

DRAFT FINDINGS OF FACT
Minor Development Review
56 Church Road
Staff Review Committee Review Date: August 3, 2016

Project Name: Hair Salon
Address: 56 Church Road
Brunswick, ME 04011
Case Number: 16-018
Tax Map: Assessor's Map U-31, Lot 36A
Zoning: Church Road Industrial Park (I2) Zoning District
Applicant: Annamaria Horn & Vance Horne
5 Arrowhead Ridge Road
Freeport, ME 04032

Authorized Representative: Patrick Harty, PLS
540 Bay Road
Bowdoinham, ME 04008

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

PROJECT SUMMARY

Staff review is based on the Minor Development Review application for a three (3) seat Hair Salon and associated site plan prepared by Patrick Harty, PLS entitled "Proposed Site Plan" dated July 6, 2016.

The project site was formerly developed with an existing 855 square foot office building, and an existing driveway and parking area. The proposed activity includes the construction of a 40 square foot addition to the north side of the existing building, and various site modifications including paving the entrance driveway, parking area, and a four-foot wide walkway to the building. A new stormwater management area comprised of a shallow vegetated swale, and an elevated catch basin at the southwest property boundary is proposed to receive and subsequently discharge stormwater runoff to the public stormwater system. The property is located at 56 Church Road within the Church Road Industrial Park (I2) Zoning District and is referenced on Assessor's Map U-13 as Lot 36.

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

411.1 Ordinance Provisions

The proposed development complies with all applicable provisions and standards of the Church Road Industrial Park (I2) Zoning District. *The Committee finds that the provisions of Section 411.1 are satisfied.*

411.2 Preservation of Natural Features

The development does not occur within or cause harm to any land which is not suitable for development. The proposed disturbance will be located primarily within an area of existing development with few natural features in the project area. The proposed development maximizes

the preservation of natural features of the landscape, and does not occur within or cause harm to any land which is not suitable for development. *The Committee finds that the provisions of Section 411.2 are satisfied.*

411.3 Surface Waters, Wetlands and Marine Resources

Surface waters and marine resources were not identified at the project site. The proposed development will not adversely affect the water quality of Casco Bay or its estuaries. *The Committee finds that the provisions of Section 411.3 are satisfied.*

411.4 Flood Hazard Areas

The FEMA Flood Insurance Rate Map indicates that the project is not located within a FEMA flood hazard area; therefore there is minimal risk of flooding. *The Committee finds that the provisions of Section 411.4 are satisfied.*

411.5 Stormwater Management

The proposed development will use a new vegetated swale, and elevated catch basin to manage stormwater from the project site. The narrative provided by Tom Saucier of Site Design Associates indicates the proposed stormwater management system is designed to treat a stormwater volume equal to one-inch from paved surfaces and 0.4 inches from other developed areas in accordance with the Maine DEP's Best Management Practices (BMPs). The narrative indicates the proposed swale will be located within mapped loamy sand that is considered very well drained. The proposed development satisfies the recommended storm water quality standards described in Storm Water Management for Maine: Best Management Practices, published by the State of Maine Department of Environmental Protection, November, 1995 as amended. *The Committee finds that the provisions of Section 411.5 are satisfied.*

411.6 Groundwater

The project will discharge wastewater directly to the public sewer system. Water will be served by the public system that is managed by the Brunswick-Topsham Water District. Per the Maine DEP's BMP's (as revised) Ch. 6 "Infiltration BMPs", infiltration systems for stormwater management should not be used if the intercepted runoff is anticipated to contain pollutants that can affect groundwater quality, such as hydrocarbons, nitrate, and chloride. The proposed stormwater management swale will receive runoff from a paved parking lot, and other developed areas. In order to avoid undue impacts to groundwater quality, test pits or borings must be made within the basin area and provided to the Town Engineer to demonstrate at least three (3) feet of separation above seasonal high water table from the base elevation of the swale; and any modifications to the stormwater treatment plan that for necessary for conformance with the Maine DEP Best Management Practices (BMPs) are provided to the Department of Planning and Development. The Committee finds that the development will not alone or in conjunction with existing activities adversely affect the quality or quantity of groundwater. *The Committee finds that the provisions of Section 411.6 are satisfied provided test pits or borings within the basin area of the stormwater management swale demonstrates at least three (3) feet of separation above the seasonal high water table; and any modifications to the stormwater treatment system that are necessary for conformance with the Maine DEP BMPs are provided.*

