TOWN OF BRUNSWICK

CONSERVATION COMMISSION

85 UNION STREET
BRUNSWICK, ME 04011

Abutter Notification

CONSERVATION COMMISSION MEETING
WEDNESDAY, DECEMBER 14, 2016
TOWN HALL
COUNCIL CHAMBERS
85 UNION STREET
4:30 P.M.

The Brunswick Conservation Commission will review the status of the Bayside Subdivision, approved by the Brunswick Planning Board on February 10, 1987, with regard to lots specified for Town conveyance for recreation and conservation use. The full agenda for the meeting will be available online by Friday, December 9, 2016.

You are receiving this meeting notice as a property owner within the subdivision or a direct abutter to the subdivision. All meetings are open to the public and are televised for public viewing.

Please call the Brunswick Department of Planning and Development (207-725-6660) with any questions or comments. Individuals needing auxiliary aids for effective communications, please call 725-6659 or TTY 725-5521

TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
85 UNION STREET, ROOM 216
BRUNSWICK, ME 04011

ANNA M. BREINICH, FAICP
DIRECTOR OF PLANNING & DEVELOPMENT

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

December 9, 2016

To: Brunswick Conservation Commission
Brunswick Recreation Commission
From: Anna Breinich, FAICP
Subject: Request for Consideration of Bayside Subdivision Conservation/Recreation Parcels

We have received a number of inquiries regarding the status of two parcels identified on the 1987 approved and recorded Bayside Subdivision (attached) as conservation and recreation lands to be conveyed to the Town of Brunswick. A bulleted timeframe regarding actions taken is attached and summarized here.

At the time of Planning Board review and action, the Board approved the conveyance in order to meet the public open space requirements of the in-effect 1969 Zoning Ordinance (attached). The Conservation and Recreation Commissions did not review the proposed conveyance since their review was not required at that time. The conveyance was never offered to the Town for acceptance.

The question of conveyance again came up in 1993 during the requested acceptance of streets within the subdivision. At that time both Conservation and Recreation Commissions were asked to review the parcels and offer their recommendations to Town Council regarding acceptance of the conveyance. From the memos and minutes researched and attached, it appears that there was confusion as to where the Town was to accept an easement or the property, with the staff determining that the property was to be conveyed, not an easement. The Conservation Commission expressed concerns with regard to ownership of the property and considered the parcels in question to be unusable. The Recreation Commission determined that the parcel identified for recreational purposes did not meet the criteria for recreation and open space and was unsuitable for recreation, also suggesting the developer provide a recreation fee in lieu of land. We have no evidence of any follow-up or Town Council consideration.

In 2007, during the investigation of an unrelated complaint by staff, it was discovered that the parcels in question where not conveyed to the Town, but no documented follow-up is available.

At this point in time, staff has been advised by the Town Attorney that the parcels be offered by the developer's heirs for consideration of acceptance. Staff is requesting recommendations of the present Conservation and Recreation Commissions regarding their consideration and to then forward those recommendations to Town Council. Depending upon your recommendations, Planning Board may also be asked to reconsider the 1987 approval.

cc: Tom Farrell
John Foster
John Eldridge

BAYSIDE SUBDIVISION – STATUS OF RECREATION/CONSERVATION PARCELS

1/15/1986 Sketch Plan for Bayside Subdivision submitted to Planning Department for review under the 1969 Zoning Ordinance. Two alternatives were given regarding lot configuration with one alternative to include the Great Gully area into the abutting lots and establish a restrictive covenant that would preclude cutting trees or removing small growth from the slope. The second alternative would establish "Reserved Lands."

8/12/1986 Sketch Plan reviewed by Planning Board. It was noted in the staff-annotated agenda that a need for a recreation playing field existed, at a minimum 200' by 400' to serve the residents of the development since none were nearby. Planning Board comments stated the ravine area should not be included in useable land area, that active recreation area will still be required in accordance with Recreation Department standards.

12/22/1986 Final Plan for Bayside Subdivision submitted to Planning Department for review. Noted in application that the "Great Gully Area will be largely conveyed to the Town of Brunswick" and that "2.49 acres will also be conveyed to the Town for recreation."

1/20/1987 Bayside Subdivision Final Plan reviewed by Planning Board. It is noted in the agenda materials that "the open space area is proposed to remain in its natural form to maintain the deer movement area into the great gulley, with this plan being the result of the site walk." Current notes on the recorded plan regarding use and conveyance of the conservation and recreation lots to the Town were suggested at that time.

2/10/1987 Planning Board approved Bayside Subdivision as attached. The plan was recorded on 2/23/87 with notations that two lots for conservation and recreation were to be conveyed to the Town.

1/5/1993 Letter from Planning Director, Amy Naylor, to Public Works Director, John Foster, references conservation and recreation easements, stating that her position would be to have the easements prepared and accepted prior to the selling of lots.

6/2/1993 Letter from John Foster to Arthur Powers, applicant/property owner, noting the need to offer the conveyance of the Recreation and Conservation easements indicated on the final plan to the Town.

12/10/1993 Public Works completes their review of deeds submitted to the Town for acceptance of streets, "conservation lot," and "recreation lot." With regard to the Recreation Lot, Public Works Director, John Foster, indicated that the Town would own the lot, not just hold an easement, which could be appropriate if recreation activities were to occur. He also noted that the 30-foot access strip to the site located between two residential lots could lead to maintenance issues. With regard to the Conservation Lot, again he notes that the Town would own this parcel and that "we would liable for maintaining the land and for any claims arising out of ownership." Mr. Foster recommended we only acquire a conservation easement. A number of problems were noted regarding deed descriptions.

12/29/1993 Brunswick Recreation Commission considers Bayside Subdivision parcels for Town acceptance. It was noted that the subdivision never came before the Recreation Commission during the Planning Board Development Review process. The Commission determined that the parcel indicated for recreation did not meet subdivision ordinance criteria for recreation and open space and requested a memo be sent to then Town Manager Don Gerrish, Acting Town Planner Phil Carey, and Public Works Director John Foster identifying the reasons why the parcel was unsuitable for recreation. The Commission also determined that the subdivision still needed to meet recreation/open space ordinance requirements and suggested providing a fee in lieu of land.

1/23/1994 Town Council acceptance of Great Gully Drive and Bayside Lane. Is noted in Brunswick Town Council Minutes that a "conservation lot and recreation lot was also required to be given to the Town as part of the subdivision but the Conservation Commission and Recreation Commission have not had time to review them." It is further stated that "they will come before the Council for acceptance at a later meeting." No evidence of Town Council consideration or acceptance of the parcels was found by staff.

2/2/1994 Brunswick Conservation Commission reviewed the status of the Bayside Subdivision conservation/recreation lots. Noted that the steep 2.49 acre parcel (Great Gully) is not proposed as an easement but as a recreation conveyance to the Town. General concerns raised: "An unusable piece just deed over to satisfy open space requirements?" "How would Conservation Commission manage such a parcel?" Other concern was related to no Commission review during initial development review. No action taken.

6/2007 Noted by staff during the investigation of an unrelated complaint that the Town never received deeds for the two parcels. The Town Attorney was requested to follow-up. It does not appear that any written documentation was provided.

Brunswick Zoning Ordinance 1969, Amended to 4/7/86 Section 1504.3 (General Provisions

I. Additional Requirements. The Planning Board may make additional requirements concerning trees, esplanades, public walks, driveways, and similar public infrastructure which must be included in the final plan.

J. Public Open Space.

(1) Reservation of Land. The Planning Board shall require the reservation of land for parks, playgrounds, or conservation areas to benefit the residents of the proposed development . The reserved land must be located where most appropriate. The reserved land must be of suitable dimension, topography, and general character for the proposed recreation use and must have reasonable access for residents of the development. The land shall be shown and marked on the plan as "Reserved for Conservation or Recreation Purposes". The land to be reserved must be determined according to the following table:

Average size	Percentage of Land to be Reserved for Recreation Purposes
Single Family Lots	
80,000 s.f. or greater	1.6%
40,000 s.f.	3.3%
20,000 s.f.	6.5%
15,000 s.f.	8.7%
10,000 s.f. Or less	13.0%
Multiple Family Units	1,300 s.f. per unit

(2) Land Improvement. The applicant shall improve the reserved land according to the directions of the Planning Board. In determining these directions, the Planning Board shall consider the Comprehensive Plan and the long-range plans of the Recreation Department and Conservation Commission.

