

BRUNSWICK TOWN COUNCIL

Agenda

July 6, 2020

Regular Meeting – 6:30 P.M.

Council Chambers

Town Hall

85 Union Street

MEETING VIA ELECTRONIC DEVICES

*THIS MEETING IS BEING CONDUCTED VIA ELECTRONIC DEVICES
WITH TOWN COUNCIL MEMBERS PARTICIPATING FROM REMOTE LOCATIONS*

HOW TO SUBMIT PUBLIC COMMENT

Public Comments must be submitted through the Zoom platform by dialing +1 646 876 9923 and entering the Meeting ID number 830 8655 4717 and the password 496024 when prompted. Please be advised message and data rates may apply. The Council Chair will make an announcement when it is time for public comment.

All Votes to be Taken Via Roll Call

Roll Call of Members/Acknowledgement Notice

Pledge of Allegiance

Adjustments to Agenda

Public Comments/Announcements (for items not on the agenda)

MANAGER’S REPORT

A memo from Town Manager Eldridge detailing items in the manager’s report is included in the packet.

- a) Referendums and Primaries
- b) Police Chief and Command Staff
- c) Police and Communications
- d) Cedar Street Parking
- e) Fire Station/Cumberland Street Parking Lot
- f) Pleasant Street Corridor PPI
- g) Maine Street Sidewalks and Streetscape
- h) Summer/Fall Road Paving
- i) Solid Waste and Recycling
- j) Town Hall Hours
- k) Town Mall
- l) Fire Station

PUBLIC HEARING

96. The Town Council will hear public comments on special amusement license applications for the following, and will take any appropriate action. (Town Manager Eldridge)

Special Amusement

Whiskey Ginger, LLC
D/B/A: Bench
212 Maine Street

Jon Snell

C.G.K., LLC
D/B/A: Pat’s Pizza of Brunswick
112 Pleasant Street

Chris Kyle

Maine & Noble LLC, J. Hilary Rockett, Jr.
D/B/A: Brunswick Hotel-Noble Kitchen & Bar
4 Noble Street

Maine & Noble LLC (Chris Bubbico)

Tao Restaurant LLC
D/B/A: Tao Restaurant
22 Pleasant Street

Cecile & Cara Stadler

Byrnes Irish Pub LLC
D/B/A: Byrnes Irish Pub
16 Station Avenue

Patrick Byrnes

HEARING/ACTION

NEW BUSINESS

97. The Town Council will consider approving the Nathaniel Davis Fund grant recommendations, and will take any appropriate action. (Nathaniel Davis Fund Committee)

ACTION

98. The Town Council will consider forwarding proposed text amendments regarding Conditional Use Permits to the Planning Board for review and recommendations, and will take any appropriate action. (Town Manager Eldridge)

ACTION

99. The Town Council will consider adopting “A Resolution Authorizing the Town Manager to Negotiate and Execute an Administrative Consent Agreement (ACA) with the Maine Department of Environmental Protection to Resolve Violations of Licenses at the Graham Road Landfill”, and will take any appropriate action. (Town Manager Eldridge)

ACTION

100. The Town Council will consider adopting the Village Review Board guidelines, and will take any appropriate action. (Village Review Board)

ACTION

101. The Town Council will consider appointments to the Town's Boards and Committees, and will take any appropriate action. (Appointments Committee)

ACTION

CONSENT AGENDA

- a) Approval of the minutes of June 15, 2020 and June 25, 2020
- b) Approval of a Utility Location Permit for School Street

**INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE
COMMUNICATION SHOULD CONTACT
THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725-5521)**

To email Town Council: towncouncil@brunswickme.org

**Brunswick Town
Council Agenda
July 6, 2020
Council Notes and Suggested Motions**

MANAGER’S REPORT

A memo from Town Manager Eldridge detailing items in the manager’s report is included in the packet.

- a) **Referendums and Primaries:** Manager Eldridge will give this report.
- b) **Police Chief and Command Staff:** Manager Eldridge will give this report.
- c) **Police and Communications:** Negotiations with police and communications will begin soon, as their contracts expired June 30, 2020. We will need Council representatives for both units.
- d) **Cedar Street Parking:** Manager Eldridge will give this report.
- e) **Fire Station/Cumberland Street Parking Lot:** Manager Eldridge will give this report.
- f) **Pleasant Street Corridor PPI:** Manager Eldridge will give this report.
- g) **Maine Street Sidewalks and Streetscape:** Manager Eldridge will give this report.
- h) **Summer/Fall Road Paving:** Manager Eldridge will give this report.
- i) **Solid Waste and Recycling:** Manager Eldridge will give this report.
- j) **Town Hall Hours:** Staff is reviewing the state guidelines in hopes of accommodating a greater number of the public in Town Hall for business transactions. If we were to make changes, they would not be in place
- k) **Town Mall:** Town Manager Eldridge will give this report.
- l) **Fire Station:** Town Manager Eldridge will give this report.

PUBLIC HEARING

96. Notes: This is the required public hearing for special amusement licenses requested by Bench, Pat’s Pizza, Brunswick Hotel-Noble Kitchen & Bar, Tao Restaurant and Byrnes Irish Pub. All are renewals except for Tao Restaurant. Bench would like to have live, family-friendly bands in the outdoor seating area in the back from 7:00 pm – 11:00 pm. Pat’s Pizza would like to have single or duo karaoke 1-2 nights per week in the bar and dining room from 6:00 pm – 8:00 pm. The Brunswick Hotel would like to have acoustic guitar playing jazz or contemporary music from 7:00 pm – 10:00 pm. Tao Restaurant would like live music by local musicians in the back parking lot/outdoor dining space between 5:00 pm and 8:30 pm on Friday and Saturday evenings. Byrnes Irish Pub would like small bands, solo acts, open mike night and trivia in the main dining room between 5:00 pm and 11:00 pm. Copies of their applications and the public hearing notice are included in the packet. The Town Clerk will be at the meeting to answer any questions.

Suggested Motion:

Motion to approve special amusement licenses for the above proposed businesses.

NEW BUSINESS

97. Notes: This is the Nathaniel Davis Fund Committee’s yearly slate of recommendations of non-profits to receive grant monies from the Davis Fund. The Committee met on June 30th

to review the applications with the applicants, then spent time deliberating. Don Kniseley, Chair of the Nathaniel Davis Fund Committee, will be available via ZOOM to answer any questions from the Council. The minutes of the June 30th meeting, including the Committee's recommendations for Nathaniel Davis Fund grants, are included in the packet.

Suggested Motion

Motion to approve the slate of grant recommendations presented by the Nathaniel Davis Fund Committee.

- 98. Notes:** In the criteria for approval of a Conditional Use Permit, staff has found that language is often at odds with intent. Based on input from the Town Attorney and research into other municipalities, staff has prepared draft language for a proposed Zoning Ordinance text amendment to Section 5.2.2.B. The Town Council may send this draft to the Planning Board for review and a public hearing, with a written recommendation coming back to the Town Council for possible adoption. Copies of a memo from Town Manager Eldridge and a one from Matt Panfil, Director of Planning & Development, is included in the packet.

Suggested Motion

Motion to send the draft language for a proposed Zoning Ordinance text amendment to Section 5.2.2.B to the Planning Board for review and a written recommendation for Council.

- 99. Notes:** The Town of Brunswick and the Maine Department of Environmental Protection (MDEP) have reached an agreement to resolve issues related to the violation of the wastewater discharge permit at the Graham Road Landfill. The Town had concluded, after extensive study and trial, that it could not reduce ammonia to permitted discharge levels without significant and expensive enhancements to the wastewater treatment facilities at the landfill. Based on that analysis, the Town Council voted to accelerate the closure of the landfill and to enter into a Schedule of Compliance (SOC) with the MDEP. The proposed Administrative Consent Agreement (ACA) would fine the Town of Brunswick \$17,000, with all but \$10,000 suspended, for violations back to 2011. The proposed ACA has been negotiated and reviewed with the assistance of Preti Flaherty and Woodard & Curran. A copy of a memo from Town Manager Eldridge and the resolution are included in the packet.

Suggested Motion

Motion to adopt "A Resolution Authorizing the Town Manager to Negotiate and Execute an Administrative Consent Agreement (ACA) with the Maine Department of Environmental Protection to Resolve Violations of Licenses at the Graham Road Landfill"

- 100. Notes:** A Town Council workshop was held on February 24, 2020 with members of the Village Review Board to discuss the Board's recommended draft of new guidelines that would be applicable in the Village Review Overlay District. During the Council's discussion of the proposed guidelines, only a few edits were suggested. Those edits have been incorporated into the final draft, which is included in the packet. A copy of a memo from Town Manager Eldridge, asking the Town Council to adopt the draft of guidelines, is also included in the packet.

