

STAFF REVIEW COMMITTEE
Minor Development Review
DRAFT Findings of Fact
Review Date: November 28, 2018

Project Name: 7-Unit Apartment
Project Location: 110 Harpswell Road
Tax Map: Map U36, Lot 37
Zoning District: GM2 (and partially GR3)
Overlay: SPO-SP
Case Number: 18-043
Applicant: Ben Herman
15 Potter Street
Brunswick, ME 04011

Staff reviewed the application and has determined it is complete.

DRAFT Motion 1: That the Final Site Plan application is deemed complete.

PROJECT SUMMARY

Staff review is based on the Minor Development Review application to renovate an existing apartment building with a total of seven (7) dwelling units as prepared by Ben Herman with assistance from Ashley Hopwood Farrar of Meldrum Design. The subject parcel is located at 110 Harpswell Road (Map U26, Lot 37). The proposed activity is the creation of four (4) new dwelling units within an existing three (3) dwelling unit apartment building, a carport and covered bike area addition on an existing garage building, new parking and internal access area from an existing driveway entrance, and new landscaping to restore existing impervious areas associated with the existing driveway. The proposed development includes a net total of 544 square feet of new impervious area and 4,442 square feet of new floor area.

In accordance with the statutory exception for dwelling unit divisions of new or existing buildings at Title 30-A M.R.S. Subsection 4402(6), the proposed division of the existing apartment building into four (4) new dwelling units does not create a subdivision as defined in the Brunswick Zoning Ordinance and Maine statute Title 30-A M.R.S. Section 4401(4). Per Brunswick's zoning ordinance, the construction of up to five (5) dwelling units that does not create a subdivision may be reviewed by the Staff Review Committee (SRC) under minor development review.

Review Standards from Chapter 4 of the Town of Brunswick Zoning Ordinance

4.1 Applicability of Property Development Standards

The proposed development is located primarily within the Growth Mixed Use 2 (GM2) Zoning District and to a lesser extent within the Growth Residential 3 (GR3) Zoning Districts. The subject parcel is less than 10 acres and GM2 is the prevailing

zoning district within the subject parcel. Therefore, pursuant to subsection 1.4.2.B, the GM2 standards apply to the subject parcel. The subject parcel contains the Shoreland Protection Overlay Stream Protection Subdistrict (SPO-SP). No activity is proposed within the SPO-SP. As proposed, the development complies with all applicable property development standards set forth in Chapter 4 of the Zoning Ordinance. *The Committee finds that the provisions of Section 4.1 are satisfied.*

4.2 Dimensional and Density Standards

Staff note the application indicates the total lot area of 2.71 acres was used for the density calculation rather than the net site area of 2.41 acres provided on Plan Sheet A1. The allowed density in GM2 is 10 acres per unit (4,356 square feet per unit) and at 2.41 acres of net site area (104,979.6 square feet) the subject lot allows 24 units. The proposed density of seven (7) dwelling units and all dimensional standards provided on Plan Sheet A1 indicate the proposed development complies with the dimensional and density standards for GM2. *The Committee finds that the provisions of Section 4.2 are satisfied.*

4.3 Natural and Historic Areas

- 4.3.1 Mapping of Natural and Historic Areas Requirements. The development area has been previously disturbed from the original construction associated with the existing apartment building, driveway, and outbuilding. A modest addition is proposed on the existing garage. Site disturbance for driveway and parking improvements are primarily within existing developed areas. Wetlands, forested areas, and vegetation within the developed portion of the lot is identified on the site plan. No other features were identified that are important to the natural, scenic, and historic character of the Town or that add to the visual quality of the development.
- 4.3.2 Pollution. The applicant referenced the FEMA flood insurance rate maps in determining the site is outside the 100-year flood plain. No undue air or water pollution is proposed.
- 4.3.3 Protection of Natural Vegetation. The subject parcel only contains vegetation within trees, shrubs, lawns at the front of the parcel and forested areas at the rear of the parcel. The proposed activity will result in the removal of three (3) trees and planting three (3) trees as replacements. The development maximizes the preservation of natural landscape features, does not occur within or cause harm to land not suitable for development, and will not have an undue adverse effect on the area's scenic or natural beauty.
- 4.3.4 Protection of Significant Plant and Animal Habitat. No significant wildlife habitat was identified on the subject parcel. The proposed development is not within the Wildlife Habitat Overlay, and no other mapped significant plant and animal habitats were identified during review. Therefore, the proposed development will not have an undue adverse effect on important plant and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife or Town of Brunswick, or on rare and irreplaceable natural areas, such as rare and exemplary natural communities and rare plant habitat as identified by the Maine Natural Areas Program.