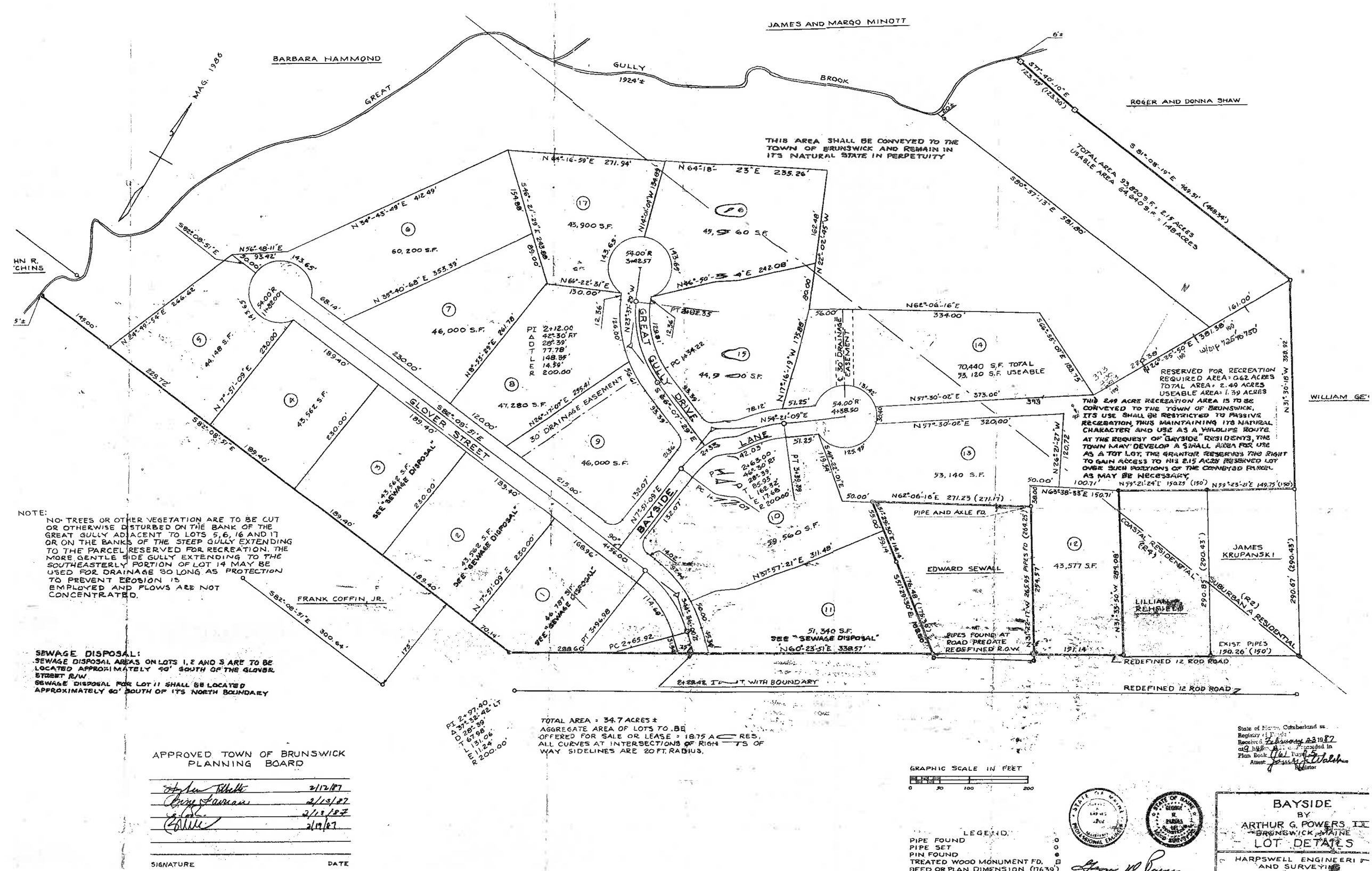
(3) Fee in lieu of land. Where a developed recreation area near a proposed subdivision already exists, an applicant may make a cash contribution in lieu of land reservation for the purpose of further improving the recreational area to benefit the proposed development. The contribution must equal the per acre value of an undeveloped housing site, as set by a disinterested appraiser satisfactory to the Planning Board, multiplied by the required area for reservation according to the table in section 502.3-J,(1), above. The funds must be used for improvement of the recreation or conservation area, as mutually agreed by the applicant and the Planning Board.

(4) Recreation Land Ownership. As soon as the use of the recreation or conservation land has been established, the means of future ownership and control must be determined. The following alternatives are available:

a. The recreation or conservation land may be held and maintained in common by the future owners of the development, under the organizational provisions of a homeowners association, to be approved by the Planning Board.
b. The recreation or conservation land may be held and maintained in perpetuity by a conservation trust or other suitable private organization.
c. The recreation or conservation land may be deeded to the Town for future maintenance and improvement, if acceptable to the Town.

The applicant and the Planning Board must agree upon one of the above alternatives.

K. Performance Guarantee. As a condition of final approval of any subdivision, a performance guarantee or conditional agreement must be filed with the Town.


JAMES AND MARGO MINOTT
BARBARA HAMMOND
ROGER AND DONNA SHAW
WILLIAM GE
FRANK COFFIN JR.
JAMES KRUPANSKI
LILLIAN REHSFIELD
EDWARD SEWALL
GULLY BROOK
GREAT
MAG. 1986
1924'±
THIS AREA SHALL BE CONVEYED TO THE TOWN OF BRUNSWICK AND REMAIN IN ITS NATURAL STATE IN PERPETUITY
TOTAL AREA 93,820 S.F. 2.15 ACRES
USEABLE AREA 64,620 S.F. = 1.48 ACRES
RESERVED FOR RECREATION
REQUIRED AREA: 0.62 ACRES
TOTAL AREA: 2.49 ACRES
USEABLE AREA: 1.39 ACRES
THIS 2.49 ACRE RECREATION AREA IS TO BE CONVEYED TO THE TOWN OF BRUNSWICK. ITS USE SHALL BE RESTRICTED TO PASSIVE RECREATION THUS MAINTAINING ITS NATURAL CHARACTER AND USE AS A WILDLIFE ROUTE. AT THE REQUEST OF "BAYSIDE" RESIDENTS, THE TOWN MAY DEVELOP A SMALL AREA FOR USE AS A TOT LOT. THE GRANTOR RESERVES THE RIGHT TO GAIN ACCESS TO HIS 2.15 ACRE RESERVED LOT OVER SUCH PORTIONS OF THE CONVEYED PROPERTY AS MAY BE NECESSARY.
GLOVER STREET
GREAT GULLY DRIVE
BAYSIDE LANE
30' DRAINAGE EASEMENT
SEE "SEWAGE DISPOSAL"
PIPE AND AXLE FD.
PIPES FOUND AT ROAD PREDATE REDEFINED R.O.W.
REDEFINED 12 ROD ROAD
COASTAL RESIDENTIAL (R4)
SUBURBAN RESIDENTIAL (R2)
EXIST. PIPES 130.26' (150')
NOTE:
NO TREES OR OTHER VEGETATION ARE TO BE CUT OR OTHERWISE DISTURBED ON THE BANK OF THE GREAT GULLY ADJACENT TO LOTS 5, 6, 16 AND 17 OR ON THE BANKS OF THE STEEP GULLY EXTENDING TO THE PARCEL RESERVED FOR RECREATION. THE MORE GENTLE SIDE GULLY EXTENDING TO THE SOUTHEASTERLY PORTION OF LOT 14 MAY BE USED FOR DRAINAGE SO LONG AS PROTECTION TO PREVENT EROSION IS EMPLOYED AND FLOWS ARE NOT CONCENTRATED.
SEWAGE DISPOSAL:
SEWAGE DISPOSAL AREAS ON LOTS 1, 2 AND 3 ARE TO BE LOCATED APPROXIMATELY 40' SOUTH OF THE GLOVER STREET R/W.
SEWAGE DISPOSAL FOR LOT 11 SHALL BE LOCATED APPROXIMATELY 60' SOUTH OF ITS NORTH BOUNDARY
TOTAL AREA = 34.7 ACRES ±
AGGREGATE AREA OF LOTS TO BE OFFERED FOR SALE OR LEASE = 18.75 ACRES.
ALL CURVES AT INTERSECTIONS OF RIGHTS OF WAY SIDELINES ARE 20 FT. RADIUS.
APPROVED TOWN OF BRUNSWICK PLANNING BOARD
2/12/87
2/13/87
2/18/87
2/19/87
SIGNATURE
DATE
GRAPHIC SCALE IN FEET
0 30 100 200
LEGEND
PIPE FOUND
PIPE SET
PIN FOUND
TREATED WOOD MONUMENT FD.
DEED OR PLAN DIMENSION (176.39')
State of Maine, Cumberland ss.
Registry of Deeds
Received February 23 1987
at 9 h 45m
Recorded in Plan Book
Attest
Register
BAYSIDE
BY
ARTHUR G. POWERS, III
BRUNSWICK, MAINE
LOT DETAILS
HARPSWELL ENGINEERING AND SURVEYING
R.F.D. #1 BOX 95

86-058

Brunswick, Maine

John A. Foster, PE
Town Engineer/Director PWD

Public Works Department
9 Industry Road
Brunswick, Maine 04011
(207) 725-6654
FAX (207) 725-6663

MEMORANDUM

TO: Phil Carey, Acting Planning Director

FROM: John A. Foster, Town Engineer/Dir. PWD JAF

DATE: 25 January, 1994

SUBJECT: Bayside Subdivision by Arthur (Sonny) Powers, III
Recreation Lot & Lot 14

For your information and action as you deem appropriate I wanted to advise you of some changes in the survey plan for the above project. When we reviewed the street deed and recreation/conservation lot deed submitted for town acceptance in November 1993 we found some survey errors. We reviewed these with Mr. Powers who then reviewed them with his project engineer/surveyor, George Barnes. They submitted revised deeds (dated 12/17/93) and the street deed for Bayside Lane & Great Gully Drive had been acceptably corrected. The deed correction requires a correction on the survey plan for an arc length on Great Gully Drive. The Town Council accepted these streets as town ways at their January 3, 1994 regular meeting.

In addressing the survey error for the recreation lot the project engineer revised the boundaries for Lot 14 along with the recreation lot. The recreation lot is acceptably described in the deed submitted to the town. It should be noted the recreation lot acreage has been revised from 2.49 acres to 2.36 acres. We have reviewed the apparent survey measurements for Lot 14 and note they do not close and the original version did not close. Apparently a survey error may still exists for Lot 14 although we can not be certain as we have not received a revised survey plan.

I call this matter to your attention as the conservation/recreation lot deed to be accepted by the Town Council no longer matches the 2/87 approved survey plan. We would want a copy of a revised survey map filed with the Cumberland County Registry of Deeds and we are not sure what action, if any, your department wishes to pursue on this matter. I have attached a memo from Alice Goodwin, PLS, Engineering Aide explaining in part the latest deed and map change. Please review and let me know your determination as soon as possible as the conservation and recreation lots are scheduled for Town Council acceptance as soon as the respective commissions complete their review.

Enclosure
cc: Tom Farrell, Director, Recreation Department

BAYSIDE\REVSDEED.W4W

Brunswick, Maine

John A. Foster, PE
Town Engineer/Director PWD

Public Works Department
9 Industry Road
Brunswick, Maine 04011
(207) 725-6654
FAX (207) 725-6663

MEMORANDUM

TO: JAF

FROM: AMG

AMG

DATE: 21 December, 1993

SUBJECT: Revised Deeds from Sonny Powers for Bayside Dated December 17, 1993

☞ Deeds are now Warranty Deeds

☞ The 5/8th inch rebar are now referenced in the deed.

☞ The arc lengths along Great Gully Drive and Bayside Lane were revised

☞ The line on the recreation lot with the probable blunder was revised. In addition, the northerly and easterly line of Lot 14 was also revised.