Suggested Motion:

Motion to adopt the Village Review Board's recommended draft of new guidelines applicable in the Village Review Overlay District.

- 101. Notes:** The Appointments Committee will make nominations to fill vacancies on Town Boards and Committees. Copies of the Committee's reports from their last two meetings and the applications are included in your packet.

Suggested Motion:

Nominations will be made, with no seconds required, and the Council will then vote on the nominations.

CONSENT AGENDA

- a) **Approval of the minutes of June 15, 2020 and June 25, 2020:** Copies of the minutes are included in your packet.
- b) **Approval of a Utility Location Permit for School Street:** Central Maine Power is requesting approval for a Utility Location Permit (ULP) to install a new utility pole at School Street. A copy of a memo from Town Engineer Ryan Barnes is included in the packet along with the application.

Suggested motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.

MANAGER'S REPORT MEMO

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: July 2, 2020

SUBJECT: Town Manager's Report
July 6, 2020 - Town Council Meeting

Referendums and Primaries (a)

Polls for the state bond referendum, school budget validation referendum, and state primary will be open on July 14th, 2020 from 7:00 A.M. to 8:00 P.M. at the Brunswick Junior High School. All voters are eligible to vote on the state bond referendum and school budget validation referendum. Only voters enrolled in a party may vote in the party's primary.

Police Chief and Command Staff (b)

Scott Stewart was sworn in as Brunswick's Police Chief on June 17, 2020. Commander Thomas Garrepy retired in June and Commander Waltz will be retiring at the end of this month. The promotional process to select their replacements is underway and is expected to be completed shortly.

Police and Communications (c)

We will soon be entering negotiations with the bargaining units for the police and communications units. Those contracts expired June 30, 2020. We will need a council representative for each of those negotiating sessions.

Cedar Street Parking (d)

Plans and specifications are being finalized for the Cedar Street parking lot. We expect the project will soon be out to bid, with construction to occur as early as late summer early fall. We recently met on site with the residents of Cedar Street to discuss landscaping and screening of the lot. The meeting was very cordial and productive and we believe we have addressed their concerns.

Fire Station/Cumberland Street Parking Lot (e)

Recently we had a significant rain event during which a substantial amount of stormwater accumulated in the parking lot. The existing structures could not adequately handle the amount of water that accumulated fairly quickly. We intend to make modifications to the structures to see if that will remedy the situation. We have also surveyed the lot and the existing structures as we may find it necessary to reconstruct a portion of the storm sewer between the lot and Union Street.

Pleasant Street Corridor PPI (f)

The State and its consultant, T.Y. Lin, are hoping to schedule a public kick-off meeting for later this month or early in August. You may recall this Planning Partnership Initiative (PPI) is an effort to develop traffic recommendations for the Pleasant Street Corridor (295 to Maine St.). COVID has pushed back many projects, especially those that require public input and rely on up-to-date traffic counts. We expect the public meeting will be a combination of in-person and video presentations.

Maine Street Sidewalks and Streetscape (g)

The Maine Street Sidewalk and Streetscape project has hit a COVID roadblock as it has been difficult to convene a working group or public session. We intend to make presentations to MPIC and VRB later this month. Like you, we have received a lot of correspondence from a resident who has a strong preference for sidewalks constructed almost entirely with clay bricks. Our consultant, Milone and MacBroom, has been asked to review the materials presented to us as well as provide pricing for additional public meetings. A project of this scope and magnitude will require significant public support, which is why public presentations and information sessions were built into the review process. It would now be a push to get the project funded and undertake construction this year. Given the economic 'gut-punch' our local businesses have felt because of COVID, we will likely push the project back a year so as to not disrupt their businesses this year. That construction project has not yet been funded.

Summer/Fall Road Paving (h)

We are in the process of scheduling summer and fall road paving. We have adjusted the paving plan to reflect the budget recently adopted. We are coordinating with utilities and property owners and expect a revised paving list to be published shortly.

Solid Waste and Recycling (i)

We have negotiated a contract with Casella that continues to provide for collection of solid waste and recyclables. Once the Graham Road Landfill closes in April 2021, all solid waste collected by Casella will be delivered to its transfer station in West Bath. We are reviewing the activities that could continue at Graham Road (i.e. construction debris, metals, etc.).

Town Hall Hours (j)

We are reviewing the state guidelines in the hopes of accommodating greater numbers of the public at Town Hall for business transactions and public meetings. If we were to make changes to our current practices, we would not do so until after the July 14th election.

Town Mall (k)

The Brunswick Farmers Market returned to the Mall this week. It had been relocated to the parking lot at St. Johns Church on Pleasant Street while we worked to rehabilitate portions of the Mall. You will recall that our plan was to utilize as much hardscape as possible to minimize damage to the turf and trees. We still need a long-term location for the Market.

Work on the Veterans Plaza is expected to start in August and be completed in time for a dedication

ceremony on Veterans Day, November 11th.

Fire Station (I)

We have completed all of the property purchases for the new fire station and the footprint limitation has been resolved. WBRC, the architect for the project, has completed the stormwater analysis and received approval to connect site drainage to the storm drains on Pleasant Street. The design plans and specifications are nearly complete. WBRC will be submitting applications for Maine DEP and Town of Brunswick Planning Board review. We have advised them to wait until they receive those approvals before bidding the project. We expect those approvals will take several months and we would “check-in” with the Council before bidding the project.

The latest estimate puts the cost of the building without the “add-alts” at slightly more than \$11 million. With this estimate, the project will be bumping up against the total project budget of \$13,500,000.

ITEM 96
BACKUP



**Town Clerk's Office
85 Union Street
Brunswick, ME 04011**

PUBLIC HEARING

The Municipal Officers of the Town of Brunswick will hold a Public Hearing at the Council Chamber, Municipal Office Building, 85 Union Street, Brunswick, at 6:30 P.M. on 7/6/2020 on the following Special Amusement license applications:

Special Amusement (\$150 fee and \$50 inspection)

Whiskey Ginger, LLC
D/B/A: Bench
212 Maine St.

Jonathan Snell

C.G.K., LLC
D/B/A: Pat's Pizza of Brunswick
112 Pleasant St.

Chris Kyle

Maine & Noble LLC, J. Hilary Rockett, Jr.
D/B/A: Brunswick Hotel-Noble Kitchen & Bar
4 Noble Street

Maine & Noble LLC (Chris Bubbico)

TAO RESTAURANT LLC
D/B/A: TAO RESTAURANT
22 PLEASANT ST

CECILE & CARA STADLER

Byrnes Irish Pub LLC
D/B/A: Byrnes Irish Pub
16 Station Ave.

Patrick Byrnes

All persons may appear to show cause, if any they may have, why such applications should or should not be approved.

INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION
PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725-5521).

Fran Smith
Town Clerk

Bench

TOWN OF BRUNSWICK

85 Union Street Brunswick, Maine 04011 TEL: (207) 725-6658 Fax: (207) 725-6663

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

Please complete:

Type of Business: Sole Proprietor-Owner's Name: Jonathan Snell

Partnership-Partner's Names: _____

Corporation-Corporation Name: _____

Incorporation Date: 5-13-2020 Incorporation State: ME

New License: Opening Date 6-10-2020 Renewal License

Business Name: Whiskey Ginger LLC PBA Bench E-Mail: samanthamoore@bota5brunswick.com

Business Address: 212 Maine St Business Phone Number: 729-4800

Name of Contact Person: Samantha Moore Contact's Phone Number: (207) 844-

Mailing Address for Correspondence: 212 Maine St Brunswick, ME 0276

Signature of Owner, Officer, Partner or Agent: 

Date: 6-21-2020

Corporations Please Complete:

Address of Incorporation: 212 Maine St Brunswick, ME 04011 Phone #: (207) 729-4800

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Jonathan Snell</u>	<u>owner</u>	<u>97 Ledgebrook Crossing Brunswick, ME 04011</u>	<u>100% owned</u>

The fee is \$150 permit fee and \$50 inspection/application fee for a total of \$200. (In addition, if you are required to have more than 2 inspections, there will be an additional fee of \$25 per inspection to be paid prior to issuance of license.)

Town Clerk Use Only

License Fee \$150.00 Plus \$50 application fee 0 Paid Advertising Fee \$ 54.71
0 Paid

Required Approvals: 0 Finance 0 Codes/Fire 0 Council PH Date: 7/6/20

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment:

live music, family friendly bands ~ no vulgar music

Describe in detail the room or rooms to be used under this license:

outdoor seating area out back near the building.