- 4.3.5 Steep Slopes: The application indicates the development site contains less than 5,000 square feet of contiguous slopes exceeding 25 percent.
- 4.3.6 Erosion and Sedimentation. The proposed development is designed in accordance with the Maine Department of Environmental Protection's Best Management Practices (BMPs) to avoid causing unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.
- 4.3.7 Groundwater. The application indicates the proposed activity will not extract groundwater for operations. No undue adverse effect to the quantity or quality of groundwater is proposed.
- 4.3.8 Surface waters, Wetlands, and Marine Resources. The proposed development includes a restoration plan that results in a slight increase in impervious area. The proposed development will have no undue adverse effect on wetlands, waterbodies, and their shorelines within the watershed of the development site.
- 4.3.9 Historic and Archeological Resources. No historic or archeological resources were identified within the proposed development area. Therefore, the proposed development will have no undue adverse effect on any historic or archeological resources. *The Committee finds that the provisions of Section 4.3 are approved.*

4.4 Flood Hazard Areas

The proposed development is not located in a Flood Protection Overlay (FPO) District or Flood Hazard Area. *The Committee finds subsection 4.4 is not applicable.*

4.5 Basic Municipal Services

- 4.5.1. Sewage Disposal. The proposed development will connect to the public sewer system. The applicant provided evidence from the Brunswick Sewer District that the proposed development will not cause an unreasonable burden on municipal services.
- 4.5.2. Water Supply and Quality. The applicant will connect to the public water system. The applicant must obtain evidence from the Brunswick-Topsham Water District that the proposed connection will have sufficient water for the reasonably foreseeable needs of the development, and no undue adverse impact on existing water supplies are anticipated.
- 4.5.3 Solid Waste Disposal. The applicant shall pay the solid waste impact fee as calculated by the Brunswick Public Works Department.
- 4.5.4. Stormwater Management. The net increase in impervious area is below .25 acres and the drainage pattern will remain the same. Some existing impervious areas will be restored as depicted on Plan Sheet A2 by tilling a soil amendment into the top 6-inches of soil to restore infiltrative capacity before reseeding and planting vegetation. *The Committee finds that the provisions of Section 4.5 are satisfied provided evidence from the Brunswick-Topsham Water District to demonstrate sufficient water supply and quality for the proposed development.*

4.6 Landscaping Requirements

The applicant proposes to enhance existing landscaped areas three (3) new native trees and lawn areas. The proposed landscaping will enhance the proposed site improvements and minimize the effect on abutting properties. *The Committee finds the provisions of Section 4.7 are satisfied.*

4.7 Residential Recreation Requirements

The proposed development is a residential use and the applicant satisfied recreation impacts by paying all recreation impact fees for the proposed dwelling units. *The Committee finds that the provisions of Section 4.6 are satisfied.*

4.8 Circulation and Access

The proposed driveway reconfiguration and new parking areas are intended to improve access to the site. The proposed development will not cause unreasonable congestion or unsafe conditions on highways or public roads, either existing or proposed, and the traffic associated with the development will maintain the existing Level of Service on any public road within 200 feet of any existing or proposed curb-cut. *The Committee finds that the provisions of Section 4.8 are satisfied.*

4.9 Parking and Loading

The proposed addition increases parking demand by four (4) new dwelling units. The applicant proposes three (3) new parking spaces, a three (3) car garage, a two (2) car carport, and a new covered bicycle parking area. The proposed parking lot provides adequate off-street parking and loading/unloading areas for motor vehicles and bicycles. *The Committee finds that the provisions of Section 4.9 are satisfied.*

4.10 Lighting

Exterior lights will be installed at the building entrances. The applicant provided the light specification for review. The proposed lights must be reviewed and approved by the Code Enforcement Officer (CEO) in accordance with subsection 4.10. *The Committee finds that the provisions of Section 4.10 are conditionally satisfied provided the exterior lights are below the limits of section 4.10 or are removed or replaced to the satisfaction of the Code Enforcement Officer (CEO).*

