

~~Approved-DRAFT~~ Findings of Fact  
Special Permit (Section 701)  
Crystal Spring Farm Community Solar Farm  
Planning Board Review Date: July 26, 2016

**Project Name:** Crystal Spring Farm Community Solar Farm  
**Case Number:** 16-025  
**Tax Map:** Map 21, Lot 16  
**Applicant:** Crystal Spring Farm Community Solar Association  
c/o Steve Weems  
44 Thompson Street  
Brunswick ME 04011

**PROJECT SUMMARY**

Case Number 16-025 – Crystal Spring Farm Community Solar Farm- The Board will hold a public hearing then review and take action on a **Special Permit** application submitted by Revision Energy for a proposed community solar farm which is an omitted use. The proposed use is located in the **Coastal Protection 1 (CP1) Zoning District; Natural Resource Protection Zone (NRPZ) (Map 21, Lot 16)**.

The site of the proposed use is within an existing agricultural field at Crystal Spring Farm. The site plans within the application indicate the proposed solar array was revised from a square formation at 125 feet wide by 98 feet long on a plan dated June 30, 2016 ~~plan~~ (12,250 square feet); to a proposed ~~and a most recent plan with a new~~ formation generally estimated at 125' x 125'. The applicant indicated that the proposed change in orientation was necessary due to shallow depth to ledge which was encountered during site investigations. The proposed use ~~areas~~ is area is estimated between 12,250 square feet and 15,625 square feet. ~~of~~ The site for the solar array ~~as is~~ shown on a plan created by ReVision Energy entitled, "Crystal Spring Farm Community Solar ~~Association~~ Association – Project Description SCHEDULE C – Site Map" ~~and~~ dated July 11, 2016.

A Special Permit application is required for the proposed use because renewable energy use (as a primary use) is an omitted use from the Brunswick Zoning Ordinance. The existing agriculture use on-site is currently permitted and will remain a second primary use at the site.

Upon approval of the Special Permit and prior to starting construction, the applicant is required to submit a building and electrical permit to the Department of Planning and Development (and Codes) for the construction of the proposed solar array.

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

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

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

C.2 Coastal Protection Areas (2008 Comprehensive Plan)

- A. The areas designated Coastal Protection include the areas that are generally tributary to Maquoit Bay, Mere Point Bay, and Middle Bay as well as the areas adjacent to the New Meadows River south of Route 1 that were previously designated as Farm and Forest excluding the area currently in the Medical Use Overlay Zone (see Land Use Map).
- B. Appropriate land use include rural and natural resource based uses including agriculture, forestry, and marine activities; marine and water-dependent uses; rural businesses that support or are based on rural and natural resource-based uses; single and two-family homes; small-scale multifamily housing in areas that are not adjacent to the coast; and low-intensity non-residential uses and businesses.
- C. A major focus of the development standards in the Coastal Protection areas should be to protect the water quality in the coastal bays as well as assuring that any development or intensive use maintains the “rural character” and protects natural and scenic resources.

*This Special Permit application is consistent with and furthers the planning area goals by with the proposed community solar array within an existing agricultural field. The proposed development includes a new vegetated buffer to mitigate any unintended impacts to the character of the rural setting along the north side of the proposed solar array. The applicant provided narrative supporting information detailing the proposed use is intended to reduce atmospheric carbon for the protection of the environment, specifically, the natural resources within the Coastal Protection Area. Further, the proposed development avoids the mapped Natural Resource Protection Zone (NRPZ).*

*The Planning Board finds the proposed use furthers the planning goals of Coastal Protection Area.*

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

*The applicant proposes to install a solar array that employs eight (8) people during construction. Upon completion of all construction activities, the proposed use will be managed by the Crystal Spring Farm Community Solar Association. The site of the proposed use is within an approximately 44 acre lot that is primarily used for agriculture fields. The proposed use is*

*approximately 12,250 square feet which is a small fraction of the lot. Each solar array structure will be approximately ten (10) feet tall. The full build-out is somewhat out of scale with the surrounding residential and rural setting; however, the proposed development sufficiently mitigates the scale of the proposed array with a new vegetated buffer.*

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

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

*No new buildings are proposed. The proposed development is well oriented to public streets.*

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

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

*The Coastal Protection Area is not a pedestrian-oriented region. This area of town is rural.*

*The Planning Board finds that this standard is not applicable because the Coastal Protection Area does not encourage pedestrian oriented development.*

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

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

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

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

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

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

### **DRAFT Motions**

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

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

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.