The recreation lot now closes **more or less** (a small closure error calculated). As a side note, the acreage reference was unrevised per the boundary change, the deed states 2.49 acres versus a calculated area of 2.36 acres.

A check of Lot 14 indicates, even with the revised bearings and distances, a blunder in the boundaries. Neither Lot 14 as shown on the accepted plan or the lot as revised with the new deed calls close.

☞ In conclusion, obviously based on our experience with these deed descriptions, the accepted plan for Bayside contains more than one blunder. There may be other blunders not verified here on the plan and possibly in the field.

Enclosure
1. Sketch of "RECREATION AREA" C:\BAYSIDE\BAYRECR

2. "Proposed Town Council Agenda, Bayside Subdivision, for Deeds Dated December 17, 1993" townpow.w4w

sonny.W4W

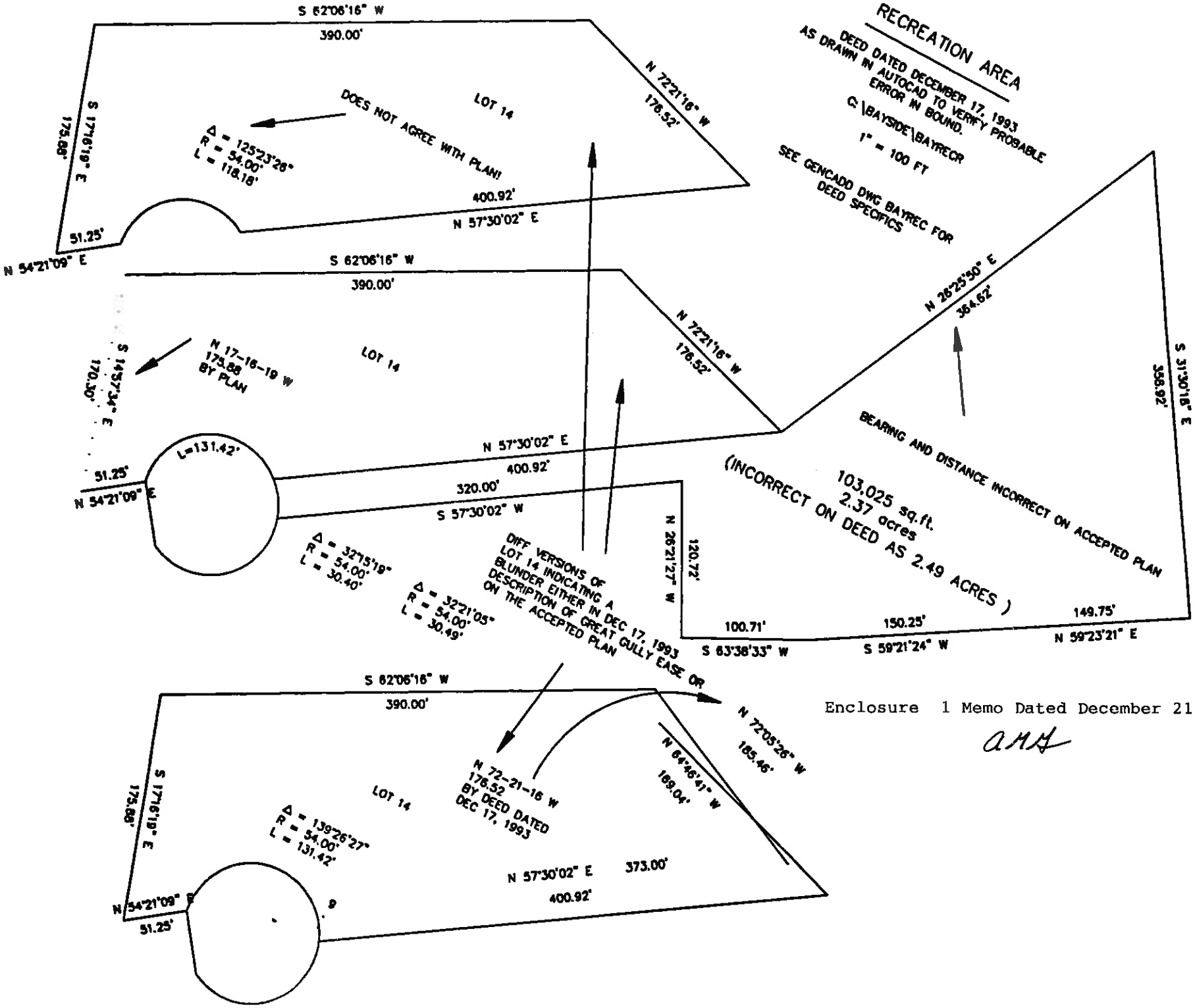
Proposed Town Council Agenda
Bayside Subdivision
for
Deeds Dated December 17, 1993

AMH

The Town Council will consider accepting **Bayside Lane** and **Great Gully Drive** as described in a warranty deed dated December 17, 1993 from Arthur G. Powers, III to the Inhabitants of the Municipality of Brunswick. Reference is also made to a plan entitled "Bayside, By Arthur G. Powers III, Brunswick, Maine, Lot Details", dated August 1986, approved by the Brunswick Planning Board February 12-19, 1987 and recorded in the Cumberland County Registry of Deeds Plan Book 161 Page 5.

The Town Council will consider accepting the **"Recreation Area"** and **"Great Gully Conservation Area"** as described in a warranty deed dated December 17, 1993 from Arthur G. Powers, III to the Inhabitants of the Municipality of Brunswick. Reference is also made to a plan entitled "Bayside, By Arthur G. Powers III, Brunswick, Maine, Lot Details", dated August 1986, approved by the Brunswick Planning Board February 12-19, 1987 and recorded in the Cumberland County Registry of Deeds Plan Book 161 Page 5.

townpow.w4w



Enclosure 1 Memo Dated December 21, 1993

AMH

Brunswick, Maine

John A. Foster, PE
Town Engineer/Director PWD

Public Works Department
9 Industry Road
Brunswick, Maine 04011
(207) 725-6654
FAX (207) 725-6663

MEMORANDUM

TO: Phil Carey, Acting Planning Director

FROM: Alice Goodwin

DATE: 8 February, 1994

SUBJECT: Summary of Errors for Bayside Subdivision

Below is a summary of errors revealed during our review of the road right of way and recreation/conservation lot descriptions for Bayside Subdivision. There may be additional blunders on the plan and/or in the field either undiscovered or unverifiable here. Any update to the existing plan should include a review of the entire plan by the surveyor to ensure its accuracy, compliance with survey standards, and compliance with recording requirements.

Location	Approved Subdivision Map	Correction as per Deeds prepared December 17, 1993
Great Gully Drive	L=148.35	L=166.90
Lot 14	373.00	400.92
Lot 14	S 66°55'07"E 183.75	N 72°21'16"W 176.52
Conservation Area	220.38	203.62
Recreation Lot	381.38	364.62
Recreation Lot	2.49 acres	2.36 acres Calculated From Deed Measurements
Lot 14	Does not Close-existing error in one of boundaries	?

In addition, any revision to the existing plan should reflect per Maine Survey Standards the type, size and nature of monuments set since the plan was first approved. We are aware of one monument which was to be set in accordance with the deed corrections.

pcbaymem.W4W

encompassed by the bus route has a school age population lower than that anticipated.

PROJECT DESCRIPTION

The subject subdivision as projected in the preliminary proposal will have 17 lots upon which the developer plans to construct single family dwellings. The dwellings that are planned will have floor areas of 1,200 to 2,200 square feet with styles including, ranches, colonials, tri-levels and split foyers. The dwelling style and floor area will be mixed. Based on sales activity within Brunswick these sizes represent the entry level of current new home construction with the majority of this size dwelling being sold while the house is under construction. From market experience it is anticipated that the smaller dwellings will be occupied by couples, both first time home owners and retirees and single parents. The larger homes will be occupied by the larger 3-5 member families. Market experience in this size and price range has shown that this category of dwelling has appeal to: 1. younger families who may be purchasing their first home, 2. people who are moving from the smaller "Riverview Grove" type home, 3. retirees or empty nesters who are moving to smaller (less expensive to own and maintain) dwellings and 4.transferees to the area with special appeal to lower grade military officers. The recently completed "Bay Park" subdivision in Topsham has represented this market segment. While much of the new construction in Brunswick has targeted either the condominium market or the upper price level (currently $135,000 - $210,000) detached single family dwelling market. The demand for more moderate priced homes is very significant.

Municipal water will be extended to the subdivision from the end of the existing main and each lot will have its own septic system. Preliominary soils tests indicated the area which is known for its sandy soils is suitable of individual septic systems. Based on preliminary discussions the developer has had with the Town Planner an eighteen foot wide road is an acceptable possibility. Additionally as a result of site visitations by both Planning Board & Conservation Commission members it has been suggested to the developer that dedicated recreation areas be left as passive wildlife areas rather than active recreation parks in order to preserve and foster the presence of deer and other wildlife residing in remaining wild areas in this near town location. The area abutting the subject land has long been blueberry fields, woods and farmland. At the south end of the Maquoit Road the town maintains a municipal boat launching ramp thus providing public access to Maquoit Bay and the ocean.

BAYSIDE

EROSION AND SEDIMENTATION CONTROL PLAN

Both the subdivision design and contemplated construction sequence of Bayside have been heavily influenced by consideration for erosion and sedimentation control. Properly guided and administered, its construction will present neither erosion or sedimentation problems for the Town to contend with.

From the initial reconnaissance, the fragile nature of the steep banks of the Great Gully proper and its susceptibility to serious erosion has been recognized. Because of the dramatic differences in elevation involved and the equally dramatic rate of change in elevation, it is easy to visualize the erosion that could result if these steep banks were penetrated or even if the protective cover of vegetation and ground cover were disturbed.

Once started, erosion would be virtually impossible to stop and the spoils of erosion would quickly be converted to a sedimentation problem, as the dead sand washed away entered Great Gully Brook. Because of proximity to Maquoit Bay, another transformation would quickly result and a local sedimentation problem would become a marine resource problem of significant importance, one that could have a tremendous impact on the shellfish industry of Brunswick and the surrounding communities that participate in the shellfish conservation program.