411.7 Erosion and Sedimentation Control

The disturbed area of the site is proposed to be contained on-site to minimize the transport of sediment to the greatest extent practicable. Accumulated sediment must be seasonally removed from the proposed swale to maintain proposed grades, and from the proposed catch basin to avoid an unreasonable discharge of sediment to the Town of Brunswick's stormwater management

system. *The Committee finds that the provisions of Section 411.7 are satisfied provided all accumulated sediment from the stormwater swale and the catch basin is removed seasonally.*

411.8 Sewage Disposal

The existing septic leach field will be removed. No wastewater disposal system is proposed. If required, design of a new wastewater disposal system will be by others and submitted for the acceptance of the Code Enforcement Officer (CEO). *The Committee finds that the provisions of Section 411.8 are satisfied conditional upon the applicant obtaining approval for wastewater disposal prior to receiving a building permit.*

411.9 Water Supply

The proposed development is currently served by public water. The proposed development will continue to utilize the public water supply. Documentation that the proposed change of use will continue to be served by the Brunswick Topsham Water District must be submitted prior to occupancy. The proposed development has a water source that is adequate to serve the proposed development, and will have no adverse impact on existing water supplies. *The Committee finds that the provisions of Section 411.9 are satisfied provided the Brunswick-Topsham Water District approves the proposed water service.*

411.10 Aesthetic, Cultural and Natural Values

Several trees and areas of existing vegetation are depicted on the site plan. The proposed grading plan for the stormwater management area is located in direct proximity to existing trees. According to the site plan, no vegetation is proposed to be removed. Six (6) new shrubs that are less than three (3) feet tall are proposed along Church Road. The proposed development will have no undue adverse effect on the scenic or natural beauty of the area, historic sites, significant wildlife habitats identified by the Maine Department of Environmental Protection or by the Town Of Brunswick, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. *The Committee finds that the provisions of Section 411.10 are satisfied.*

411.11 Community Impact

No new impacts to traffic, the public school system, recreation, public safety, and public works resources have been identified. *The Committee finds that the provisions of Section 411.11 are satisfied.*

411.12 Traffic

The proposed project is not anticipated to cause unreasonable public road congestion or unsafe conditions. The locations of the two (2) existing curb cuts will remain at the same locations. The eastern most curb cut is proposed to be widened to accommodate two-way traffic entering and exiting the site as indicated by directional arrows on the site plan. As similarly indicated with one (1) arrow on the site plan, the westernmost curb cut will only accommodate outgoing traffic from the site. *The Committee finds that the provisions of Section 411.12 are satisfied.*

411.13 Pedestrian and Bicycle Access and Safety

The proposed hair salon will contain two (2) driveway entrances, and two (2) parking areas that will be connected with a 4-foot wide paved walking path. A new bicycle rack is proposed to be located at the north side of the building. The proposed hair salon development was reviewed by the Brunswick Bicycle and Pedestrian Advisory Committee (SRC) on July 21, 2016 and no substantive concerns were identified. The proposal is designed to accommodate bicyclists and pedestrians, and addresses issues of bicycle and pedestrian access, safety and circulation both within the site and to points outside of the site. *The Committee finds that the provisions of Section 411.13 are not applicable.*

411.14 Development Patterns

The proposed hair salon will be located at an existing developed site within the growth area. The proposed development is respectful of Brunswick's historic development patterns and will have no adverse impact on areas which are primarily residential. *The Committee finds that the provisions of Section 411.14 are satisfied.*

411.15 Architectural Compatibility

The proposed hair salon will be located within an existing building. A building addition is proposed at the north side of the existing building opposite to Church Road. The proposed development is compatible with its surroundings. *The Committee finds that the provisions of Section 411.15 are satisfied.*

411.16 Municipal Solid Waste Disposal

The Solid Waste Impact Fee is based on 1-ton of solid waste per year, with an associated impact fee of \$258.56. *The Committee finds that the provisions of Section 411.16 are satisfied conditional upon the payment of the municipal solid waste impact fee prior to receiving a building permit.*

411.17 Recreation Needs

A recreation impact fee is not required for the proposed commercial use. *The Committee finds that the provisions of Section 411.17 are not applicable.*

411.18 Access for Persons with Disabilities

All grades and slopes on this relatively flat site will be accessible to those with disabilities. *The Committee finds that the provisions of Section 411.18 are satisfied.*

411.19 Financial Capacity and Maintenance

Upon approval, the applicant will demonstrate adequate financial capacity to complete and maintain the project. The application states that since no improvements will be made within the public right-of-way and the site improvements are relatively modest, the requirement for a performance guarantee is not anticipated. *The Committee finds that the provisions of Section 411.19 are satisfied conditioned upon the applicant provides proof of financial capacity and maintenance to the satisfaction of the Director of Planning and Development.*