### **Planning Board Denial of Special Permits**

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



# 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:** Planning Board  
**FROM:** ~~Jeremy Doxsee, AICP~~ Jared Woolston, Town Planner  
**DATE:** July 26, 2016  
**RE:** Site Plan Amendment: Tao Yuan Addition

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### DRAFT AMENDMENT

**Project Name:** Tao Yuan Site Plan Amendment (Amending Case #15-014)  
**Address:** 22 Pleasant Street  
Brunswick, ME 04011  
**Case Number:** 16-031  
**Tax Map:** Map U13, Lot 52  
**Zoning:** Town Center 1  
**Applicant:** Cecile Stadler/Cara's Place LLC  
109 Holland Drive  
Phippsburg, ME 04562  
**Authorized Representative:** Greg Simard, General Contractor  
PO Box 942  
Brunswick, ME 04011-0942

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

### PROJECT SUMMARY

Staff review is based on the application submitted by the applicant, revised most recently on July 22, 2016. The application includes updated building renderings, elevations, floor plans, and a site plan as follows:

1. Sheet A1.1 developed by David Matero entitled, "Proposed First Floor Plan" dated July 21, 2016
2. Sheet A1.2 developed by David Matero entitled, "Proposed Greenhouse Plan" dated July 21, 2016

3. Sheet A1.3 developed by David Matero entitled, "Proposed Basement Plan" dated July 21, 2016
4. Sheet A2.1 developed by David Matero entitled, "Proposed South & East Elevations" dated July 21, 2016
5. Sheet A2.2 developed by David Matero entitled, "Proposed North & West Elevations" dated July 21, 2016
6. Sheet A3.1 developed by David Matero entitled, "Building Sections" dated July 21, 2016
7. Sheet A4.0 developed by David Matero entitled, "Perspective Model Views" dated July 21, 2016
8. Sheet 1 developed by Sitelines, PA entitled, "Site Development Plan" dated April 7, 2014 and revised most recently on July 21, 2016

The proposed amendment is the most recent of several approved development review proposals for the parcel including a restaurant and greenhouse. The most recent approval is Case #15-014 which included the construction of the greenhouse. The proposed amendment would modify the approved construction of a two-story commercial building on an existing foundation at 5 Abbey Road, to ~~house~~ include a new commercial kitchen and office space. The proposed second floor would continue to house a greenhouse in support of the Tao Yuan Restaurant. The proposed commercial kitchen would serve a new first-floor retail and café use.

The proposed development was reviewed by the Staff Review Committee (SRC) on July 13, 2016. The new bakery and retail use was considered by the SRC to be a minor change to the required parking requirement but advised that the Planning Board would need to approve the change as some increase of the use of the site by additional patrons is expected, and the available on-site parking is below the amount of parking required by ordinance. The applicant provided a parking analysis in accordance with the Brunswick Zoning Ordinance provisional parking requirements that includes areas of available parking on-site and within the vicinity of the proposed development. A representative from the abutting condominiums at 15 Abbey Road (Map U13, Lot 95)- asked the applicant to address light from the greenhouse during the night; ~~access-vehicle egress~~ to their shared driveway to the condominiums, specifically, with regard to snow storage and removal at the shared driveway (between Map U13, Lot 52 and Map U13, Lot 95); ~~);~~ and any sound disturbance expected from the proposed commercial kitchen exhaust fan. The applicant addressed each item for the public during the SRC meeting, and provided additional supporting documentation within the most recent version of the application. One notable change to the application is that the proposed exhaust fan was ~~removed~~ from the exterior wall that faces the aforementioned condominium ~~and onto a location on~~ the roof with an internal exhaust structure ~~upon the advice of the~~ as advised by the Deputy Fire Chief. As part of the previous approval, a lighting photometric plan was required to determine if there are sufficient lighting levels in and around the proposed building. The lighting photometric plan was discussed by the SRC and the applicant indicated that a lighting photometric plan would be provided. A condition of approval will be added that a photometric plan be submitted for the proposed development.