The only way to cope with the potential problem is to insure that it will never materialize.

This was accomplished by limiting the active boundary of the development to the top of the bank of the Great Gully proper and the beginning of its side gullies, where steep banks are still encountered.

To insure that the sensitive area is protected in the future, Bayside property lying outside one retained parcel of 2.15 acres and outside the active bounds of the development, will be transferred to the Town of Brunswick, hopefully to the Conservation Commission, as soon as mutual details can be worked out.

Fortunately, at least from a developers viewpoint, one of the two side gullies (the one immediately northwest of lots 15 and 16) is shallow enough and has gentle enough slopes that it can serve as a drainage relief area for one segment of the project, as it has with the site in its natural state.

Actually the side gully has little if any flow to contend with as it is estimated that at least a fifty year storm would be necessary to produce enough precipitation to cause the gully to function as an overflow. Modification of existing on site slopes and the construction of one of the streets will actually reduce the potential for true runoff flow to this gully. (See Runoff Study - Drainage Area III)

Baled hay will be "pinned" in place to form appropriate sedimentation basins at the head of this gully and a level spreader will be formed by use of hand laid rip rap where the culvert from lots 13 and 14 terminates. This will provide an extra measure of insurance even though normal precipitation is expected to "soak into the surface" long before it becomes active runoff.

In general, (Lots 7, 8, 9, 10, and 12 being the possible exceptions) the rear section of all lots, farthest from the street, will be left undisturbed during and after construction, thus creating a natural barrier against erosion, simply by retaining existing vegetation.

The construction sequence is expected to be as follows:

1. Rototill loam on the three streets and the top of the hill where Glover Street enters the project.

2. Remove loam and stockpile at the rear of one of the on site lots, for future use in finish grading.

3. Cut hill and rough grade streets, stockpiling surplus material for rough grading of lots in the future.

4. Construct gravel sub-base on all three streets.

5. Mulch street side slopes as necessary to control erosion by wind and rain

6. Employ calcium chloride to prevent blowing dust from street sub-base as necessary.

7. Start selective construction on individual lots. Those chosen for construction will depend upon the lots selected by prospective homeowners. Only that portion of individual lots necessary for home construction will have existing grades and cover disturbed, ie, front lawn, drive, building location and small rear lawn.

8. Grade, loam and seed disturbed lot area as soon as building construction will permit. In interim control erosion through use of mulch and baled hay sedimentation basins as appropriate.

9. Gravel individual drives, as soon as building construction will permit.

Completion of steps 7, 8, and 9 is envisioned as extending over a period of two to two and one half years, depending upon interest exhibited by the home purchasing public and the availability of a competent building construction crew.

The final scheduling for steps 10 through 14 inclusive is dependant upon the rate of progress possible with the development and construction of individual lots and whether or not development takes place in such a manner that one street is fully developed prior to the other two.

10. Add three inch upper base course of crushed gravel to streets and fine grade.

11. Add Bituminous concrete base course.

12. Pave driveways and house walkways.

13. Add Bituminous concrete wearing course to streets.

14. Match finish grading of lots to finish street, reloam and reseed as necessary.

Neither erosion nor sedimentation is seen as a potential problem to surrounding properties. Surrounding properties are:

On the Nothwest - The Great Gully to be owned and controlled by the Town of Brunswick.

On the Northeast - A side gully, an undeveloped lot to be retained, the proposed recreation area, and several existing homesites all protected by intervening retained natural growth.

On the Southeast - Maquoit Road and several existing home sites, all with similar natural protection.

On the Southwest - A single homesite extending from Maquoit Road to the Great Gully, also protected by heavy natural growth to remain undisturbed.

In general, natural growth screens retained between the development and existing home sites is considered adequate enough that even construction noise will not create a nuisance.

Long term final seeding will be on a minimum of four inches of loam, with the resulting area considered well drained and subject to intensive mowing. The recommended seed mixture is:

Kentucky Blue Grass	44%
Creeping Red Fescue	44%
Perennial Ryegrass	12%

Application rates per 1000 square feet are as follow:

Ground Limestone	138 pounds
10 - 20 - 20 Fertilizer	19 pounds
Seed	1.03 pounds

In general, permanent seeding will be done during April and May or Mid-August to Mid-September with limestone and fertilizer worked well into the topsoil before seed is broadcast and raked into the top inch of soil.

If temporary seeding becomes necessary, it will be done between Mid-August and Mid-September with a seed mixture of 65% Kentucky Blue Grass and 35% Red Fescue, applied at a rate of two pounds per 1000 square feet. Fertilizer will be applied at the same rate as for permanent seeding.

Throughout the construction period, the entire site will be periodically inspected for signs of erosion and if problems are noted appropriate maintenance procedures will be employed to eliminate them.

Seeded areas will be maintained by the developer until ownership of an individual lot is transferred. That lot will then become the responsibility of the owner, except for any items specifically retained by the developer by written agreement.

III Final Plan Review Application

Project Name: BAYSIDE

Case File Number: _____

1. Project Applicant:
   Name: Arthur G. Powers III
   Address: R.F.D. # 2 Box 2557
   Brunswick, Maine 04011
   Phone Number: 729-5345

2. Present Interest in Property: Option to Purchase

   Interest in Abutting Property: None

3. Project Property Owner: (if different):
   Name: Lawrence Catlin
   Address: Cundy's Harbor Road
   Phone Number: Harpswell, Maine 725-5734

4. Project Authorized Representative: (if different)
   Name: Arthur G. Powers III
   Address: R.F.D. # 2, Box 2557
   Phone Number: Brunswick, Maine 729-5345

5. List of Appropriate Design Consultants (Surveyor, Architect, planner, engineer):
   Name: Harpswell Engineering and Surveying
   Address: R.F.D. # 1, South Harpswell, Maine
   Phone Number: 725-5496

   (list additonal on seperate sheet)

6. Address to which all correspondance is to be sent:
   Name: Arthur G. Powers III
   Address: R.F.D. # 2, Box2557
   Phone Number: Brunswick, Maine 729-5345

7. Location of Property:
   Registry of Deeds Book: 2405 Page: 203
   Tax Map Map #: R26 lot #: 10-G

8. Zoning at the Time of Application: Suburban A Residential and Coastal Residential

9. Acreage of Property:
   Total: 34.7
   To be developed: 18.75

ADDITIONAL CONSULTANTS

Mr. Richard A. Sweet
Licensed Site Evaluator
Box 85
Cumberland Center
Maine 04021

Tel: 829-5768

10. Method of Infrastructure:

Facility	Type
provision of water	Brunswick-Topsham Water District
sewage disposal	On-Site
fire protection	Brunswick Fire Department
road system	Paved (See Typical Section on Plans)
Electric	Central Maine Power Surface Lines

11. List any Covenants, By - Laws, Restrictions or Easements to be palced on any deeds:

None Required under Final Plan

Is full text attached? _____ yes _____ no

12. Please describe the existing use of the property to be developed and neighboring property: Blueberry land that has been permitted to grow up to bushes. Some surrounding land is the backs of large parcels, the remainde is individual home sites.

13. Please decribe the proposed use: Will develop into seventeen individual home sites. The Great Gully Area will be largely conveyed to the Town of Brunswick. 2.49 Acres will also be conveyed to the Town for recreation. 2.15 inaccessible acres will be retained.

14. List all abutting property owners

Name	Address	Map #	Lot#
See Following Sheet			

(Attach, if necessary)

15. Evidence of Abutter Notification: (please attach)

16. List any Variances required before any proposal may proceed:

None

ABUTTING PROPERTY OWNERS

NAME	ADDRESS	MAP#	LOT#
Mr. Edward Sewall	Box 3246 Maquoit Road Brunswick, Maine 04011	R 26	10-A
Mrs. Lillian R. Rehfield	109 Fitch Avenue Brunswick, Maine 04011	R 26	10-E
Mr. James Krupanski	Box 3244 Maquoit Road Brunswick, Maine 04011	R 26	10-D
Mr. William George	Box 3255 Maquoit Road Brunswick, Maine 04011	R 26	10-B
Mr. Frank Coffin, Jr.	Box 3247 Maquoit Road Brunswick, Maine 04011	R 26	12
Mr. James Minott	Box 1432 Highland Road Brunswick, Maine 04011	R 26	32
Mrs. Barbara Hammond	34 Hillcrest Avenue South Portland, Maine 04106	R 26	31
Mr. John R. Hutchins	3315 Woodside Road Brunswick, Maine 04011	R 26	30-E
Mr. Roger Shaw	E-7 Sunset Gardens Brunswick, Maine 04011	R 26	40

17. Construction Schedule, Costs and Statement of proof of financial capability: (please Attach) Please see Erosion Control Plan for Construction Sequence and Schedule

18. Please list waivers granted by the Planning Board during Sketch Plan Review: There was no formal granting of waiver requests. Please see attached request.

(attach if necessary)

19. Final Plan Application Fee:

Amount_____

Date Received_____

20. Please note that a hearing fee of _____ may be required, if the Planning Board deems it necessary at the time of Final Plan application presentation.

21. Please Complete the following.

Attachment III-(1) Map Requirments
Attachment III-(2) Supporting Documents

To the best of my Knowledge, all information submitted in this Final Plan Application package is true and correct.