During what hours will your live entertainment occur?

7-11 PM.

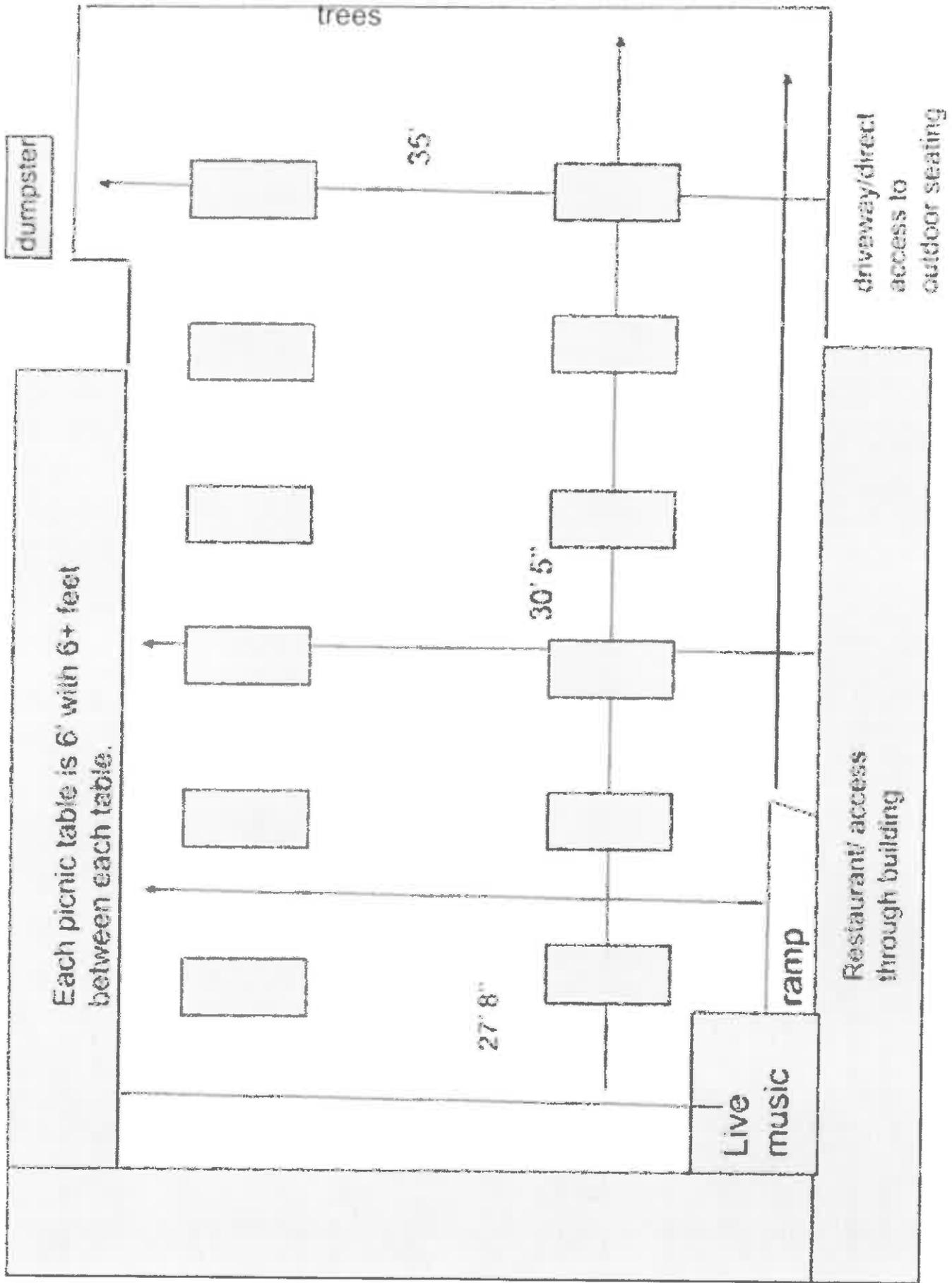
Did the Town Council place any specific restrictions on your license over the past three years? If so, what were those restrictions?

no

DIAGRAM

(ATTACH SEPARATE SHEET, IF NECESSARY)

In email



TOWN OF BRUNSWICK

Pats

85 Union Street Brunswick, Maine 04011 TEL: (207) 725-6658 Fax: (207) 725-6663

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

Please complete:

Type of Business: Sole Proprietor-Owner's Name: _____

Partnership-Partner's Names: _____

Corporation-Corporation Name: CGK LLC DBA Pats Pizzeria of Brunswick

Incorporation Date: 4/1/2018 Incorporation State: ME.

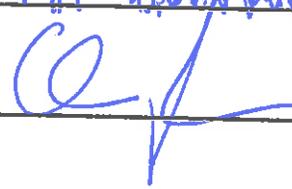
New License: Opening Date _____ Renewal License

Business Name: Pats Pizzeria of Brunswick E-Mail: Patsbrunswick@gmail.com

Business Address: 112 Pleasant St Brunswick Business Phone Number: 844-8163

Name of Contact Person: Chris Kyle Contact's Phone Number: 207-233-3155

Mailing Address for Correspondence: P.O. Box 144 Brunswick Yarmouth, ME. 04096

Signature of Owner, Officer, Partner or Agent: 

Date: 4/13/20

Corporations Please Complete:

Address of Incorporation: 112 Pleasant St Phone #: 844-8163

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>Chris Kyle</u>	<u>owner</u>	<u>276 Rogers Rd Yar, ME. 04096</u>	<u>100%</u>

The fee is \$150 permit fee and \$50 inspection/application fee for a total of \$200. (In addition, if you are required to have more than 2 inspections, there will be an additional fee of \$25 per inspection to be paid prior to issuance of license.)

Town Clerk Use Only

License Fee \$150.00 Plus \$50 application fee not yet 0 Paid Advertising Fee \$ 54.71
0 Paid

Required Approvals: 0 Finance 0 Codes/Fire 0 Council PH Date: 7/6/20

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment:

live music (Single or Duo/Karaoke 1 or 2 nights per week)

Describe in detail the room or rooms to be used under this license:

Bar and Dining room

During what hours will your live entertainment occur?

6-8 PM

Did the Town Council place any specific restrictions on your license over the past three years? If so, what were those restrictions?

DIAGRAM

(ATTACH SEPARATE SHEET, IF NECESSARY)

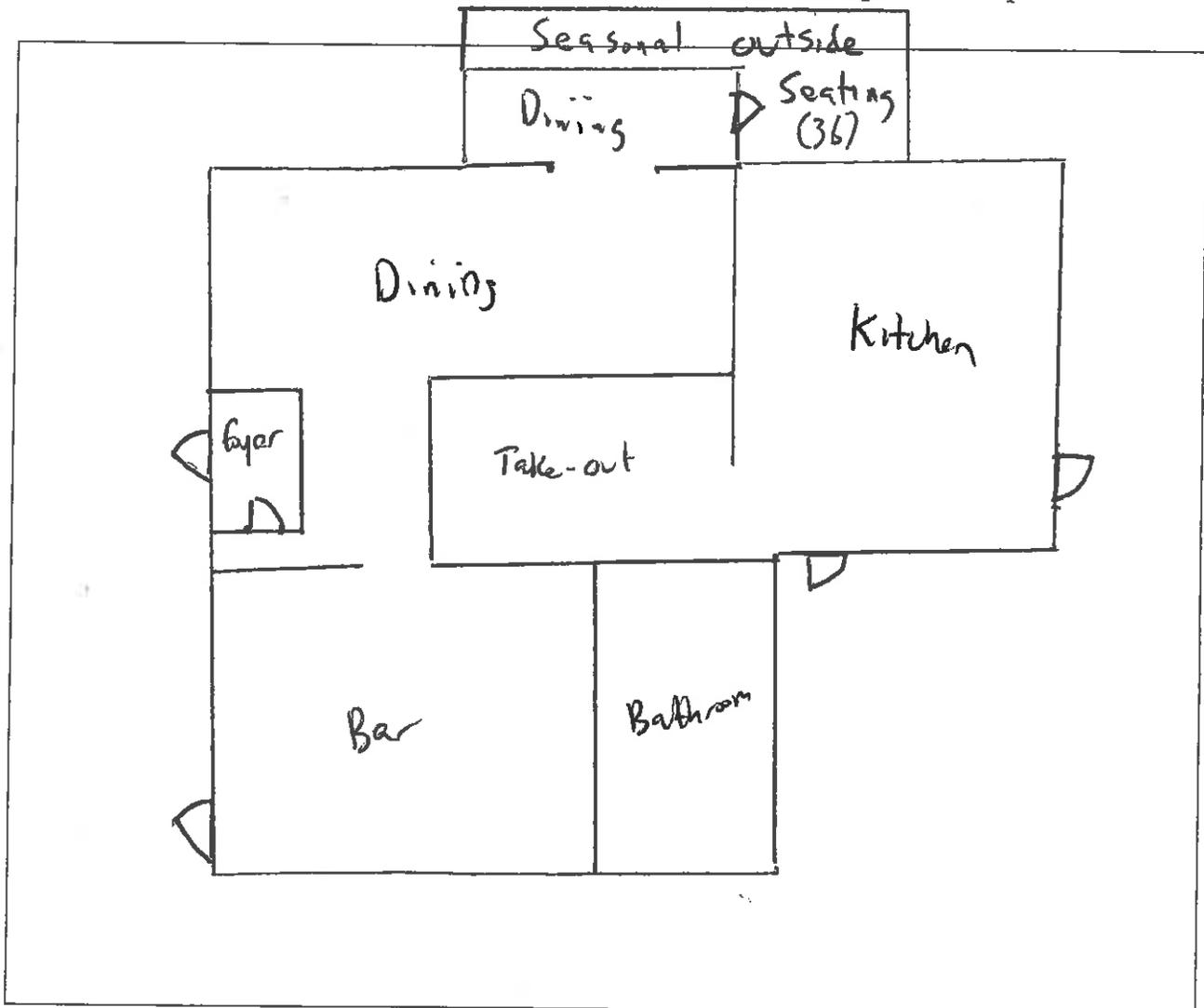
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



