If anything is missing please let me know.

You will recall the email below from Jeff about the various sheds now on display in and around Cooks Corner. I was out this morning and took the attached picture of the multiple sheds at Johnsons'. The guy across the street, Hill View Mini Barns already had impervious surface. How is it that Johnsons' can put so many sheds, with a large collective roof area run-off, on a flat grassy lot, and not create a storm water management plan?

My land pitches toward an existing low, drainage, area and never has standing water, and yet from me you require a storm water plan at great expense from Wright and Pierce. And, that is before the installation costs.

As I have told you I have absolutely no problem with the Johnsons and certainly do not wish to create one. This is merely a question of consistent standards. And, again, I am in the planning process and will, of course, do what is necessary, and hopefully proceed to a fair conclusion.

Thanks, Marcus

Marcus,

The sale of sheds located across the road from your store received a Change of Use permit last week. Most of the lot that will be used for display is currently impervious (gravel) and didn't trigger any additional review.

Johnson's Sporting Goods received a minor modification to their Site Plan last year to display sheds for sale.

The retail display of tractors and mowers at Chad Little was approved as part of their original proposal to the Planning Board.

Hope this helps.

Jeff

*JEFF HUTCHINSON*

*Codes Enforcement Officer*

<IMG\_6651.jpg>

**BRUNSWICK PLANNING BOARD  
MEETING MINUTES  
DECEMBER 8, 2015**

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

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

A meeting of the Brunswick Planning Board was held on Tuesday, December 8, 2015, in Town Council Chambers, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

**1. Case # 15-027, Spruce Meadow Subdivision:** The Board will hold a **Public Hearing** then review and take action on a **Final Plan Major Development Review** Subdivision Application submitted by William Moore, for a proposed 33-lot open space residential subdivision. **(Original Assessor's Map 13, Lot 34, 66-78) in the Mixed Use 5 (MU5) Zoning District and the Telecommunications Zone 2 Overlay (Lot 5).**

Jared Woolston introduced the application for the proposed 33-lot subdivision. Curt Neufeld, of Siteples, PA, representative, reviewed a PowerPoint presentation for the subdivision and open space project. Curt reminded Board members that the site was originally approved as a commercial lot in 2009 with 4 residential lots abutting Durham Road; these lots have sold. Charlie Frizzle pointed out an inconsistency in the number of lots in the application and the number of lots on the plan. Curt clarified that the proposal is for 33 lots, 32 residential lots for sale with one lot reserved. Curt said that the reserved lot, lot 33, is not for sale because it is encumbered with wetlands and has been set aside. Curt reviewed the phases, amenities, and waiver requests. Curt clarified the sewage requirements for Findings of Fact 411.8 per Soxna Dice's request. Dale King asked what prompted the DEP review. Curt replied that because there is already a permit for the parcel as it was originally intended for commercial use, the DEP permit needs to go back for an amendment. Margaret Wilson said that it was clear that in reviewing the homeowner's document that the public can utilize the trails / open space, but pointed out that there was no indication that the public could use the road. Curt replied that the road is being offered to the Town. Margaret said that she is still concerned that if the road is not completed quickly there is still no language and suggested that language be placed into the homeowner's document for public access to be allowed for purposes of using the trails. Margaret asked when the trails will be put in. Curt replied that the intent is that they will construct the trails as they being Phase I and will work with staff to identify the entrance to the trails at the end of the Phase I roadway until such time that the roadway is extended. In regards to the leach fields as noted on the topsoil's map, Margaret said that she believes that the leach fields cannot be located in the meadow buffer and pointed out that it appears as though Lots 6 through 12 are very close. Curt replied that she was correct and pointed out that there is language in the document that some lots may require a second test pit to satisfy the septic system field requirements. Margaret asked if they should amend the Conditions of Approval to note this

conflict, but Charlie Frizzle pointed out that the septic systems will go through another separate review. Anna Breinich asked Curt if staff was going to get an updated septic plan as requested and Curt replied that he has submitted a revised plan, but noted that the second test pit is not included. Curt said that the new map shows two sites for each potential septic system and each well to show the appropriate separation as requested by Jeff Hutchinson, the Codes Enforcement Officer. Jeremy Evans asked if staff has other open space trail systems maintained by homeowners association in Brunswick. Anna replied that there is one and pointed out that there has been much discussion on the ongoing maintenance of the trails and referred to the conditions.