Arthur G Powers III
(signature of applicant)

December 1st, 1986
(date)

Case file number_____

Attachment III-(1)
Checklist for Final Plan Map Requirments

Yes	No	Map ID	Item
X		Lot Details	Name, Scale, date, North Point,
X		Lot Details	acreage, number of lots surveyed, boundaries, location and type of permanent monuments, surveyor stamp
X		Lot Details	Existing zoning
X		Lot Details	Name of owner, any engineers or consultants, authorized agent
X		Lot Details and Attached Sheet	Name & address of abutting owners
X		Lot and Street Details	all required road information, and all appropriate circulation measures
X		Lot Details	All appropriate dimension requirements
X		Lot Details	Existing and proposed easements
X		Attached	Storm water management plan including calculations, layout and soil erosion and sedimentaion plan, and final grading plan
X		Topo	Location of all natural and man-made features
X		Topo	Location of all existing and proposed utilities
X		Soils Report	Off-site or on-site sewer disposal system
X		Topo	Topography at not more than 2 feet in elevation
X		Topo	Location of important trees or groves
	X	No Sidewalks	Size, location and profile of sidewalks and parking area
X		Submitted with Sketch Application	Location Map, at appropriate tax map scale
X		Topo	Special notations
X		Lot Details	Open Space for conservation pruposes
X		Lot Details	Open Space for recreation purposes
	X		Landscaping Plan
	X		Design for Solar Access

Case file number_____

Attachment III-(2)
Supporting Documents

Date Requested	Document Type	Date Received by Planning Office
_____	Documentation of Ownership or contract	_____
_____	Homeowner's Association by-law	_____
_____	Covenants Homeowner's Association	_____
_____	Deed Restrictions	_____
	State permits, where applicable	
_____	DEP	_____
_____	Marine Resources	_____
_____	Army Corps of Engineers	_____
_____	Inland Fish & Game	_____
_____	Appropriate Engineering Calculations	_____
_____	Community Facilities Impact Analysis	_____
_____	Statement from Brunswick and Topsham water District	_____
	Statement by the:	
_____	Sewer District (off-site)	_____
_____	Plumbing Inspector (on-site)	_____
_____	Statement by the Town Engineer, with bond estimates	_____
_____	Statement by the Police Chief, if required	_____
_____	Statement by the Conservation Commission	_____
_____	Statement by the Solid waste Coordinator	_____
_____	Statement by the Recreation Commission	_____
_____	Statement by other appropriate Town agencies	_____
_____	Appropriate Performance Guarantee Arrangement	_____

Based upon suggestions received during the recent site inspection by the Planning Board, I request that the original roadway waivers, requested with the sketch submittal, be superseded by the following:

1. The requirement for 24' wide pavement be waived in lieu of the 18' shown on the plans.

2. The requirement for curbs be waived to permit a reduction in peak rate of runoff (See runoff calculations and report)

3. The requirements for storm drainage systems be waived for the same reason as 2 above.

4. The requirement for sidewalks be waived as there is no existing system in the neighborhood.

The concept of multi-family housing originally proposed in the sketch submittal has been deleted and is no longer considered for the project.

The loop road originally submitted has been modified to a system of three cul-de-sacs to better fit existing terrain.

The smaller lots (approximately one half acre) originally submitted for sketch review in the Suburban A Residential portion of the project have been deleted and all lots are presently one acre or larger.

Brunswick, Maine

John A. Foster, PE
Town Engineer/Director PWD

Public Works Department
9 Industry Road
Brunswick, Maine 04011
(207) 725-6654
FAX (207) 725-6663

MEMORANDUM

TO: Donald H. Gerrish, Town Manager
FROM: John A. Foster, Town Engineer/Dir. PWD
DATE: 10 December, 1993
SUBJECT: Bayside Subdivision
By Arthur (Sonny) Powers, III
Acceptance of Streets & Recreation/Conservation Lots

COPY (PHIL C.)

We have completed our review of the two deeds submitted by Mr. Powers for his project. We have also referred the deeds to the Recreation Department, Planning Department and Conservation Commission for their review and comment. For your information the Town of Brunswick accepted as performance security a passbook savings account in the amount of $44,000 held by Mr. Powers and requiring both his and the Town of Brunswick's signature for any withdrawal. It is my understanding this account still remains available.

For the town to accept the street deed we require the following:

1. The final approval conditions of the Planning Board required a velocity stilling basin at the outlet of the culvert installed on Bayside Lane rather than just hand laid rip-rap (see attached Matt Eddy 2/12/87 memo). Rip-rap exists but no construction that I would classify as a stilling basin (or level lip spreader as added to the final plan by his engineer). Note: No erosion exists at the culvert outlet which the stilling basin was to prevent so there may be grounds for waiving this requirement. I feel either the basin should be installed or the Planning Board asked by Mr. Powers to waive its approval condition.

2. I was not properly notified in advance of the final top course paving that was placed on 7 July, 1993. When I did arrive the work was 75% complete but in the remaining work I found numerous unacceptable base conditions which the paving contractor for Mr. Powers, Harry C. Crooker & Sons, Inc., immediately addressed and corrected. However, since I was unable to inspect the entire road base in advance I request the developer provide us a written warranty that all work is guaranteed to be free from defects in workmanship or materials for a period of two (2) years after acceptance of the street.

3. Before releasing a performance security the developer is to submit a statement from a Professional Land Surveyor that all permanent survey monuments are in place (Zoning Ordinance §507.10.B.4). We do not have such a statement and have some concerns I will detail shortly regarding the monuments.

4. We have reviewed the deed offering for the two streets, Great Gully Drive and Bayside Lane. We have the following problems with the deeds:

   a. The deed is a "Release" deed and we strongly recommend the street deeds be a Warranty Deed and we have confirmed this requirement with Ellerbe Cole, Attorney, MMA.
   b. The deed continually refers to "said point being marked with iron pin set in the ground" and we feel we need the surveyor's certification such exists as the plan does not indicate such and we further require the deed state at some point more detail on the "iron pin". For example, "an iron pin refers to three foot long, ½" diameter rebar with a yellow cap bearing the name of George Barnes, and Professional Land Survey Number of 1234."
   c. Each separate street description in the deed has errors or omissions as follows:
      1. The descriptions should state in some location the width of the street is 50.00 feet.
      2. The cul-de-sac radius should state it is "non-tangent", refer to the radius as 54.00 feet (i.e. show radius to hundredths of a foot) and the correct arc length for the central angle given is 287.31 feet versus 287.30 as stated.
      3. The arc length on Great Gully Drive is incorrectly stated as 183.61 feet in the deed where it calculates to be about 166.90. The incorrect distance is shown on the plan and we would like this discrepancy corrected on the filed plan.
      4. The 20' radius for the southeast corner of Bayside Lane and Glover Street has an incorrect arc distance of 31.25 feet where we believe 31.42 feet is the correct number.

Finally, we would like to know what the Zoning Ordinance required for monuments at the time this plan was approved. We feel the ½" rebar used will not stand up over time and is not a satisfactory permanent monument. We would like to see a few granite monuments or similar as other subdivisions have used in the recent past. We realize this may be a problem since this project was approved in 1987 but we will attempt to pursue with the Planning Department what was required when this project was approved.

As regards the deed for the Recreation Lot we offer the following comments:

1. It should be noted the town will own this land rather than have an easement. However, ownership may be more appropriate if recreation activities are to occur. A 30 foot access strip to the recreation lot between two residential lots may lead to problems so I am not sure of the value of this land and do foresee potential maintenance problems once the abutting lots are developed.
2. Mr. Powers currently has a temporary electric service located in the 30' wide section of the lot which I feel should be removed. Also, Mr. Powers has some equipment in

this area and an above ground fuel dispensing tank close to or possibly within the 30' wide section. I would recommend the tank be relocated to be safely outside the town land.

3. We have reviewed the deed and have the following problems with the deed:
   a. The deed is a "Release" deed and we strongly recommend the deed be a Warranty Deed.
   b. We believe the deed contains a blunder as we have been unable to close the survey mathematically as written. We feel the deed call for N 26°-25'-50"E. at 381.38 feet is incorrect (by about 7'). The surveyor needs to review this point and correct the description and the filed survey plan.
   c. Again see 4.b under street comments regarding deed reference to "iron pin" and we further add in this case the survey map indicates existing pipes found, etc. which need to be individually detailed as to type, size and nature of monument found.

As regards the Conservation Lot described in the same deed as the recreation lot we offer the following comments:

1. It should be noted the town will own this land rather than have a conservation easement. That is, we will be liable for maintaining the land and for any claims arising out of our ownership. I would recommend we only acquire a conservation easement and title will remain with Mr. Powers.
2.. The deed is a "Release" deed and assuming we do not opt to get an easement we strongly recommend the deed be a Warranty Deed.
3. The deed description lacks adequate tie line information to close the survey mathematically and we recommend this information be provided in the deed and on the final survey plan.
4. Again see 4.b under street comments regarding deed reference to "iron pin" and we further add in this case the survey map indicates existing pipes found, etc. which need to be individually detailed as to type, size and nature of monument found.

Finally, I write to you and not to Mr. Powers at this time as I feel we should check with Planning and Recreation and develop one letter outlining all that is required rather than have a piecemeal approach if we all responded to him individually. Would you like to meet on this issue once we hear from the others? Please advise how you would like me to proceed.

Enclosure
cc: Phil Carey, Acting Planning Director
Tom Farrell, Director, Recreation Department

BAYSIDE\FINLCOND.W4W

SL-058

Town of Brunswick, Maine

INCORPORATED 1738

OFFICE OF THE TOWN PLANNER

MATHEW H. EDDY, PLANNER

28 FEDERAL STREET
BRUNSWICK, MAINE 04011
TELEPHONE 729-4345

To: Sonny Powers
From: Mathew Eddy ME
Date: February 12, 1987

Subject: Bayside Subdivision

The Planning Board approved Bayside Subdivision at its February 10 meeting in accordance with the following:

(1) That the Codes Enforcement Office investigate and ensure that the septic systems for lots 1, 2, 3, and 11 be located on the northside of the property (to be noted on the plan);
(2) That a velocity stilling apron be placed at the end of Bayside rather than hand laid rip-rap.

The plans can be signed when condition 1 is placed on the plan.

Good luck on this project in the future.

CC. R. Lovell Brown

Brunswick, Maine

John A. Foster, PE
Town Engineer/Director PWD

Public Works Department
Industry Road
Brunswick, Maine 04011
(207) 725-6654
FAX (207) 725-6663

MEMORANDUM

TO: Amy Naylor, Planning Director

FROM: John A. Foster, Town Engineer/Director PWD JAF

DATE: 24 December, 1992

SUBJECT: Glover Street - Arthur G. Powers, III Subdivision

Glover Street (off Maquoit Road) was accepted as a Town Way on 3 January 1989 and Public Works Department has maintained the road since then. Bayside Lane (shown as Blueberry Lane on the plot plan) and Great Gully Lane have been substantially completed and are paved. However, neither of these streets have been approved or accepted by the Town according to our records. Further, recreation and conservation areas were shown on the final plan indicating "to be conveyed to Town of Brunswick " The Assessor's records indicate these lots are still owned by Mr. Powers (please see attached report and map prepared by our staff surveyor).