TOWN OF BRUNSWICK

Brunswick Hotel

85 Union Street Brunswick, Maine 04011 TEL: (207) 725-6658 Fax: (207) 725-6663

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

Please complete:

Type of Business: Sole Proprietor-Owner's Name: _____

Partnership-Partner's Names: _____

Corporation-Corporation Name: MAINE + NOBLE LLC

Incorporation Date: 11-14-08 Incorporation State: MAINE

New License: Opening Date _____ Renewal License

Business Name: BRUNSWICK HOTEL - NOBLE KITCHEN + BAR E-Mail: CRUBS@TOWNOFBRUNSWICKHOTEL.COM

Business Address: 4 NOBLE STREET BRUNSWICK ME 04011 Business Phone Number: 207-837-6565

Name of Contact Person: CHRIS SUBSICO Contact's Phone Number: 207-837-6565

Mailing Address for Correspondence: 4 NOBLE STREET BRUNSWICK ME 04011

Signature of Owner, Officer, Partner or Agent: _____

Date: 6-12-2020

Corporations Please Complete:

Address of Incorporation: 4 NOBLE STREET BRUNSWICK ME 04011 Phone #: 207-837-6565

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership
<u>J. HILARY ROCKETT JR</u>	<u>OWNER</u>	<u>10 CORNWALL RD MARLBOROUGH MA 01945</u>	<u>100%</u>

The fee is \$150 permit fee and \$50 inspection/application fee for a total of \$200. (In addition, if you are required to have more than 2 inspections, there will be an additional fee of \$25 per inspection to be paid prior to issuance of license.)

Town Clerk Use Only

License Fee \$150.00 Plus \$50 application fee Paid

Advertising Fee \$54.71

Required Approvals: 0 Finance 0 Codes/Fire 0 Council PH Date: 7/6/20

Mailed or Issued Date: _____

Clerk Notes:

JUN 17 2020

OVER

Describe in detail the kind and nature of entertainment:

ACOUSTIC GUITAR
JAZZ
CONTEMPORARY

Describe in detail the room or rooms to be used under this license:

PATIO, PORCH - BANQUET ROOM

During what hours will your live entertainment occur?

7 PM - 10 PM

Did the Town Council place any specific restrictions on your license over the past three years? If so, what were those restrictions?

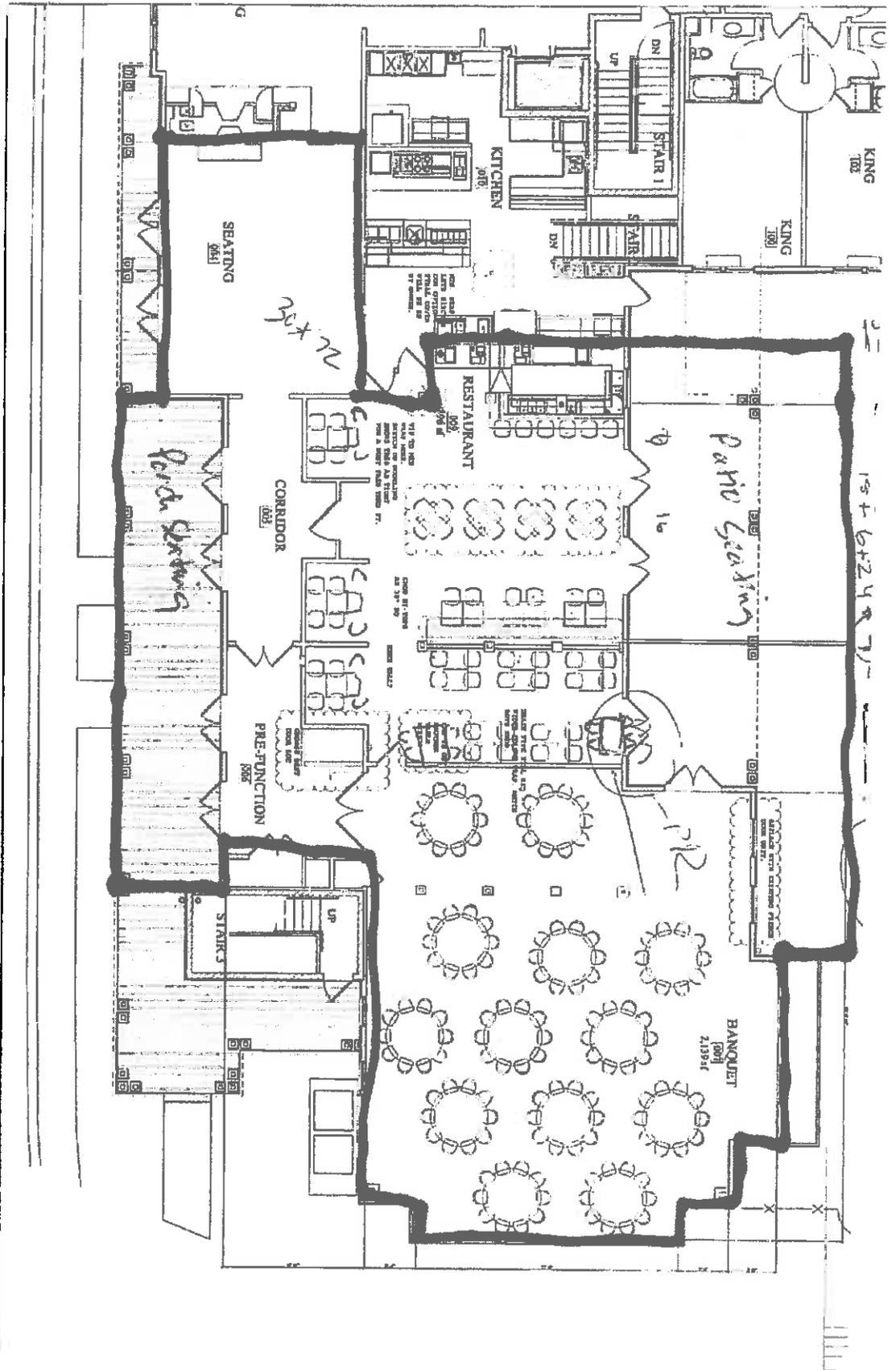
NO

DIAGRAM

(ATTACH SEPARATE SHEET, IF NECESSARY)

see attached

- PATIO
- BANQUET ROOM
- RESTAURANT
- PORCH
- LIVING ROOM



Date: 24 January 2011	Scale: AS NOTED	Revision:	Project: MAINE STREET STATION INN	Architect: ARCHETYPE Architects 43 Union Wharf Portland, Maine 04101 (207) 773-6273 Fax: (207) 773-2214	Construction Manager: WRIGHT-RYAN CONSTRUCTION, INC. 19 DANFORTH STREET PORTLAND, MAINE	Prepared For: JLR Dr
RESTAURANT CONCEPT PLAN			MAINE STREET BRIDGEMOCK, MAINE			

Tao

TOWN OF BRUNSWICK

85 Union Street Brunswick, Maine 04011 TEL: (207) 725-6658 Fax: (207) 725-6663

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

Please complete:

Type of Business: Sole Proprietor-Owner's Name: _____

Partnership-Partner's Names: Cecile & Cara Stadler

Corporation-Corporation Name: _____

Incorporation Date: 2/27/2012 Incorporation State: Maine

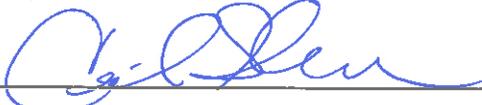
New License: Opening Date 6/12/2020 Renewal License

Business Name: Tao Yuan Restaurant LLC E-Mail: cecile@tao-maine.com

Business Address: 22 Pleasant St. Business Phone Number: 207-725-9002

Name of Contact Person: Kathleen Reid Contact's Phone Number: 207-841-1345

Mailing Address for Correspondence: 133 Spring St, Portland, ME 04101

Signature of Owner, Officer, Partner or Agent: 

Date: 6/4/2020

Corporations Please Complete:

Address of Incorporation:			Phone #:
Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock or ownership

The fee is \$150 permit fee and \$50 inspection/application fee for a total of \$200. (In addition, if you are required to have more than 2 inspections, there will be an additional fee of \$25 per inspection to be paid prior to issuance of license.)