411.20 Noise and Dust

During construction, work will be done in consideration of reasonable times and decibel levels, and in accordance with Section 524.1 of the Brunswick Zoning Ordinance. Best Management Practices will be used in order to prevent dust migration during demolition and construction. Upon project completion the proposed development is not anticipated to generate unreasonable noise or dust. *The Committee finds that the provisions of Section 411.20 are satisfied.*

411.21 Right, Title and Interest

The applicant has sufficient right, title and interest to develop the land. *The Committee finds that the provisions of Section 411.21 are satisfied.*

411.22 Payment of Application Fees

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

DRAFT MOTIONS
HAIR SALON
STAFF REVIEW COMMITTEE APPROVAL DATE: August 3, 2016
CASE NUMBER: 16-018

Motion 1: That the Minor Development Review Final Site Plan application is deemed complete.

Motion 2: That the Committee approves the following requested waivers:

1. Section 412.2.B.16 – Class A soil survey.

Motion 3: That the Minor Development Review Final Site Plan is approved with the following conditions:

1. That the Committee’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 prior to the issuance of an occupancy permit, documentation that the Brunswick-Topsham Water District approves the proposed water service shall be submitted to the satisfaction of the Director of Planning and Development.
3. That prior to the issuance of a building permit, the applicant shall pay the municipal solid waste impact fee.
4. That prior to the issuance of a building permit, the applicant shall provide documentation of financial capacity to complete the project to the satisfaction of the Director of Planning and Development.
5. That all accumulated sediment within the stormwater swale and catch basin shall be removed seasonally.

** Please note that Development Review Site Plan approvals by the Planning Board or Staff Review Committee 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
Minor Development Review
Hancock Lumber Material Storage Building
Staff Review Committee Review Date: August 3, 2016

Project Name: Hancock Lumber Material Storage Building
Address: 158 Church Road
Brunswick, ME 04011
Case Number: 16-028
Tax Map: Assessor's Map 17, Lot 22
Zoning: Church Road Industrial Park (I2) Zoning District
Applicant: Mike Hall
PO Box 299
4 Edes Falls Road
Casco, ME 04015

Authorized Representative: Robert Lightbody, PE
Main-Land Development Consultants
PO Box Q,
Livermore Falls, ME 04254

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

PROJECT SUMMARY

Staff review is based on the Minor Development Review application for a new warehouse building prepared by Robert Lightbody from Main-Land Development Consultants as most recently revised on July 25, 2016. The proposed development includes the cumulative total of The application includes floor plans, elevations, grading, site plans, site details, and stormwater management plans as follows:

1. Sheet A1 prepared by KW Architects entitled, "Floor Plans" dated May 12, 2016;
2. Sheet A3 prepared by KW Architects entitled, "Elevations" dated May 18, 2016;
3. Sheet S1.1 prepared by Main-Land Development Consultants, Inc. entitled, "Partial Existing Conditions Plan" dated January 28, 2016 with a most recent revision date of June 22, 2016;
4. Sheet C1.1 prepared by Main-Land Development Consultants, Inc. entitled, "Existing Conditions and Demolition Plan" dated June 24, 2016;
5. Sheet C2.1 prepared by Main-Land Development Consultants, Inc. entitled, "Site Layout Plan" dated June 24, 2016 with a most recent revision date of July 25, 2016;
6. Sheet C2.2 prepared by Main-Land Development Consultants, Inc. entitled, "Site Grading and Utilities Plan" dated June 24, 2016;
7. Sheet C9.1 prepared by Main-Land Development Consultants, Inc. entitled, "Site Details" dated June 24, 2016;
8. Sheet C9.2 prepared by Main-Land Development Consultants, Inc. entitled, "Site Details" dated June 24, 2016;
9. Sheet D1.1 prepared by Main-Land Development Consultants, Inc. entitled, "Pre-Development" dated June 24, 2016;

10. Sheet D2.1 prepared by Main-Land Development Consultants, Inc. entitled, "Post-Development Stormwater" dated June 24, 2016.

The development site is an existing Hancock Lumber retail store and lumber yard. The proposed activity includes the demolition of an existing 2,497 square foot storage building, and the construction of a new 9,246 square foot storage building. The proposed development will reduce existing impervious area with the creation of new lawn area adjacent to the proposed storage building. Existing impervious area is proposed to be paved within the vicinity of the new building site as shown on the site plan. The property is located at 158 Church Road within the Church Road Industrial Park (I2) Zoning District and is referenced on Assessor's Map 17 as Lot 22.