The proposed activity was conditionally approved by the Village Review Board (VRB) on July 19, 2016. As conditioned, the applicant is required to provide to the Director of Planning and Development with acceptable specifications for residential style cut-off lighting fixtures for review.

The Bicycle and Pedestrian Advisory Committee (BBPAC) reviewed the proposal on July 21, 2016 and advised that the proposed bicycle and pedestrian access and safety were sufficiently addressed with the noted paint striping for crosswalks, and the proposed bike rack. The BBPAC further advised the applicant to consider additional bicycle racks if space is available on-site, and that bicycle parking beneath the building where employees are proposed to be located is preferred for inclement weather.

**~~APPROVED DRAFT~~ MOTIONS**  
**TAO YUAN ADDITION SITE PLAN AMENDMENT**  
**CASE NUMBER: 16-031**

- Motion 1:** That the amended Site Plan application is deemed complete.
- Motion 2:** That all applicable prior conditions relating to this amendment remain in effect, in addition to any new conditions contained herein.
- Motion 2:** That the amended Site Plan application is approved with the following conditions added to prior conditions currently in place:
1. That the Board's review and approval does hereby refer to the plans and materials submitted by the applicant and the written and oral comments of the applicant's representatives, reviewing officials and members of the public as reflected in the public record and that any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require review and approval in accordance with the Brunswick Zoning Ordinance.
  2. Prior to issuance of a building permit, a photometric plan shall be submitted for the proposed development to the satisfaction of the Directors of Public Works and Planning and Development.

\* Please note that Development Review Site Plan approvals by the Planning Board shall expire at the end of two years after the date of final approval unless all construction has been completed by that date (Section 407.4.B of the Brunswick Zoning Ordinance).

**DRAFT FINDINGS OF FACT  
Major Development Review  
Final Common Development Plan  
Meeting Date: July 26, 2016**

**Project Name:** Common Development Plan at St. Johns All Saints Parish  
**Address:** NA  
**Case Number:** 16-031  
**Tax Map:** Assessor's Map U16, Lots 47 and 48  
**Zoning:** MU2 Land Use District  
**Applicant:** All Saints Parish  
35-39 Pleasant Street  
Brunswick, ME 0401

**Authorized Representative:** Kevin Clark, PLS  
President, Sitelines, PA  
8 Cumberland Street  
Brunswick, ME 04011

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

**PROJECT SUMMARY**

Staff review is based on the following application materials:

1. Common Development Plan application packet as revised on July 22, 2016;
2. Sheet 1 prepared by Sitelines, PA entitled "Phase 1 Sketch Plan" dated February 9, 2016;
3. Sheet 2 prepared by Sitelines, PA entitled "Master Plan Common Development Plan" dated February 9, 2016;
4. Sheet 3 prepared by Sitelines, PA entitled "Landscape Common Development Plan" dated February 9, 2016;
5. Twelve (12) site renderings developed by Scott Simons Architects and dated July 2016 as-entitled:
  - a) i. Birdseye View Phase 1
  - b) ii. Birdseye View with New School
  - e) iii. View from the Northeast
  - d) iv. View Showing New School
  - e) v. View from the Northwest
  - f) vi. View from the Southwest
  - g) vii. View from the Southeast
  - h) viii. View Down Pleasant at West Neighbor
  - i) ix. View from Sidewalk Corner as Designed

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- ~~j)x.~~ View from Across the street as Designed
- ~~k)xi.~~ View from Down Pleasant Street as Designed
- ~~h)xii.~~ View from Sidewalk as Designed

In accordance with §413 of the Zoning Ordinance, the applicant ~~has~~ submitted a Common Development Plan (CDP) application for two (2) lots with frontage on Pleasant Street at All Saints Parish. A project narrative, which provides a description of the proposed development, the architecture, conceptual landscaping, and pedestrian and bicycle facilities is included with this packet.