**MOTION BY DALE KING THAT THE MAJOR FINAL SUBDIVISION PLAN DEVELOPMENT REVIEW APPLICATION IS DEEMED COMPLETE. MOTION SECONDED BY SOXNA DICE.**

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

Members and staff discussed revised wording for the Findings of Fact.

**MOTION BY BILL DANA THAT THE BOARD WAIVES THE FOLLOWING REQUIREMENTS:**

1. Section 412.2.B.8 – Profiles and cross-sections and curve radii of existing streets.
2. Section 412.2.B.17 – Location of all existing trees over 10 inches in diameter, and locations of tree stands.
3. Section 412.2.C.6 Stormwater Management Plan.

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

**MOTION BY DALE KING THAT THE FINAL SUBDIVISION PLAN IS APPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.
2. That prior to the sale of a lot, evidence is provided in the form of a final recorded Declaration of Restrictive Covenants and Easements dedicating a minimum of 50% of the 76.1 acre parcel as open space in perpetuity and establishing an on-going open space and trail system maintenance program as accepted by the Directors of Planning and Development, and Parks and Recreation. Said Declaration shall indicate that public

access to trails and over the proposed roadway shall be permitted before and after acceptance by the town.

3. That prior to the sale of a lot, any changes required by the DEP to the stormwater management plan for the Site Law permit are incorporated on the final subdivision plan as needed.
4. That prior to the sale of a lot, the Site Law Permit is approved by Maine DEP.
5. That prior to the sale of a lot, lot owners shall be made aware, in writing by the developer, that their lots are located in a rural fire protection district with limited water supply which will likely result in lengthy emergency response times and increased insurance rates. A note advising homeowners shall be included on the deed in addition to the written notification.
6. That prior to the issuance of the first building permit for each phase, Solid Waste Impact Fees shall be paid as follows:
  - Phase 1 - 11 new units at \$2,844.16
  - Phase 2 - 11 units at \$2,844.16
  - Phase 3 - 10 new units at \$2,585.60.
7. That at the conclusion of Phase 1 or no later than the year 2020 an inspection of the trail shall be completed by Town staff. In the event that trail Loop A has not been constructed to staff satisfaction, the developer will have the option to complete the loop or pay the prorated recreation impact fee before the issuance of building permits for Phase 2. The same methodology shall apply to trail Loop B and Phase 3.
8. That prior to the sale of the first lot in each Phase, a performance guarantee shall be provided for the completion of Kennedy Drive, in accordance with the approved phasing plan in an amount per phase as determined by the Director of Public Works.
9. That prior to the sale of the first lot in each phase, granite monuments or an approved equal must be placed at all points of curvature or horizontal changes in the road right-of-way alignment of that phase and shall be installed to the satisfaction of the Town Engineer. The final plan shall detail the location of all such monuments.
10. That prior to the start of construction of Kennedy Drive, an escrow account equal to 2% of the total roadway construction value, including all utilities shall be established for inspection of the road and related storm drainage system to the satisfaction of the Town Engineer.
11. That one week prior to construction, a pre-construction meeting with the Public Works Department shall occur.
12. That prior to the start of construction, a digitized electronic drawing file of the complete final approved plans, in an approved format, shall be furnished to the Public Works Department.

13. That upon completion of Kennedy Drive, an "as-built" or set of record drawings shall be submitted in a form acceptable to the Public Works Department.

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

**2. Report on Staff Review Committee Minor Development Plan Approvals:**

Charlie Frizzle pointed out that these are approvals made by staff and asked if there were any questions. No members had questions.

**3. Zoning Ordinance Rewrite Committee (ZORC) Update:**

Anna Breinich said that the next meeting is December 16<sup>th</sup> from 1:00 to 4:00.

**4. Approval of Minutes**

**MOTION BY BILL DANA TO APPROVE THE MINUTES OF SEPTEMBER 10, 2015.**  
**MOTION SECONDED BY SOXNA DICE, MOTION APPROVED UNANIMOUSLY.**

**5. Other Business**

**Adjourn**

This meeting was adjourned at 7:56 P.M.

Respectfully Submitted,

Tonya Jenusaitis

Recording Secretary