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

411.1 Ordinance Provisions

The proposed development complies with all applicable provisions and standards of the Church Road Industrial Park (I2) Zoning District. The mapped Natural Resource Protection Zone (NRPZ) associated with a series of ponded areas within a stream is located at the project parcel; however, no impact within the mapped NRPZ is proposed. The proposal represents a total of 9,246 square feet of proposed new floor area and no new impervious area. The application indicates that the Brunswick CEO issued a building permit (Permit #120269) for the construction of four (4) 3-foot wide by 22-foot long lumber sheds. The approved lumber sheds do not contain walls and therefore are not considered towards the calculation of "floor area" within a five-year period as required by Ordinance (re: Brunswick Zoning Ordinance Section 402.1.A). *The Committee finds that the provisions of Section 411.1 are satisfied.*

411.2 Preservation of Natural Features

The proposed disturbance will be located entirely within an area of existing development with no natural features. The proposed development maximizes the preservation of natural features of the landscape, and does not occur within or cause harm to any land which is not suitable for development. *The Committee finds that the provisions of Section 411.2 are satisfied.*

411.3 Surface Waters, Wetlands and Marine Resources

Surface waters and marine resources were not identified within the proposed project area. The stream and associated ponds described at Section 411.21 are located at the northwest side of the subject lot and not within proximity to proposed soil disturbance, or construction activity. The proposed development will not adversely affect the water quality of Casco Bay or its estuaries. *The Committee finds that the provisions of Section 411.3 are satisfied.*

411.4 Flood Hazard Areas

The FEMA Flood Insurance Rate Map indicates that the project is not located within a FEMA flood hazard area; therefore there is minimal risk of flooding. *The Committee finds that the provisions of Section 411.4 are satisfied.*

411.5 Stormwater Management

A roof dripline filtration Best Management Practice (BMP) is proposed to receive stormwater runoff from northeast portion of the proposed building along the property boundary and direct that runoff to a new catchbasin that ties into a catch basin system. A portion of the existing catch basin system on-site will be reconfigured within the area of proposed redevelopment. The existing and proposed catch basin system is shown on Sheet D1.1, the "Pre-Development" plan; and Sheet D2.1, the "Post Development Stormwater" plan. Stormwater runoff from the catch

basin system will continue to flow north and discharge to a ponded area within a stream that is part of the NRPZ. The technical design for roof dripline filtration is described in the Maine DEP BMP manual at Chapter 7.5, “Roof Dripline Filtration BMP”. The proposed development satisfies the recommended storm water quality standards described in Storm Water Management for Maine: Best Management Practices, published by the State of Maine Department of Environmental Protection, November, 1995 as amended. *The Committee finds that the provisions of Section 411.5 are satisfied.*

411.6 Groundwater

The proposed stormwater management filter will receive runoff from the roof of the proposed storage building, and discharge directly to a catch basin system rather than infiltrating to the groundwater table. Infiltrating stormwater from the proposed development to groundwater is not proposed. The Committee finds that the development will not alone or in conjunction with existing activities adversely affect the quality or quantity of groundwater. *The Committee finds that the provisions of Section 411.6 are satisfied.*

411.7 Erosion and Sedimentation Control

The disturbed area of the site is proposed to be contained on-site to minimize the transport of sediment to the greatest extent practicable. During construction, a stabilized construction entrance is proposed to minimize soil discharge from outgoing vehicle tracks onto Church Road. Accumulated sediment is proposed to be seasonally removed from the proposed catch basin in accordance with the stormwater maintenance plan that was prepared by Robert Lightbody, PE. As proposed, the project will avoid an unreasonable discharge of sediment off-site or to the mapped NRPZ. *The Committee finds that the provisions of Section 411.7 are satisfied.*

411.8 Sewage Disposal

The proposed warehouse development does not propose sewer disposal. *The Committee finds that the provisions of Section 411.8 are not applicable.*

411.9 Water Supply

The proposed warehouse development does not propose to utilize a water source. *The Committee finds that the provisions of Section 411.9 are not applicable.*

411.10 Aesthetic, Cultural and Natural Values

The proposed project will not disturb any existing natural areas. The proposed development will have no undue adverse effect on the scenic or natural beauty of the area, historic sites, significant wildlife habitats identified by the Maine Department of Environmental Protection or by the Town Of Brunswick, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. *The Committee finds that the provisions of Section 411.10 are satisfied.*

411.11 Community Impact

No new impacts to traffic, the public school system, recreation, public safety, and public works resources have been identified. *The Committee finds that the provisions of Section 411.11 are satisfied.*