We would like a copy of the Planning Board approval and your opinion as to the status of this subdivision. Are the lots on the two unaccepted streets marketable? My initial reaction is some work remains to make Bayside Lane and Great Gully Drive acceptable to Public Works Department and I would like to know how Mr. Powers views the status of his subdivision. However, before talking to him I wanted to know the status of the project according to your records.

Enclosure

cc: Tom Wakefield, Codes Enforcement Officer
Robert Tripp, Assessor

Brunswick, Maine

John A. Foster, PE
Town Engineer/Director PWD

Public Works Department
9 Industry Road
Brunswick, Maine 04011
(207) 725-6654
FAX (207) 725-6663

MEMORANDUM

TO: John A. Foster

FROM: Alice Goodwin

DATE: 22 December, 1992

SUBJECT: Response to 11/29/92 request from JAF for updated status of "Bayside"

Status of Streets

Glover Street
Town Way
Accepted 01/03/1989

Bayside Lane
(formerly listed on plan as Blueberry Lane)
Unaccepted

Great Gully Drive
Unaccepted

Tax Assessment of Unaccepted Streets

RE: Conversation with Town Assessor Robert Tripp 12/21/92

Bayside Lane and Great Gully Drive are not being assessed individually (they are not being assessed to anyone). Dollar wise you could think of it being included with adjoining parcels of land. Rational-If assessed as separate parcel and became tax acquired then they would belong to the Town.

Who Owns Lots along Streets as of 12/22/92

See marked up copy of tax map 26.

All lots sold so far abut the accepted street, Glover. No lots have been sold which solely abut either Bayside lane or Great Gully Drive. The unsold lots remain in the ownership of Arthur G. Powers III.

Who owns Drainage Easements as Shown on "Bayside" Plan

30' Drainage Easement on Lot 14-
Arthur G. Powers III still owns Lot 14. I have not located any record of the drainage easement being conveyed out.

30' Drainage Easement on Lot 9-
Kenneth & Evelyn Clark were conveyed Lot 9 by reference to the plan of "Bayside". I am not sure if the deed specifically reserved the easement (my memory says no). Nevertheless, I have not located any record of the drainage easement being conveyed out.

Who owns Conservation and Recreation Areas "to be conveyed to town"

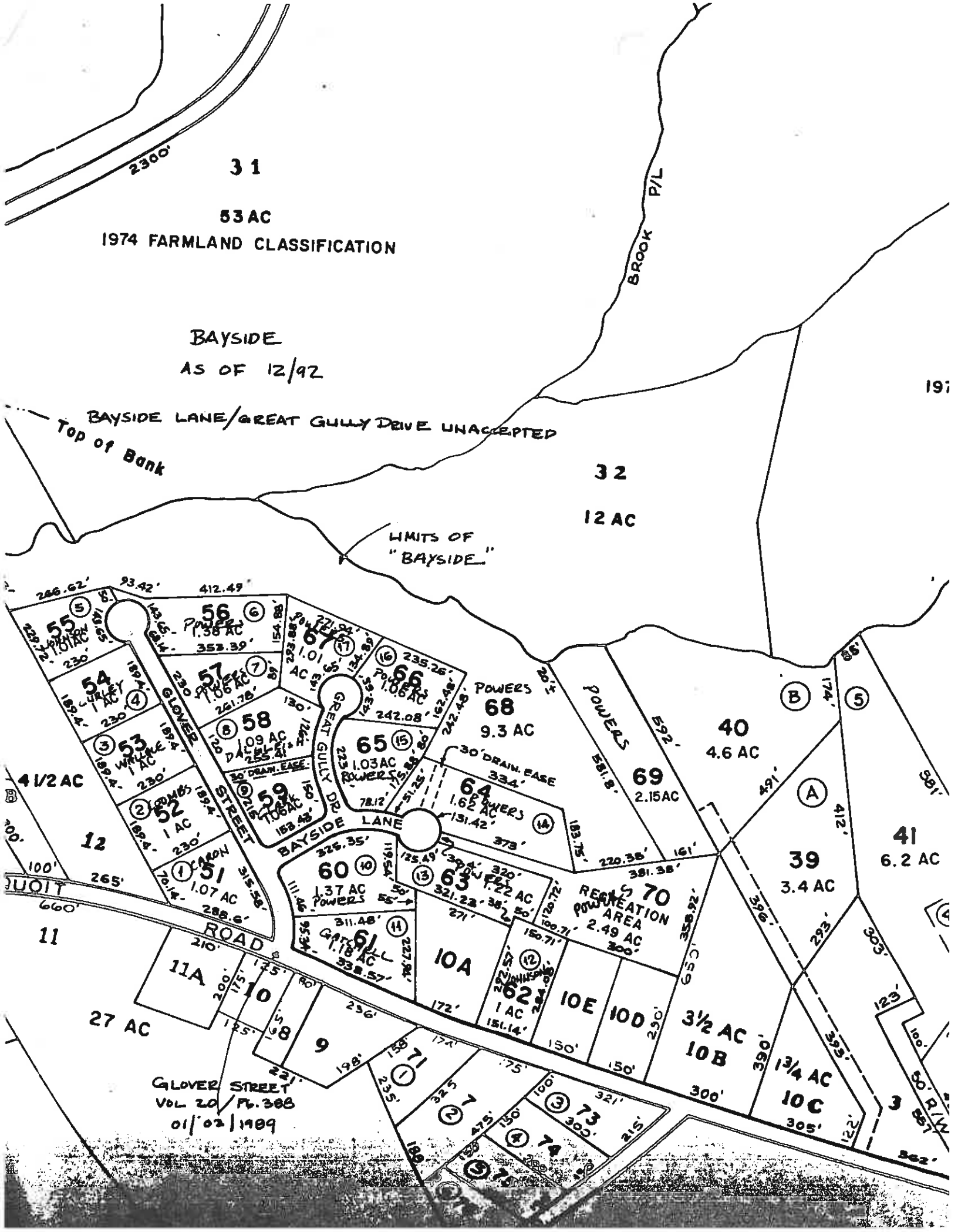
These parcel are still being assessed to Arthur G. Powers III

What needs to be done

1. Resolve ownership of drainage easements.
2. Resolve ownership of conservation and recreation parcels.
3. Notify Codes of status of Bayside and Great Gully.

cc:

bayside.W4W


31
53 AC
1974 FARMLAND CLASSIFICATION
BROOK P/L
BAYSIDE
AS OF 12/92
BAYSIDE LANE/GREAT GULLY DRIVE UNACCEPTED
Top of Bank
32
12 AC
LIMITS OF "BAYSIDE"
55 JOHNSON 1.01 AC
54 WHALEY 1 AC
53 WHALEY 1 AC
52 COMBS 1 AC
51 CARON 1.07 AC
56 POWERS 1.38 AC
57 POWERS 1.06 AC
58 DALLEF 1.09 AC
59 POWERS 1.06 AC
67 POWERS 1.01 AC
66 POWERS 1.06 AC
65 POWERS 1.03 AC
64 POWERS 1.62 AC
68 POWERS 9.3 AC
69 POWERS 2.15 AC
40 4.6 AC
39 3.4 AC
41 6.2 AC
60 POWERS 1.37 AC
63 POWERS 1.22 AC
61 GATTELL 1.18 AC
62 WILKINS 1 AC
70 RECREATION AREA POWERS 2.49 AC
GLOVER STREET
GREAT GULLY DR.
BAYSIDE LANE
30' DRAIN. EASE
4 1/2 AC
12
11
27 AC
11A
10
9
8
10A
10E
10D
3 1/2 AC 10B
1 3/4 AC 10C
71
72
73
74
75
GLOVER STREET
VOL 20/PG. 388
01/02/1989

Town of Brunswick, Maine

INCORPORATED 1739
BRUNSWICK PLANNING DEPARTMENT

AMY NAYLOR
PLANNING DIRECTOR

PHIL CAREY
ASSISTANT PLANNER

28 FEDERAL STREET
BRUNSWICK, MAINE 04011
TEL.: 207-725-6660
FAX:207-725-6663

MEMORANDUM

TO: John Foster, Town Engineer/PWD
FROM: Amy Naylor, Planning Director
DATE: 5 January, 1993
SUBJECT: Bayside Subdivision (Glover Street - Arthur G. Powers III)

This subdivision, listed in our files as Bayside, was approved by the Planning Board at its 10 February, 1987 meeting. A copy of the approval letter, minutes and memo to the Board for the meeting, are attached. The minutes and approval letter do not mention street acceptance conditions however, a copy of a conditional agree signed April 7, 1987 shows that lots 1-10 and 13-17 are not to be sold until either the Town Manager certifies that all street and utility improvements have been installed or the Town has recieved an irrevocable letter of credit for improvements. The LOC was to be held for two years from the date of final plan approval or 10 February, 1989.

It appears that an Agreement was signed by Mr. Powers and Town Manager John Bibber on October 23, 1987 which stipulated that $44,000 was to be deposited in Casco Bank, and released in four phases. I have no record in my file regarding the release of these monies. Please note, the Agreement mentions a street, in the singular, and does not identify it by name. I assume the street is Glover.

To this end, please also note item 1 on the April 3 staff notes for the April 7, 1987 Planning Board meeting. These notes, for which no follow-up is in my file, allude to Powers request for a conditional agreement in lieu of a bond. While no amounts are clearly indicated in the minutes or staff notes, I did find a hand written calculation dated December 3, 1986, by Town Manager John Bibber, indicating $55,000 as a total. Notes on this paper also show a $45,200 figure, as well as $44,500. So, we have both a Conditional Agreement dated 7 April, 1987, as well as an Agreement dated 23 October, 1987 for $44,000.00, presumeably to cover a bond.

My position, given the information above, would be to require all conservation and recreation easements to be prepared and accepted by the Town prior to acceptance of any streets. I would prefer to see the easements accepted prior to the sale of any lots, but this position may not be supported by the ordinance.