Town Clerk Use Only

License Fee \$150.00 Plus \$50 application fee 0 Paid Advertising Fee \$ 54.71
0 Paid

outside entertainment

Required Approvals: 0 Finance 0 Codes/Fire 0 Council PH Date: 7/6/20

Mailed or Issued Date: _____

Clerk Notes:

OVER

Describe in detail the kind and nature of entertainment:

Low-key local musicians playing live music in outdoor dining space on Friday and Saturday evenings

Describe in detail the room or rooms to be used under this license:

Back parking lot outside of Tao Yuan Restaurant

During what hours will your live entertainment occur?

Friday and Saturday between 5:00 & 8:30 PM

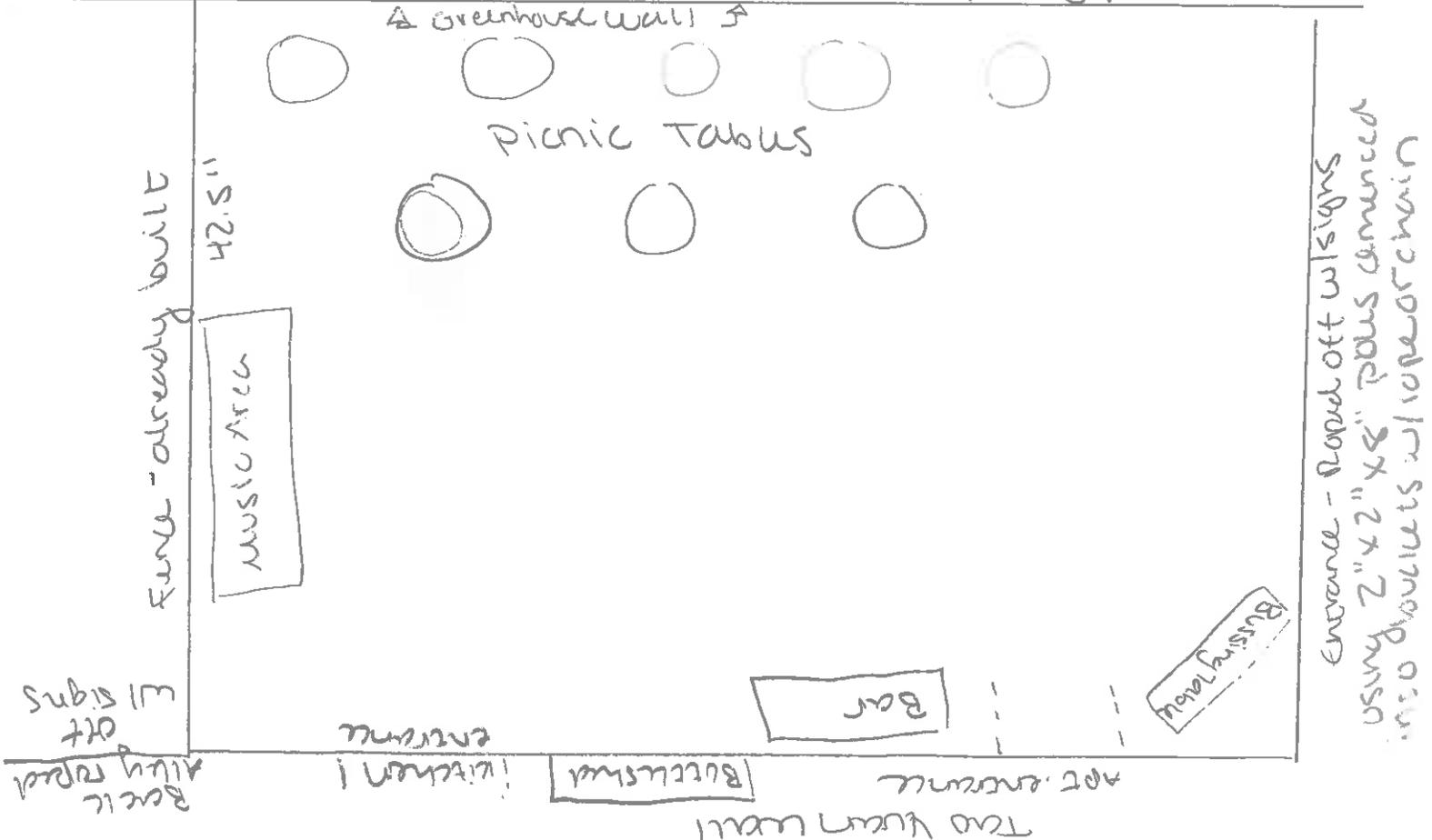
Did the Town Council place any specific restrictions on your license over the past three years? If so, what were those restrictions?

No

DIAGRAM

(ATTACH SEPARATE SHEET, IF NECESSARY)

54"



TOWN OF BRUNSWICK

85 Union Street Brunswick, Maine 04011 TEL: (207) 725-6658 Fax: (207) 725-6663

Byrnes

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

Please complete:

Type of Business: Sole Proprietor-Owner's Name: _____

Partnership-Partner's Names: _____

Corporation-Corporation Name: Byrnes Irish Pub LLC

Incorporation Date: 03/2010 Incorporation State: Maine

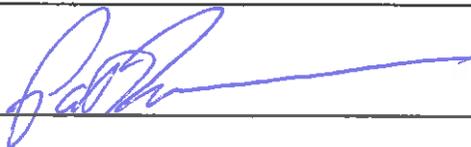
New License: Opening Date _____ Renewal License

Business Name: Byrnes Irish Pub E-Mail: patrick@byrnesirishpub.com

Business Address: 16 Station Ave Suite 102 Business Phone Number: 729-9400

Name of Contact Person: Patrick Byrnes Contact's Phone Number: 837-7411

Mailing Address for Correspondence: 38 Centre St, Bath ME 04530

Signature of Owner, Officer, Partner or Agent: 

Date: 2/21/20

Corporations Please Complete:

Address of Incorporation: 38 Centre St, Bath ME 0453 Phone #: 207-837-3888

Name of Corp. Officer, Owner, or Partners: Title Address % of Stock or ownership

Joseph P BYrnes, Member, 9 Birch Hill Rd Phippsburg, ME 50%

Pamela J BYrnes, Member, 9 Birch Hill Rd Phippsburg, ME 50%

The fee is \$150 permit fee and \$50 inspection/application fee for a total of \$200. (In addition, if you are required to have more than 2 inspections, there will be an additional fee of \$25 per inspection to be paid prior to issuance of license.)

Town Clerk Use Only

License Fee \$150.00 Plus \$50 application fee 0 Paid Advertising Fee \$ 54.71
0 Paid

Required Approvals: 0 Finance Codes/Fire 0 Council PH Date: ~~3/16/20~~

Mailed or Issued Date: _____ 7/6/20

Clerk Notes: Need insp. passed inspection ✓

OVER

Describe in detail the kind and nature of entertainment:

Small Bands 2-4 Persons, Solo Acts, Open Mic Night, Trivia

Describe in detail the room or rooms to be used under this license:

Main dining room of the Pub

During what hours will your live entertainment occur?

Between 5 PM and 11 PM

Did the Town Council place any specific restrictions on your license over the past three years? If so, what were those restrictions?