411.12 Traffic

The proposed project is not anticipated to cause unreasonable public road congestion or unsafe conditions. *The Committee finds that the provisions of Section 411.12 are satisfied.*

411.13 Pedestrian and Bicycle Access and Safety

As detailed in the project narrative, the proposed development is required by Brunswick's Zoning Ordinance to create 19 parking spaces. The applicant proposes to install only 10 parking spaces in accordance with the Brunswick's provisional parking requirements. The supporting narrative for the provisional parking requirements is provided within the application at Section 1. Pursuant to Brunswick's Zoning Ordinance at Section 512.5, a new parking area that contains more than 10 parking spaces within Brunswick's growth area is required to provide sidewalks along public street frontage (i.e. Church Road and Greenwood Road). The sidewalk requirement is proposed to be waived by the Staff Review Committee (SRC). The proposed waiver was discussed at a workshop with the SRC on July 20, 2016. The SRC indicated that the draft Zoning Ordinance that is currently under review by the Planning Board would allow reduced parking requirement for the proposed warehouse use; and that the Brunswick Bicycle and Pedestrian Advisory Committee (BBPAC) should be consulted. The BBPAC reviewed the proposed waiver on July 21, 2016 and advised that the SRC may reasonably find that the sidewalk requirement may be waived since no sidewalks are within the project vicinity. Further, the proposed bicycle and pedestrian access and safety is addressed by the applicant with ten new bicycle rack parking spaces at two (2) locations, that are connected by new crosswalk paint striping between the retail store main entrance and the material pick-up/delivery entrance as shown on plan Sheet C2.1, "Site Layout Plan". The proposal is designed to accommodate bicyclists and pedestrians, and addresses issues of bicycle and pedestrian access, safety and circulation both within the site and to points outside of the site. *The Committee finds that the provisions of Section 411.13 are not applicable.*

411.14 Development Patterns

The proposed development will be located at an existing developed site within the growth area. The proposed development is respectful of Brunswick's historic development patterns and will have no adverse impact on areas which are primarily residential. *The Committee finds that the provisions of Section 411.14 are satisfied.*

411.15 Architectural Compatibility

The proposed warehouse building is a replacement structure for an existing warehouse building located within essentially the same footprint. The proposed development is compatible with its surroundings. *The Committee finds that the provisions of Section 411.15 are satisfied.*

411.16 Municipal Solid Waste Disposal

The Solid Waste Impact Fee is based on 1-ton of solid waste per year, with an associated impact fee of \$258.56. The proposed development is not a substantial change and therefore a solid waste impact fee is not required. *The Committee finds that the provisions of Section 411.16 are satisfied.*

411.17 Recreation Needs

A recreation impact fee is not required for the proposed commercial use. *The Committee finds that the provisions of Section 411.17 are not applicable.*

411.18 Access for Persons with Disabilities

The application indicates that the proposed development will contain a ramp to access the proposed building that is for forklifts but also would accommodate ADA requirements. *The Committee finds that the provisions of Section 411.18 are satisfied.*

411.19 Financial Capacity and Maintenance

The applicant is an established business at the proposed development site that has demonstrated financial capacity and ability to maintain itself. The developer has adequate financial and technical capacity to complete the project, and once it is completed, the project is expected to have adequate resources to maintain itself. *The Committee finds that the provisions of Section 411.19 are satisfied.*

411.20 Noise and Dust

During construction, work must be done in consideration of reasonable times and decibel levels, and in accordance with Section 524.1 of the Brunswick Zoning Ordinance. Best Management Practices will be used in order to prevent dust migration during demolition and construction. Upon project completion the proposed development is not anticipated to generate unreasonable noise or dust. *The Committee finds that the provisions of Section 411.20 are satisfied.*

411.21 Right, Title and Interest

The applicant has sufficient right, title and interest to develop the land. *The Committee finds that the provisions of Section 411.21 are satisfied.*

411.22 Payment of Application Fees

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

DRAFT MOTIONS
Hancock Lumber Warehouse Building
STAFF REVIEW COMMITTEE APPROVAL DATE: August 3, 2016
CASE NUMBER: 16-028

Motion 1: That the Minor Development Review Final Site Plan application is deemed complete.

Motion 2: That the Committee approves the following requested waivers:

1. Section 412.2.B.16 – Class A soil survey.
2. Section 412.2.B.17 – Location of >10” trees
3. Section 412.2.B.19 – Existing and proposed sidewalks

Motion 3: That the Minor Development Review Final Site Plan is approved with the following conditions:

1. That the Committee’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.

** Please note that Development Review Site Plan approvals by the Planning Board or Staff Review Committee 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).*