I hope this is helpful to you. Please let me know if you need any further assistance or information.

cc Wakefield
DMP

86-058

Brunswick, Maine

John A. Foster
Town Engineer/Director PWD

Public Works Department
9 Industry Road
Brunswick, Maine 04011
(207) 725-6654
FAX (207) 725-6663

2 June, 1993

JUN 2 1993

Arthur G. Powers, III
RFD 3, Cundy's Harbor Road
Brunswick, Maine 04011

file

PROJECT: Bayside Subdivision

SUBJECT: Development Status

Dear Mr. Powers:

We were updating our street inventory this winter when the question of the status of Bayside Lane (formerly Blueberry Lane) and Great Gully Drive came up. A research of the town records in the Planning Department, Town Clerk's Office, Assessor's Office and the Town Manager's Office indicate Glover Street was accepted by the Town of Brunswick on January 3, 1989 as a town way and the remaining two roads in your subdivision are unaccepted proposed roads. The unaccepted roads are part of the Bayside Subdivision you presented to the Planning Board and received final approval on February 10, 1987. The Public Works Department has maintained Glover Street since acceptance but has not maintained the other two roads.

In recently inspecting the site I am aware you have completed the water line for the two unaccepted streets and have graded the roadway and provided a binder course pavement for the roads. Sale or development of any of the lots fronting on these two roads (Lots 10, 13, 14, 15, 16 and 17) should not take place until financial security for completion of the road improvements has been posted or you complete all street work and it is accepted by me as Town Engineer. At this time I would request you notify me in advance when you are ready to resume any work on the roads so we may review applicable town standards for the road construction and can arrange an inspection schedule.

In addition to completing the road improvements, two other items are pending for final completion. The first would be the conveyance of the drainage easements as shown on the final plan and the second item would be the conveyance of the Recreation and Conservation easement indicated on the final plan. Both conveyances should be offered to the Town of Brunswick.

Finally, we are aware three existing hydrants serve Glover Street and a fourth hydrant exists at the intersection of Bayside Lane and Great Gully Drive. The Town of Brunswick agreed with the Brunswick & Topsham Water District to accept annual

COPY

maintenance costs for these hydrants on April 27, 1987 when the roads became town ways. We believe the Water District has billed us for all four hydrants annually ($541/year/hydrant) and by copy of this letter we will be asking the District to review their records and if we are being billed for the hydrant on your property to correct their billing records and refund to us any payments made in error.

If you have any questions on any of the above or if any of the above is inaccurate or not as you understand the status of your subdivision project please let me know as soon as possible.

Sincerely,

John A. Foster,
Town Engineer/Director PWD

cc: Donald H. Gerrish, Town Manager
Amy Naylor, Planning Director
Norman J. Cyr, General Superintendent, Brunswick & Topsham Water District
Tom Wakefield, Codes Enforcement Officer

PB:BAYSIDE1.W4W

86-058 6

Town of Brunswick, Maine

INCORPORATED 1738

OFFICE OF THE TOWN PLANNER

MATHEW H. EDDY, PLANNER

28 FEDERAL STREET
BRUNSWICK, MAINE 04011
TELEPHONE 729-4345

To: Brunswick Planning Board
From: Mathew Eddy
Date: January 16, 1987

Subject: Agenda Items for January 20, 1987

1. Dwinal Building Expansion - Case No. 86-079. Please see the attached correspondence. No materials have been received, since no action has been taken on an application, I would ask that the Board deny acceptence of the application based on the December 4 correspondence. If the applicant wishes to pursue this project, he may start the process over while providing all requested materials at the time of application.

2. New Meadows River Estates - Case No. 86-074. Please review your December 18, 1986 correspondence for remaining conditions. These will be reviewed at the meeting. This is a public hearing. (see attached)

3. Bayside Subdivision - Case No.86-058. This is a public hearing to review the final plan for the subdivision. As a reminder, this is according to the old ordinance, although it is covered by the new subdivision regulations. The property was walked in the fall.

Please find attached the demographic analysis describing this project. The applicant has also provided this office with a traffic impact study, a run-off study, an erosion and sedimentation control plan and a soil investigation.

Concerning the soils analysis, the lots in question all meet basic plumbing code requirements (506.5) with the exception of lot 15, which has one test pit with 5c soils, requiring 80,000 s.f. The other pit is within our criteria. Depth to seasonal water table was encountered in peak runoff, based on soil conditions and some minor changes in contoure. Mr. Burnes will explain these at the meeting. action by Board

Potential erosion problems would be associated with the great gulley. This will be turned over to the Town. In the mantime, I would recommend a sediment fence border along the top, in the same fashion as we did at Fox Run. Other recommended actions are appropriate. Condition

The traffic study projects nothing alarming. A breif presentation by the engineer will point out the expected breakdown of work trips. Pleasure trips will primarly use Maquoit Road to Maine Street.

The Town Engineer has approved the design of the project and estimated a bond of $55,550. Casco Northern Bank has agreed to finance the construction of the infrastructure for this project, thus showing financial capability. The amount of the loan is greater than the bond estimate, although somewhat less than the developer's estimate. I foresee no problem.

Other agency approvals include the solid waste director, water district, sewer district and the plumbing inspector. The applicant has requested the following waivers from the subdivision regulations.

vote in accordance w/ 503

1. To go from 24' to 18' of road width.
2. To forego use of curbs and a storm drain system, based on the use of land to reduce peak rate runoff (see previous comments).
3. No sidewalks are proposed.

The open space area is proposed to remain in its natural form to maintain the deer movement area into the great gulley. This plan is the result of the site walk.

Glover Lane may and Blueberry Lane will need to be renamed. done
Comment from the fire department would be appropriate relative to both OK
the names and location of fire hydrants. Layout of the water system is also needed. The applicant is in the process of addressng these prior to the meeting.

4. <u>J. Brendan McMorrow Apartment Conversion - Case No. 87-025.</u> This is a conversion proposal of a duplex unit into a 3 unit apartment. The applicant has prepared most of the application, of which some attachments are enclosed. No changes will occur to the exterior of the building, with all modifications being made to the main building. All abutters have been notified of this meeting.

Two units will be single bedroom with between 480 and 570 s.f. The second floor apartment will have 2 bedrooms with 800 s.f. A density of 10,333 s.f. is well within the permitted 1 unit per 2500 s.f. Yard set back problems will require a variance and any approval should be conditioned on such (or action tabled until the variance is granted). All other factors are met.

The landscaping is not well documented, nor is their screening for the eastern lot proposed. I would point out that this is an existing parking lot. Parking is adequate (4 spaces).

Lighting plans show existing lights to be used. Stormwater management plans do not appear to be required in this case. I have also not required a demographic or impact analysis to be conducted. Letters fromthe sewer district and fire department are expected.

5. Alfred Senter Subdivision - Case No. 86-101. This revision is based on the buyers desiring more land, thus requiring a shift of the 50' ROW. No major problem is perceived with this change.

6. Narcissus Stone Inn - Case No. 87-027. This is a sketch plan concerning the inn proposed for the corner of Water and Mason Street. A review of the proposal will occur at the meeting.

86-058

Town of Brunswick, Maine

INCORPORATED 1738

OFFICE OF THE TOWN PLANNER

MATHEW H. EDDY, PLANNER

28 FEDERAL STREET
BRUNSWICK, MAINE 04011
TELEPHONE 729-4345

To: Sonny ~~Pierce~~ Pinkham
From: Mathew Eddy
Date: January 26, 1987

Subject: Bayside Subdivision
Case No. 86-058

The following issues must be dealt with prior to the February 10 meeting:

1. Please locate another test pit on lot 15 that will not require 80,000 s.f. in lot size.
2. Have your soil evaluator/geologist provide this office an analysis of potential septic effluent impact on surrounding groundwater supplies.
3. Provide a measure of length of site distance, in both directions, on Maquoit Road at the site of your entrance/exit.
4. Wording should be added to the plan to ensure that you have a right of access to your rear lot. In its present condition, that lot is not buildable because of a lack of frontage.
5. Wording relative to the land being dedicated to the Town should be added to the plan. Let me make the following suggestion:

   This recreation area of 2.49 acres is to be transferred to the Town of Brunswick. The use of this area shall be restricted to passive recreation, thus maintaining its natural character and use by wildlife as a migratory route. At the request of Bayside subdivision residents, the Town may develop a small area for use as a tot lot.

For the "great qulley" area please add the following note:

This area shall be transferred to the Town of Brunswick and remain in its natural state in perpetuity.

CC. George Barnes

New Subdivision 86-058

PLANNING DEPARTMENT
BRUNSWICK, MAINE
JUL 15 1986
RECEIVED

II. Sketch Plan Review Application

Project Name: BAYSIDE

Case File Number:

Project Applicant

name: Arthur G. Powers III

address: R.F.D. # 2, Box 2557
Brunswick, Maine 04011

phone number: 729-5345

Authorized Representative: Arthur G. Powers III

address: Same as above

phone number:

list of design consultants (1) Harpswell Engineering and Surveying
R.F.D. # 1, South Harpswell, Maine 04079

(2)

(3)

Attachment II-(1): Checklist for Sketch Plan Requirements

Attachment II-(2): Request for Waivers

Attachment II-(1)
Checklist for Sketch Plan Requirements

Yes	No	Map ID Sketch	Plan	Item
X				Date, North Point, Scale
X		"	"	Perimeter Boundary, priliminary layout and areas of future development (1)
X		"	"	Soil Boundary location
X		"	"	General Land Cover
X		"	"	Topographic Features
X		"	"	Existing Structures, owners and neighboring land uses (2)
X		"	"	Special Conservation and recreation areas
X		"	"	Locator map

Case File Number_____

(1) Boundary Survey has not been completed, as of filing.
There are no areas of future development within the projectbounds.

(2) There are no existing structures within the project bounds.

ROADWAYS

Roadways are planned to meet the specifications for Local Streets, with twenty-four feet of pavement.

Shoulders will be four feet. A waiver for paved shoulders and curbing is requested.

Shaded areas at the two entrances to the development (see sketch plan) are 200 feet in radius, as specified under Local Streets.

It is requested that street corners, at the rear of the development be considered as intersections to provide effective traffic speed control.