None

DIAGRAM

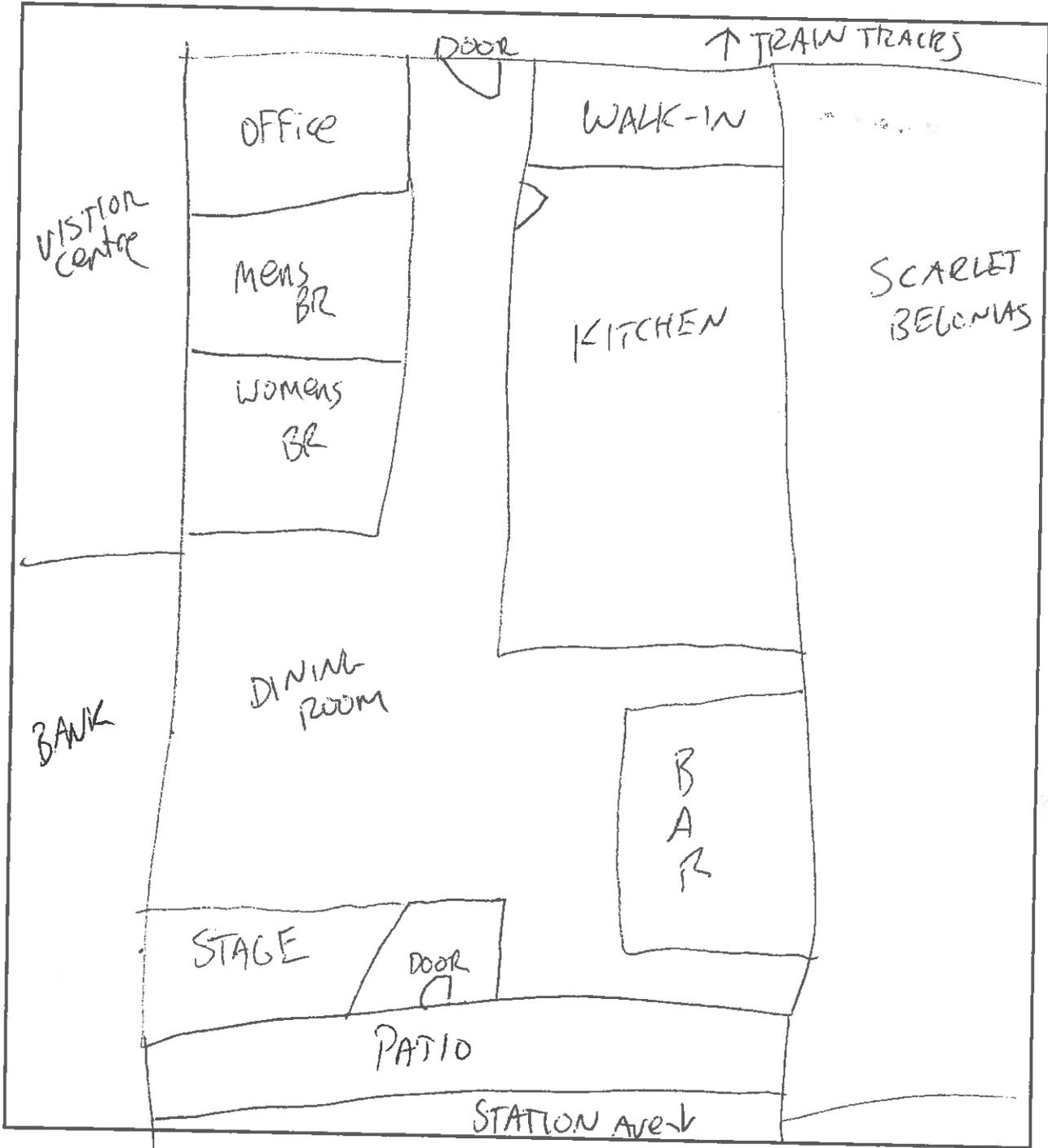
(ATTACH SEPARATE SHEET, IF NECESSARY)

See Attached

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



ITEM 97
BACKUP

Nathaniel Davis Fund Committee Meeting Minutes Tuesday, June 30, 2020

The meeting was called to order at 6:05 P.M. via a Zoom Meeting, by Don Kniseley, Chair. Also present at the meeting were Annee Tara, Sande Updegraph, Dan Doiron, Alison Harris, Steve Podgajny and David Knight.

The Minutes of May 1 & 3, 2019 meetings were previously approved unanimously by the Committee via email.

The Committee reviewed member appointments and end-of-term dates. The terms of David Knight and Steve Podgajny expire in 2020. David and Steve intend to both seek re-appointment.

The Committee has two elected Officers: Chair (currently Don Kniseley) and Secretary (currently Dan Doiron). Dan indicated his willingness to continue as Secretary. David Knight expressed an interest in serving as chair effective after this meeting. After some discussion and consideration by the members of the Committee, David Knight was elected as Chair (to begin serving after 2020 grants are disbursed), and Dan Doiron was re-elected as Secretary. The Committee expressed their collective appreciation to Don Kniseley for his service as Chair.

The Committee revisited its desire to obtain information from recipients as to the actual use of funds received and the handling of past awards that have gone unspent. Various opinions and ideas have been exchanged on this topic. To address these concerns, Alison Harris presented language for inclusion in the Davis Fund Application Form as well as the Award Letter. After some discussion and consideration, the Committee authorized Alison to share the language with Deb Blum for inclusion in those documents.

The Committee agreed that, in light of the current circumstances and contrary to the intent expressed in the Minutes of our 2019 meetings, applicant attendance at tonight's meeting is not mandatory in order to receive funding.

The Committee next considered the evening's process of applicant interviews and deliberations. David Knight disclosed his involvement with the Brunswick Downtown Association and People Plus, Annee Tara her involvement with People Plus, Alison Harris her involvement with Brunswick Public Art and Don Kniseley his relationship with the Wallace Stevens Foundation. The Board did not express any opposition to these individuals' participation in the deliberations concerning applications submitted by those groups, but these individuals did refrain from participation in those matters.

Chair Kniseley informed the Committee that the Trust Fund Advisory Committee to the Town Council has advised Chair Kniseley the amount available for Davis Fund distributions this year is approximately \$18,500; allowing for certain advertising and administrative expenses, the Committee agreed to set \$17,800 as the total to be allocated to applicants.

The applicant presentation portion of the meeting commenced at 6:23 PM. Following the applicant presentations, the Committee deliberated as to which applicants would be recommended to the Town Council, and determined the associated recommended grant amounts to be disbursed.

Chair Kniseley will deliver the Committee's recommendations to the Town Council at the next possible Council meeting for the Town Council's deliberation and approval. There were twelve applicants seeking total maximum disbursements of \$37,800 for the \$17,800 available.

As a result of its thoughtful deliberations, the Nathaniel Davis Fund Committee makes the following grant recommendations for approval of the Town Council:

Midcoast Symphony Orchestra – To support the promotion of symphony music to the families and youth of Brunswick - \$1,300.

Arts Are Elementary – To support a Colonial Day themed professional artist residency for every Brunswick 5th grade student - \$1,000.

Brunswick Public Art – To support a historically and environmentally themed mural on the bare south facing wall of Cabot Mill (Fort Andross) facing U.S. Route 1 in Brunswick - \$2,000. (We noted last year's \$2,000 grant to this organization was not spent for its intended purpose, and consent to the reallocation of last year's grant to support the Cabot Mill project.)

Northwest Brunswick Neighborhood Association – To support a series of three free, family film screenings previously known as "Third Thursday Movies in the Park" previously held in Nathaniel Davis Park but, in light of the Corona Virus situation, moved to the parking lot of the Recreation Center, for the summer of 2020 - \$2,000.

Early Bird Sale / Bed Races (Brunswick Downtown Association) – To support the 2020 event to be held on the second Saturday in November - \$1,000.

Holiday Tree Lighting Event (Brunswick Downtown Association) – To support the 2020 event to be held on the Brunswick Mall on the Saturday after Thanksgiving - \$2,000.

Longfellow Days (Brunswick Downtown Association) – To support various Longfellow Days events throughout the month of February 2021 - \$500.

Pejepscot History Center – To support access to the collection by transitioning collections database from desktop to online version - \$2,000.

People Plus – To support and enhance the many programs offered by this Brunswick Senior Community Center - \$5,000.

Friends of Cross Country Skiing – To support the promotion of cross country skiing in Brunswick and provide informational and safety related signage - \$1,000.

Although the members of the Committee unanimously felt all applicants were very worthy organizations, the following applicants were not recommended to receive a grant. In reaching these decisions, the Committee considered the mission of the Davis Fund (to provide pleasure to the inhabitants of Brunswick), the number of inhabitants impacted by the event or project, the allocation of some grant funds to all four seasons of the year (to the extent possible), the total amount of funds available for disbursement (\$17,800) relative to the total amount requested by the applicants (\$37,800), information obtained from the application and information obtained during the applicant's meeting with the Committee.