The Staff Review Committee (SRC) reviewed the proposed Common Development Plan on July 20, 2016. The Deputy Fire Chief requested that the proposed lawn area behind the school building proposed at Phase II be reinforced ~~with~~ turf that would allow emergency vehicle access. The Planner requested clarification for the use of the proposed 'colored concrete plaza'; and ~~consideration for~~ to consider removing a portion of the proposed plaza to shift the proposed Phase 1 events center ~~east~~ 25 feet to the east to preserve several mature trees. The applicant indicated that the proposed plaza is an important design feature created by the architect and could not be removed. The Director of Planning and Development indicated that the proposal is required to be reviewed by the Village Review Board (VRB), and that the proposed Phase 1 events center should be moved back from Pleasant Street as much as practical. The Director of Planning and Development further noted that the building exterior would be reviewed during VRB, with attention to a portion of the west side of the events center that would be comprised of two (2) primary design materials. The Town Engineer noted inconsistencies in the renderings provided by the architect, and the site plans. The Town Engineer further advised that the Phase 1 events center must be comprehensively reviewed for traffic, and access (vehicles, bicycles and pedestrians) at the development review submission.

The Bicycle and Pedestrian Advisory Committee (BBPAC) reviewed the proposed development plan on July 21, 2016 and found no substantive concerns with the proposal. The Chair of the BBPAC noted that the Union Street sidewalk at the site of the proposed development is in poor condition, and requested consideration for restoring the sidewalk as part of the development. The BBPAC requested further review of the individual phases of development upon the submission of Sketch Plan and/or Final Plan review.

**The following waivers have been requested by the applicant:**

1. Sec. 413.3 (D) – Waiver requested to showing locations of all signs. The applicant requests that specific sign locations be addressed at the time of Final Site Plan review. A conceptual sketch of the style of signage has been included for review.
2. Sec. 413.3 (E.2 & 4) – Waiver requested to showing photometric site plan of lighting treatment. The applicant indicates that the existing site lighting will remain until the construction of Phase II and the locations of fixtures can be more appropriately addressed during Phase II Site Plan review.

3. Sec. 413.3 (F) – Waiver requested for a master landscaping plan with complete plant list and sizes. The application includes a Landscape Concept Plan that demonstrates the theme of accenting the buildings, screening parking areas, as well as providing shade, color and interest in parking areas through the use of ornamental trees and shrubs.

## **Review Standards from Section 413 of the Town of Brunswick Zoning Ordinance**

### **413.1 Criteria for Designation as a Common Development Plan**

In reviewing a proposal for a project to be designated as a common development plan, the Planning Board shall find that all of the following criteria will be met:

- A. All buildings and structures shall be part of, and consistent with, a common pattern of development. In the case of a single building on an individual lot, the proposed building shall be consistent with the pattern of development on surrounding lots. The relationship of the buildings to public and private streets and to parking areas shall result in a unified pattern.

*Proposed buildings will be oriented to existing roads, with the closest building proposed for the Phase I Events Center at setbacks not less than 20' from Pleasant Street, and with parking located to the side and/or rear of buildings. The staff advises that the proposed development must be comprehensively reviewed by the Town Engineer for traffic, and access (vehicles, bicycles and pedestrians) as part of the Final Plan review.*

***The Board finds that the provisions of Section 413.1.A are satisfied provided the proposed development is comprehensively reviewed for traffic, and access (vehicles, bicycles and pedestrians) during the Final Plan review.***

- B. The development shall incorporate private or public amenities that enhance the development's pedestrian friendly environment.

*The site will provide pedestrian connections between buildings, parking areas, and the proposed plaza. Each site indicates a cross walk or street paint that directs connection to existing and new raised walkways. Bicycle racks will be provided between the proposed events center (Phase I) and the proposed school building (Phase II). As recommended by the BBPAC, the Union Street sidewalks must be repaired to provide public access to the proposed development. **The Board finds that the provisions of Section 413.1.B are satisfied provided existing damaged sidewalks along the development's frontage on Union Street are repaired to the satisfaction of the Public Works Director.***

- C. There shall be common vehicular and pedestrian circulation systems that create a pedestrian friendly environment for the entire development and that integrate the individual buildings into an overall pattern.