The roadway and "hammerhead" into Lot 27 meet the same specifications as above

No sidewalks are planned for the development.

REAR LOTS

The backs of Lots 15, 16, 17, 18, 19, 20, and possibly 21 contain land that may be unsuitable for construction, due to the steep slopes encountered in that area.

This condition is recognized by the developer.

Two possible solutions are available, either of which are logical from a protection viewpoint. The final submission of the project application will be based upon the solution prefered by the planning board.

The sketch plan submission shows one of the alternatives, that of running the Lots in question clear to the main property northwest boundary, while making the individual lots large enough to provide adequate areas suitable for construction.

If this alternative is used, deeds for the particular lots will contain a restrictive covenant that precludes cutting trees or removing small growth from the slopes, thus providing insurance against erosion, after transfer of the property.

The other alternative is to terminate these particular lots near the top of the bank, making the areas unsuitable for construction part of the Reserved Lands.

LOT 27

An exception is requested for Lot 27, to permit the construction of six units of multi-family housing, in two structures of three units each.

Units are planned for one off the northwest and one off the northeast of the roadway "hammerhead"

Specific siting will be provided at the time final application review is requested, when detailed topography and contours are available for selecting the best building locations.

Building "footprints", elevations, fenestration, and various ratios will also be available at that time.

UTILITIES

Both domestic water and that for fire protection are planned as a "loop" from the existing Brunswick-Topsham Water District system.

Water service to the multi-family housing on Lot 27 will, of necessity, be a dead end line.

Disposal of sanitary waste will be through individual septic tanks and drainage fields, with design based upon the findings of soil evaluations, except on Lot 27 where multifamily units may be combined into one or two systems, depending upon the findings of soil evaluations.

Disposal of storm water runoff is envisioned as a problem largely related to the paved road system. An underground system with appropriate catch basins will be employed. The final point, or points, of discharge will depend upon information obtained in detailed surveys, but will most probably be in one of the natural waterways at the northeasterly end of the project.

86-058
file under each case no.

Town of Brunswick, Maine

PLANNING BOARD
28 FEDERAL STREET BRUNSWICK, MAINE 04011

To: Brunswick Planning Board
From: Mathew Eddy
Date: August 7, 1986

Subject: Agenda Items for August 12.

The following items are on the agenda for the August 12 meeting.

(1) Presentation by the Cumberland County Soil and Water Conservation District. Representatives from the Cumberland County SCS will be here to discuss their technical assistance program. A review fee system will be discussed. Your input will be appreciated.

(2) Bayside Subdivision - Case No. 86-058. This is a mixed use development proposing 26 building lots, all approximately 1 acre and a 6 unit multiple family structure. Factors of interest include:

(a) A loop road system accessing on Maquoit Road just south Rossmore Road. Some of the curve radii should be discussed.

(b) Soil conditions may force the combination of some lots; this would be addressed during final plan review.

(c) There is an area of steep slope running along the rear of the property. Much of that area is unbuildable, but has been used to establish lot sizes. Almost al of the 13 lots fitting this description therefore have a much smaller area available for septic disposal then is actually shown. Once test pits are done, adjustments should be made.

(d) A 2.6 acre open field accessed by a 30' right-of-way. The area shown for active recreational use is not as large as is shown on the plans, primarily because of the steep slopes. As this development is near no active play field, there will be a need for one. At a minimum, we are looking for 200' by 400' to serve the residents of this development. At the same time, the area shown is ideal for maintaining existing wildlife movement.

(e) It may have been me, but the area shown for multiple family use did not appear as large as was outlined; again steep slopes. A reorganization of that corner, including a recreational area, is called for.

(g) Please note that this area is proposed to go to a minimum density of 1 unit per 80,000 s.f.

Plans are available at the Planning Office.

(3) Maine Street Station- Case No. 86-034. The new owners will present an update of their plans. Find attached a financial capability statement.

(4) Richard Hunt Subdivision- Case No. 86-035. While I have not yet received the final plan. The only remaining concern is the locating of suitable test pits.

(5) Self Storage Facility- Case No. 86-061. This is a sketch plan proposal for a storage facility located on Route 24 adjacent to Coastal Estates and the Roy Beal Hotel proposal (see attached letter for general description). The following preliminary comments are appropriate:

(a) Soil conditions are poor in the area although construction will be slab oriented.

(b) Drainage, because of wetness and impervious coverage, will be critical. The applicants have been asked to work out a joint storm water management system with the Roy Beal proposal.

(c) It certainly would be nice to develop a left hand turn slip lane in conjuction with the hotel and Coastal Estates.

(d) Aesthetic concerns are important. The developer has proposed to leave most existing vegetation, clearing only an area for a sign. Landscaping around the sign and the addition of low growth among the existing white pine would provide an effective screen.

(6) Holmes Apartment Expansion- Case No. 86-035. The applicant has provided us with a landscape and screening plan. Review and action is needed.

(7) Roy Beal Hotel Proposal-Case No. 86-055. This is a revised sketch plan increasing the total number of units to 100.

(8) Assembly of God-Case No. 86-060. All material has been delivered into the office. Of critical importance is the drainage plan, which requires runoff to empty in a pond west of Storer Road. I have requested additional detail concerning 25 year storm water management planning. Please see attached for a further description.

Town of Brunswick, Maine

INCORPORATED 1738

OFFICE OF THE TOWN PLANNER

MATHEW H. EDDY, PLANNER

28 FEDERAL STREET
BRUNSWICK, MAINE 04011
TELEPHONE 729-4345

To: Sonny Powers
From: Mathew Eddy MHE
Date: August 14,1986

Subject: Bayside Subdivision
Case No. 86-058

At its regularly scheduled meeting, the Board reviewed your sketch plan for the Bayside Subdivision. The following comments are for your consideration in developing a final plan:

(1) Present road layouts are at inappropriate angles. Internal curves should maintain minimum centerline radius of 200'. As this is a loop road, they will not be viewed as an intersection. In addition, the straight line approach offered no aesthetic appreciation and encouraged higher speeds.
(2) While permitted, the multiple family proposal was not considered appropriate for the area.
(3) The ravine area is not to be included in the useable land, and shall be removed from consideration in terms of both lot size and recreation area, as active recreation area will still, it appears, be required.
(4) It is unclear whether there is sufficient room, by recreation standards, to put a field in the area reserved for recreation. Please review the Recreation Department's standards for a basic, all purpose field.
(5) Drainage plans should include an analysis of whether on site detention for the 25 year storm is needed. Because of the erosion potential, it is recommended that the ravine not be utilized.
(6) It is assumed that test pit information may show requirements for larger lots (particularly for the highly permeable soils; see plumbing code requirements and section 1504.3-F of the subdivision ordinance).

CC. Planning Board

Theo Holtwijk

From: Theo Holtwijk [holtwijk@brunswickme.org]
Sent: Thursday, June 07, 2007 3:46 PM
To: 'Carl Adams (cadams@brunswickme.org)'; 'jhutchinson@brunswickme.org'; 'Geoff Hole'; 'dgerrish@brunswickme.org'; 'James Fortune'; 'Padi Howard'; Angela Bradstreet (abradstreet@brunswickme.org)
Subject: Case 86-058 Bayside Subdivision

Hi all:

Carl brought a neighbor complaint to our attention at this project, which led to a discovery of another issue which also needs to be addressed. I will explain both as I understand them below:

1. The Planning Board approved the Bayside Subdivision, off Maquoit Road, on February 10, 1987.

2. The plan shows two lots to be retained in their natural state and to be transferred to the Town.

3. The current neighbor complaint is that the developer, Sonny Powers, has been stockpiling dirt on one of the "Open Space" lots. This dirt has come from construction on another lot. It is our opinion that such stockpiling should be stopped and undone as it is in violation of the approved plan. That plan contains a detailed note as to the intent for the open space lot in question. We are asking that the CEO take appropriate action.

4. In researching the approved plan and current assessing records, it seems that the Town never received the deed to these two open space parcels. They are not present in either the Assessing or Town Clerk's office. The two open space parcels are still in the developer's name with $0 value.

5. We are requesting that the Town Attorney check the Cumberland County Registry of Deeds to see if these missing deeds can be located. If not, we suggest that the Town contact the owner and request completion of the two transactions without delay. Padi is currently preparing an e-mail note for Geoff Hole with the pertinent details of, and excerpts from, the approved plan.

Please let me know if I don't have these facts right, if additional information is brought forward or if you have additional advice or feedback.

Thanks. Theo

Theo H.B.M. Holtwijk
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www.brunswickme.org/planning

Theo Holtwijk

From: Theo Holtwijk [holtwijk@brunswickme.org]
Sent: Thursday, June 07, 2007 3:53 PM
To: 'dgerrish@brunswickme.org'
Cc: 'James Fortune'; 'jhutchinson@brunswickme.org'; Angela Bradstreet (abradstreet@brunswickme.org)
Subject: FW: Bayside Subdivision

Don: FYI. Thanks. Theo

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From: Padi Howard [mailto:phoward@brunswickme.org]
Sent: Thursday, June 07, 2007 3:51 PM
To: Geoff Hole
Cc: 'Theo Holtwijk'; Carl Adams
Subject: Bayside Subdivision

Good afternoon Geoff

Theo asked me to forward you the attached information and asked if you could check to see if anything has been recorded under Bayside Subdivision, or Arthur (Sonny) Powers that pertains the Conservation Easements in question that are located on Brunswick Tax Map 26 lot 68 and lot 70. The plan we have on file was approved February 10, 1987 and signed a week later. The plan is entitled: "Bayside by Arthur G. Powers III, Brunswick Maine Lot Details. Done by Harpswell Engineering and Surveying RFD #1 Box 95 South Harpswell Maine Dated August 1986. The Assessing Office has it recorded as Plan Book 161 Page 5.

I have research and copied the Planning Board minutes for the approval process which does mention vaguely the Open Space. I have also researched the Conservation Commission official records and find nothing dated before 1988. In turn I looked at the agendas and minutes that are in the Clerk's office and found nothing mentioning acceptance of the easement.

Let me know if you have any additional question regarding this request. Thank you in advance for your help Geoff.

Padi Howard, Administrative Assistant
Town of Brunswick Planning and Development Office