4.11 Architectural Compatibility

The building renovations are primarily within the existing building and all proposed additions are modest. The proposed development is compatible with its architectural surroundings in terms of its size, mass, and design. *The Committee finds that the provisions of Section 4.11 are satisfied.*

4.12 Neighborhood Protection Standards

The proposed development is a residential development and subsection 4.12 is not applicable. *The Committee finds that the neighborhood protection standards at Section 4.12 are not applicable.*

4.13 Signs

No signs are proposed at this time. Therefore, the sign standards for compatibility in design and scale with surroundings and not unreasonably interfering with the safe operation of adjoining roads, sidewalks, parking areas, or uses are not applicable. *The Committee finds that the provisions of Section 4.13 are not applicable.*

4.14 Performance Standards

The proposed development will operate in accordance with the performance standards listed at Section 4.14. No additional operating hours are proposed. No exceedance in Section 4.14 standards is proposed. The application indicates the development will comply with the Site Law permit standards applicable to smoke and particulate matter. *The Committee finds that the provisions of Section 4.14 are satisfied.*

4.15 Site Feature Maintenance

All site features constructed or installed as required by this development approval will be maintained in good repair, and replaced if damaged or destroyed. As proposed, no landscaped areas are proposed. In the event that the SRC requires new landscaped areas, all living materials, if they die or are effectively destroyed after installation shall be replaced in accordance with subsection 4.15. *The Committee finds that the provisions of Section 4.15 are satisfied.*

4.16 Financial and Technical Capacity

The applicant prepared much of the application alone and has hired qualified professionals to design the technical aspects of the proposed activity. The applicant must provide a cost estimate and proof of financial capacity in accordance with subsection 4.16.2.B. Staff discovered the applicant's deed for the subject parcel recorded at Doc #59834, Book 34484, Page 192-195 is owned by Harpswell Road, LLC. Maine corporate filings demonstrate the applicant, Benjamin Herman is a member, manager or other authorized person in Harpswell Road, LLC. *The Committee finds that the applicant has adequate financial and technical capacity to meet this standard of the property development provided a cost estimate and proof of financial capacity in accordance with subsection 4.16.2.B is provided.*

4.17 Administrative Adjustments / Alternative Equivalent Compliance

No administrative adjustment is proposed by the applicant at this time. *The Committee finds that the provisions of Section 4.17 are not applicable.*

DRAFT MOTIONS
CASE #18-043

Motion 2: That the Final 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, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.
2. Prior to issuance of a building permit, written correspondence from the Brunswick-Topsham Water District shall be provided to demonstrate sufficient water supply and quality for the proposed development to the satisfaction of the Director of Planning and Development.
3. Prior to issuance of a building permit, proof of financial capacity shall be provided to the satisfaction of the Director of Planning and Development.



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November 27, 2018

Transmitted Via email: jwoolston@brunswickme.org

RE: 110 Harpswell Rd, Brunswick, Maine

To Whom it May Concern:

This letter is to inform you that the District has the ability to serve the referenced project and will provide service in accordance with Maine Public Utilities Commission and Brunswick & Topsham Water District Rules and Regulations.

We understand that the proposed facility will have a peak domestic demand of 22 gpm and a 4-inch fire service requirement. Both the fire service and domestic service can be taken from the 10-inch main on Harpswell Rd.

The District requires the customer or its authorized agent to make application for all new service and meter installation requests. An application form can be found on our website www.btwater.org.

Feel free to contact me if you have any questions.

Sincerely,

T.C. Schofield, EI
Assistant District Engineer

Julie Erdman

From: Jeff Emerson
Sent: Tuesday, November 27, 2018 2:22 PM
To: Jared Woolston
Cc: Julie Erdman
Subject: Staff Review

Jared,

I will unfortunately be unable to attend tomorrow's staff review meeting. I have looked over the plans and have no comments. I will have further involvement, as usual, in the building permit process, and have provided comments on the proposed driveway changes previously. Please let me know if you have any questions, or anything specific that you would like me to address, and I will do my best to get back to you prior to tomorrow's meeting. I apologize for any inconvenience.

-Jeff

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