- Wallace Stevens Foundation

- Connected

The meeting was adjourned at 8:46 pm.

Respectfully submitted - Daniel P. Doiron, Secretary

ITEM 98
BACKUP

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: July 1, 2020

SUBJECT: Conditional Use Permit Criteria

At a recent meeting, the Planning Board considered a Conditional Use permit application for a proposed marijuana retail facility to be located in the Industrial Park off Church Road. The proposed facility would be on a parcel within the GI District, and the Brunswick Zoning Ordinance allows this proposed use to be located within that district, provided it is granted a conditional use permit.

The Planning Board conducted the required public hearing and found that the proposed facility, despite being allowed in the zone, could not meet the conditional use criteria applicable. This is criteria applicable to all conditional use permit applications. While the issues related to the conditional use criteria surfaced in the review of this particular application, the issues would apply to all conditional uses, not just the use (retail marijuana facility) proposed by this applicant.

Attached is a memo from Matt Panfil, Director of Planning and Development. His memo outlines the issues and makes suggestions for changes. The Town Council is being asked two things:

1. to express an opinion on the proposed amendments; and
2. send its opinion and proposed amendments to the Planning Board for its review.

Matt Panfil and I will be in attendance to provide additional details and respond to Council questions.

Cc: Matt Panfil

attachments

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Brunswick Town Council

FROM: Matt Panfil, AICP CUD, Director of Planning & Development

DATE: July 6, 2020

SUBJECT: Zoning Ordinance Amendment – Conditional Use Permit Review Criteria

I. INTRODUCTION

Section 5.2.2 – Conditional Use Permit, Subsection B – Criteria for Approval of the Town of Brunswick Zoning Ordinance establishes five (5) different criteria that the Planning Board must find an application meets to approve a request for a Conditional Use Permit. Recent Conditional Use Permit applications have identified that said criteria can be problematic as depending on the context of the application the language is often at odds with the intent. Based on input from the Town Attorney and research into how other Maine municipalities evaluate Conditional Use Permit applications (Attachment A), staff has prepared draft language for a proposed Zoning Ordinance text amendment to Section 5.2.2.B.

II. EXISTING CONDITIONAL USE PERMIT REVIEW CRITERIA AND ANALYSIS

B. Criteria for Approval

The following Criteria shall be applied, by the Planning Board when considering an application for a Conditional Use Permit. The burden of proof of compliance with these standards rests with the applicant.

- (1) The proposed structure and site design comply with all standards of this Ordinance applicable to the zoning district and any overlay district within which the property is located.

Staff & Town Attorney Analysis: Acceptable as is.

- (2) The proposed use will not create significantly more vehicular traffic by patrons, residents, or suppliers than the uses and structure currently within 300 feet of the proposed use or structure that generates the most vehicular traffic.

Staff & Town Attorney Analysis: There are two issues with the existing language:

- a. *The use of the term “significantly more” is problematic because it is vague and provides no standard by which to measure the level of impact on vehicular traffic.*
- b. *The use of the word “currently” is problematic because surrounding uses change over time and some conditional use permit applications have no use within 300 feet of the proposed use or are located in an area with uses and buildings intended for high vehicular traffic but are either underutilized or vacant.*

- (3) The proposed use will not operate or require deliveries earlier in the morning, or later at night, than the uses and structures currently within 300 feet of the proposed use or structure that operate earliest in the morning and latest at night.

Staff & Town Attorney Analysis: See analysis of Criterion 2, Item b.

- (4) The proposed use shall not create any more adverse impacts on any current use or structure within 300 feet of the lot on which the proposed use or structure would be located.

Staff & Town Attorney Analysis: There are two issues with the existing language:

a. The use of the term “adverse impacts” is problematic because it is vague and does not provide specific impacts for consideration. For example, it could be argued that by approving a conditional use permit for a new hotel next to an existing hotel could have an adverse financial impact on the existing hotel, but this is not pertinent to the review of the new hotel’s conditional use permit application.

b. See analysis of Criterion 2, Item b.

- (5) The application shall further the planning goals of the adopted Town of Brunswick 2008 Comprehensive Plan, as amended, including but not limited to the planning goals for the Planning Area (Appendix A - Planning Areas) in which the property is located.

Staff & Town Attorney Analysis: The establishment of a proposed use as a conditional use within Tables 3.2 – Permitted Use Table for Growth Area Zoning Districts and 3.3 – Permitted Use Table for Rural Area Zoning Districts indicates a determination has already been made that allowing such use meets the planning goals established in the Comprehensive Plan. Furthermore, the existing Comprehensive Plan has contradictory language and other vague areas that are problematic in their application to the review of a Conditional Use Permit application. Instead, the above criterion should help ensure that the proposed use does not change the neighborhood character.

III. DRAFT TEXT AMENDMENTS

New Text in **Bold Underline**
Deleted Text in ~~Strikethrough~~

- (1) The proposed structure and site design comply with all standards of this Ordinance applicable to the zoning district and any overlay district within which the property is located.
- (2) ~~The proposed use will not create significantly more vehicular traffic by patrons, residents, or suppliers than the uses and structure currently within 300 feet of the proposed use or structure that generates the most vehicular traffic.~~

The volume and type of traffic to be generated will not result in hazardous or unsafe conditions for pedestrians or cyclists, will not impede emergency vehicles, and will not be greater than would occur from any uses permitted by right within the same

zoning district.

- (3) The proposed use will not operate or require deliveries earlier in the morning, or later at night, than ~~the uses and structures currently within 300 feet of the proposed use or structure that operate earliest in the morning and latest at night.~~ **would occur at any use permitted by right within the same zoning district.**
- (4) The proposed use shall not create ~~any more~~ adverse impacts **as a result of noise, vibrations, glare, fumes, odor, dust, or other airborne contaminants** on any current use or structure within 300 feet of the lot on which the proposed use or structure would be located.
- (5) ~~The application shall further the planning goals of the adopted Town of Brunswick 2008 Comprehensive Plan, as amended, including but not limited to the planning goals for the Planning Area (Appendix A – Planning Areas) in which the property is located.~~

The proposed use will be compatible and similar to the general categories of uses of neighboring properties.

IV. ACTION REQUESTED

The Town Council shall forward the proposed text amendments to the Planning Board.

Pursuant to Section 12-2.5 of the Brunswick Code of Ordinances, the Planning Board shall be an advisory body to the Town Council and land use ordinances of the Town of Brunswick shall not be reviewed or amended until the Planning Board has made a recommendation on all proposed revisions or amendments.

Pursuant to Section 5.2.11 of the Brunswick Zoning Ordinance, the Planning Board shall conduct one (1) public hearing and give notice of said public hearing in accordance with the requirements of Title 30-A M.R.S. § 4352.9, as amended, and where applicable, § 4352.10, as amended. After the completion of the public hearing, the Planning Board shall prepare a written recommendation to the Town Council.

V. ATTACHMENTS:

- A. Various Maine municipalities' Conditional Use Permit review criteria
- B. American Planning Association Planning Advisory Service QuickNotes No. 41 – Conditional Uses

REVIEW OF TOWN OF BRUNSWICK CONDITIONAL USE PERMIT CRITERIA FOR APPROVAL

I. SUMMARY OF FINDINGS

In review of conditional use permit criteria for approval in other Maine municipalities, staff identified several common themes. Although the language may differ, the common purposes of many of the criteria include, but are not limited to:

- Compatibility with the site and surrounding neighborhood (aesthetics and uses).
- Compliance with M.R.S.A. and municipal code, including nuisance, performance, and zoning standards.
- Compliance with the Comprehensive Plan.
- Limiting adverse impact on public facilities, services, and utilities.
- Limiting adverse economic impact on surrounding neighborhood.
- Limiting adverse impact on vehicular traffic.
- Protecting public health and safety.
- Protecting natural resources and preventing environmental degradation.
- Protecting historic and cultural resources.

Section 255-67 Conditional use permit.

F. Standards for a conditional use permit. An applicant who seeks a conditional use permit shall submit to the appropriate board adequate evidence, which will become part of the record, illustrating the proof required by this section. The board shall review the application in concert with all of the evidence submitted by the applicant, and shall make specific factual findings that the following are met:

- (1) The use is compatible with and similar to the general categories of uses of neighboring properties.
- (2) The use is compatible with the Comprehensive Plan and the anticipated future development of the neighborhood.
- (3) The anticipated traffic for the proposed development will not cause an adverse negative impact on the neighborhood surrounding the proposed development.
- (4) There will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties or the Town in general.
- (5) The physical characteristics of the site, including location, slope, soils, drainage and vegetative cover, are suitable for the proposed use.
- (6) The use will not constitute a public or private nuisance.
- (7) Any other requirements and applicable provisions of this Code, as deemed necessary, are met.