*Each development area provides a cross walk or direct connection to existing and new walkways. Existing walkway striping within existing parking areas are proposed to be enhanced with additional striping for pedestrians, and curb tip downs for ease of access to raised walkways. Several new paths and walkways are proposed as part of the Phase II development including a new covered canopy between the Phase I Events*

Center and the proposed School Building. **The Board finds that the provisions of Section 413.1.C are satisfied.**

- D. There shall be an overall design theme or treatment of site improvements including lighting, signs, paving, site furniture, and landscaping.

Landscaping

As depicted on the site plan, the applicant proposes a conceptual landscape design with new trees, and shrub plantings throughout the site in lieu of a comprehensive landscape plan. As noted above, the applicant requests a waiver from the landscape plan requirement.

Lighting

The application indicates that site lighting will be via pole mounted cut-off luminaires with LED fixtures to match poles and fixtures utilized in the development of the new parking area at the northeast corner of the site. The use of bronze poles and fixtures will be consistent throughout the development. Fixture heights would be limited to 25 feet and would be cut-off style. The application further states that selections must be consistent with the cut sheets provided by the applicant and photometric levels must meet IES and Ordinance standards.

Signs

Ground lighted or down washed post signs of a common design and material are proposed to be provided along the Pleasant Street frontage to identify the Church, the School and the Events Center. The applicant provided Conceptual Sign Sketches to demonstrate the proposed lighting design, and materials. The application indicates the lighting design is being completed by a committee and the concept renderings that are provided are representative of proposed designs that may be modified as the project develops.

**The Board finds that the provisions of Section 413.1.D are satisfied with the provision that the size and materials for business identification signs; lighting; and landscaping shall be determined at the time of development review.**

- E. If the project is located in the CC District, the development will conform to the Cook's Corner Design Standards relating to common development plans. **NA - the Board finds that the provisions of Section 413.1.E are satisfied.**

**DRAFT MOTIONS  
COMMON DEVELOPMENT PLAN AT ST JOHNS PARISH  
CASE NUMBER: 16-031**

**Motion 1:** That the combined Sketch/Final Major Development Review Common Development Plan application is deemed complete.

**Motion 2:** That the Board approves the following waivers as conditioned:

1. Sec. 413.3 (D) – showing locations of all signs is waived provided specific sign locations shall be addressed at the time of Final Site Plan review.
2. Sec. 413.3 (E.2 & 4) – showing photometric site plan of lighting treatment is waived provided existing site lighting is maintained until the construction of Phase II is approved and the locations of fixtures shall be addressed during Phase II Site Plan review.
3. Sec. 413.3 (F) – a master landscaping plan with complete plant list and sizes is waived provided the final plan includes plans that acceptable demonstrate the theme of accenting the buildings, screening parking areas, as well as providing shade, color and interest in parking areas through the use of ornamental trees and shrubs.

**Motion 3:** That the Major Development Review Final Common Development Plan is approved with the following conditions:

1. That the Board’s review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, its representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.
2. That plans for repairing existing damaged sidewalks along the development’s frontage on Union Street shall be provided at the time of Final Site Plan review.
3. That the dimensional and density standards as approved shall be placed on the common development plan.

4. That the size and materials for business identification signs shall be determined at the time of Final Site Plan review.
5. That existing site lighting shall be maintained until the construction of Phase II is approved and the locations of fixtures shall be addressed during Phase II Site Plan review.
6. That a master landscaping plan with complete plant list and sizes is provided that demonstrates the theme of accenting the buildings, screening parking areas, as well as providing shade, color and interest in parking areas through the use of ornamental trees and shrubs at the time of Final Site Plan review.

*\* Please note that Development Review Site Plan approvals by the Planning Board shall expire at the end of two years after the date of final approval unless all construction has been completed by that date (Section 407.4.B of the Brunswick Zoning Ordinance).*