

**DRAFT FINDINGS OF FACT**  
**Major Development Review**  
**The Plaza at Cooks Corner, Pad Site #2**  
**Staff Review Date: February 8, 2017**

**Project Name:** The Plaza at Cooks Corner, Pad Site #2

**Address:** 21 Gurnett Road  
Brunswick, ME 04011

**Case Number:** 17-003 (former Case #14-002)

**Tax Map:** Assessor's Map CC1, Lot 24 and 30

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

**Applicant:** Priority One, LLC c/o Jim Howard  
2 Main Street  
Topsham, ME 04086

**Authorized Representative:** Sitelines, P.A.  
8 Cumberland Street  
Brunswick, ME 04011

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

**PROJECT SUMMARY**

Staff review is based on the Minor Development Review application prepared by Sitelines, P.A. dated January 17, 2017. The proposed activity is within parcel containing, "The Plaza at Cooks Corner" approved by the Planning Board in Case #14-002. The Plaza at Cooks Corner is shown on a plan entitled "Site Plan" prepared by Stoneybrook Consultants, Inc. and dated February 14, 2014. The subject parcel is currently occupied by a Goodwill store at Pad Site #1, so-called.

The proposed development is on Pad Site #2, so-called as depicted on a plan prepared by Sitelines, P.A. entitled, "Site Layout & Utility Plan" and dated November 15, 2016. The application includes plans for landscaping, lighting, existing conditions, utilities, grading, drainage and erosion control, site development details, and architectural plans of the layout and elevation profiles of the proposed building.

The proposed project consists of the development of a new 6,950 square feet building with two (2) commercial tenant spaces comprised of 3,862.5 square feet of professional office use, and 3,087 square feet of restaurant use. The proposed restaurant has the capacity for 88 seats.

The applicant requests the following waiver in accordance with Section 410 of the Brunswick Zoning Ordinance:

1. Class A Soil Survey – *The application indicates that the site will be served by municipal water and sewer, and no wells or subsurface wastewater disposal systems are proposed; and similar development exists in the immediate proximity to the development site which demonstrates that the soils are suitable. Based on this supporting information, the staff recommends approving the requested waiver in accordance with Section 410.*

2. Profile, cross section dimensions and curve radii of existing streets – *The application states that no changes are proposed to Gurnet Road. Based on this supporting fact, the staff recommends approving the requested waiver in accordance with Section 410.*
3. Profile of water and sewer service lines – *The application states that the existing water and sewer service stubs are proposed to be used to meet anticipated requirements. Based on this information, the staff recommends approving the requested waiver in accordance with Section 410.*

## **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 Cooks Corner (CC) Zoning District and the Cooks Corner Design Standards. Therefore, the proposed development complies with all applicable provisions and requirements of the Zoning Ordinance. *The Committee finds that the provisions of Section 411.1 are satisfied.*

### **411.2 Preservation of Natural Features**

The proposed development avoids all impacts to natural features by utilizing existing developed areas on-site. 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 are not proposed to be disturbed within the proposed project area. 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 requires Maine Department of Environmental Protection (DEP) approved stormwater treatment plans in accordance with the Stormwater Management Law. Provided the stormwater treatment plan is approved by the DEP, the project will acceptably utilize 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 conditional upon DEP approval of the stormwater management plans for the proposed development.*

### **411.6 Groundwater**

The proposed development is located in an existing developed area; and any stormwater infiltration measures approved by the DEP would require separation to limiting factors such as bedrock and seasonal high water table to avoid groundwater impacts. 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 proposed development results in no exterior changes, and therefore Best Management Practices that avoid unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results are not required. *The Committee finds that the provisions of Section 411.7 are satisfied.*

#### **411.8 Sewage Disposal**

The proposed development is eligible to participate in municipal sewer service subject to an approved sewer permit. *The Committee finds that the provisions of Section 411.8 are satisfied.*

#### **411.9 Water Supply**

The proposed development has a public water source that is adequate to serve the proposed development, and that will have no adverse impact on existing water supplies. *The Committee finds that the provisions of Section 411.9 are satisfied.*

#### **411.10 Aesthetic, Cultural and Natural Values**

The proposed development is in an existing developed area with no known cultural or natural areas. The development's aesthetics adhere to the Brunswick's Cooks Corner Design Standards. 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 a 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 use requires adherence to an existing traffic movement permit from the Maine Department of Environmental Protection (MDOT) referenced as Traffic Movement Permit ID# Reg. 01-00175-A-N. The application states that the proposal results in fewer trip ends than allotted in the MDOT traffic movement permit. The proposed parking lot includes 24-new parking spaces, and the use of 10-shared use parking spaces for the 34 required spaces. Additional, vehicle parking requirements will be supplemented with a new on-site bicycle rack. The proposed parking, and vehicle egress is depicted on the site plan. 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**

The proposed development provides pedestrian access with a new five (5) foot wide bituminous walkway in the front of the proposed building to the location of an existing public sidewalk on Gurnet Road. As indicated in Section 411.2, the proposed development includes a new bicycle rack. The development contains sufficient accommodations for bicyclists and pedestrians 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 building is within an area primarily used for commercial businesses. The proposed development adheres to the Cooks Corner Design Standards and is compatible with its surroundings. *The Committee finds that the provisions of Section 411.15 are satisfied.*

**411.16 Municipal Solid Waste Disposal**

The proposed use is at the location of the former Atrium Hotel. The application indicates that the reuse of the parcel for commercial activities was previously found not to be expected to result in an increased solid waste impact. Therefore, the Solid Waste Impact Fee is not applicable. *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 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 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**

The applicant provided evidence that construction activities will operation during reasonable construction times and decibel levels in accordance with Section 524.1 of the Brunswick Zoning Ordinance. *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**  
**The Plaza at Cooks Corner, Pad #2**  
**STAFF REVIEW COMMITTEE REVIEW DATE: February 8, 2017**  
**CASE NUMBER: 17-003**

- Motion 1:** That the Minor Development Review Final Site Plan application is deemed complete.
- Motion 2:** That the requested waiver for a Class A soil survey, profiles and curve radii of existing streets, and profile of water and sewer lines is approved.
- Motion 3:** That the Minor Development Review Final Site Plan is approved with the following conditions:
1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, its representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.

*\* 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).*