G. Conditions attached to conditional uses.

- (1) Upon consideration of the factors listed above, the Board of Appeals or Planning Board may attach such conditions, in addition to those required in this chapter, that it finds necessary to further the purposes of this chapter. Violation of any of these conditions shall be a violation of this chapter. Such conditions may include, but are not limited to, specification for: type of vegetation; included setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operations controls; professional inspection and maintenance; sureties; deed restrictions, restrictive covenants; locations of piers, docks, parking and signs; type of construction; or any other conditions necessary to fulfill the purposes of this chapter.
- (2) In evaluating each application, the Board may request the assistance of the County Soil and Water Conservation District state or federal agency or consultant which can provide technical assistance.

FALMOUTH

Section 19-119 Conditional Uses

Conditional uses may be granted by the Board of Appeals after considering the characteristics and location of the proposed use and of other properties in the surrounding neighborhood, provided that the petitioner shall submit to the Board statements in writing, which may be accompanied by diagrams or photographs which shall become part of the record of such petitions, demonstrating that the proposed use:

- a. will meet the definition and specific requirements set forth in this Ordinance for such particular use;
- b. will be compatible with the general character of the neighborhood with regard to design, scale, and bulk of proposed structures;
- c. will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, light or glare.
- d. will not have a significant adverse effect on adjacent or nearby property values;
- e. will not have a significant adverse impact on water views from adjacent and nearby properties and public right of ways; [Adopted 7/24/06]
- f. will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;
- g. will not result in significant fire danger;
- h. will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;
- i. will be served adequately by, but will not overburden, existing public services and facilities, including fire protection services, sanitary sewers, roads, water and storm drainage systems.
- j. upon a showing that a proposed use is a conditional use in the district where it is to be located, a conditional use permit shall be granted unless the Board determines that the proposed use will not meet one of the standards set forth in paragraphs a. through i. of this subsection, or paragraphs a. through g. of subsection 19-123, due to unique or distinctive characteristics or effects associated with the proposed use or its location which differ substantially from the characteristics or effects which would normally occur from such a use in that district. [Adopted, 4/27/87.]

Section 204.1 – Planning Board

The Planning Board shall be responsible for conditional use reviews in accordance with this Ordinance. Where the Home Day Care Provider, Day Care Center or Child Care Center use is proposed and where that use requires approval of a conditional use, the requirements of Section 202.9, Home Day Care Provider, Day Care Center and Child Care Center Review, shall supersede all requirements below, except those of 204.5 Notice of Conditional Use Application. An applicant who seeks a use by conditional use shall submit to the Board diagrams or photographs, which become part of the record, illustrating the proof required by this section. He/She must prove the following:

- A. Certain Requirements Met. That the use requested meets the dimension, parking, loading, and sign requirements of this Ordinance. Otherwise, the applicant must also request an appropriate variance. Applications for conditional use permits must also meet the standards of subdivision or site review, depending on the applicability of the application.

- B. Value. That the use requested will not significantly devalue abutting property or property across public or private way. In making its determination, the Board shall take into consideration the type of structure proposed, the topography of the area, the market value of the surrounding real estate, the availability of utilities, traffic conditions, and other relevant factors.

- C. Effects of Land Use. That the use granted will:
 - (1) Maintain safe and healthful conditions,
 - (2) Not cause water pollution, erosion, or sedimentation
 - (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
 - (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
 - (5) Not burden on-site septic or off-site waste disposal,
 - (6) Not burden existing public ways.

- D. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:
 - (1) Landscape Environment and Enhancement. The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary,
 - (2) Surface Water Drainage. Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system,

ATTACHMENT A

- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
- (7) Special Features. Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses,
- (8) Vehicular Access. The site layout must provide for safe vehicular access and egress, including that for emergency vehicles,
- (9) Parking and Circulation. The layout of vehicular and pedestrian traffic patterns must provide for safe interior circulation, separation of pedestrian and vehicular traffic, and storage of plowed snow and the parking shall comply with the parking requirements set forth in Section 505.1 A-D, regardless of whether the conditional use requires site plan review, and
- (10) Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.

The applicant must present detailed information in the form of diagrams, photographs and drawings and such engineering data as deemed necessary by the Board. If the Board finds that the applicant can construct the building in such a manner as to not endanger the health or safety of the occupants, it shall grant him a building permit, subject to such condition as it deems necessary.

Section 14-474. Conditional uses.

(c) Conditions for conditional uses:

2. *Standards.* The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:

- a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

Section 19-5-5. Conditional Use Permits

D. Standards for Conditional Use Approval

The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that:

1. Any conditions prescribed for such conditional use will be satisfied;
2. The proposed use will not create hazardous traffic conditions when added to existing and foreseeable traffic in its vicinity;
3. The proposed use will not create unsanitary conditions by reason of sewage disposal, emissions to the air, or other aspects of its design or operation;
4. The proposed use will not adversely affect the value of adjacent properties;
5. The proposed site plan and layout are compatible with adjacent property uses and with the Comprehensive Plan; and
6. The design and external appearance of any proposed building will constitute an attractive and compatible addition to its neighborhood, although it need not have a similar design, appearance or architecture.

Upon a finding by the Board that all of these standards have been met, the Board shall authorize the issuance of a permit for such conditional use, but may impose such conditions upon the use as it deems necessary in order to assure that the foregoing objectives will be attained.

E. Conditions of Approval

The Board may attach conditions to its approval of a conditional use. These conditions may include, but are not limited to, such requirements as:

1. off-site street improvements
2. access restrictions
3. hours of use
4. buffering and screening
5. utility improvements
6. performance guarantees

Article VII. – Conditional Uses, Division 1. – Generally, Section 78-1240. – Standards

Before authorizing any conditional use, the planning board shall make written findings certifying that the proposed use is in compliance with the specific requirements governing individual conditional use and demonstrating that the proposed use meets the following standards:

- (1) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.
- (2) The proposed use will not create or increase any fire hazard.
- (3) The proposed use will provide adequate off-street parking and loading areas.
- (4) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
- (5) The proposed use will not create unhealthful conditions because of smoke, dust or other airborne contaminants.
- (6) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.
- (7) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.
- (8) The proposed use will not adversely affect the value of adjacent properties.
- (9) The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.
- (10) The applicant's proposal must include any special screening or buffering necessary to visually obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
- (11) The applicant's proposal must adequately provide for drainage through and for preservation of existing topography within its location, particularly in minimizing any cut, fill, or paving intended.
- (12) The applicant must be found to have adequate financial and technical capacity to satisfy the criteria in this section and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.

Division 2. – Conditions

Section 78-1266. – Authority

ATTACHMENT A

Upon consideration of the standards listed in section 78-1240, the planning board may attach such conditions as it finds necessary to ensure compliance with those standards and all other applicable requirements of this chapter. Such conditions may include but are not limited to specifications for type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; hours of operation; operation controls; professional inspection and maintenance; sureties; location of piers, docks, parking and signs; and types of construction. Violation of any conditions of approval shall be a violation of this chapter.

Section 230-901 Conditional uses.

- D. Standards for a conditional use permit. It is the applicant's burden to establish that the proposed use or activity meets each of the following standards:
- (1) The proposed use will meet the definition and specific requirements set forth in this chapter and will be in compliance with applicable state or federal laws.
 - (2) The proposed use will provide adequate access to the site, and to the buildings on the site, for emergency vehicles and will not create firesafety hazards.
 - (3) The proposed exterior lighting will not create hazards to motorists traveling on adjacent public streets, is adequate for the safety of occupants or users of the site and will not damage the value and diminish the usability of adjacent properties.
 - (4) The provisions for buffers and on-site landscaping will provide adequate protection to neighboring properties from detrimental features of the development.
 - (5) The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.
 - (6) The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazardous and unsafe conditions.
 - (7) The proposed use will not have a significant detrimental effect on the value of adjacent properties that could be avoided by reasonable modification of the plan.
 - (8) The design of the site will not result in significant flood hazards or flood damage and will be in conformance with applicable flood hazard protection requirements.
 - (9) Adequate provision has been made for disposal of wastewater and solid waste and for the prevention of ground or surface water contamination.
 - (10) Adequate provision has been made to control erosion or sedimentation.
 - (11) Adequate provision has been made to handle stormwater runoff and other drainage problems on the site.
 - (12) The proposed water supply will meet the demands of the proposed use and for fire protection purposes.
 - (13) Adequate provision has been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law.

ATTACHMENT A

- (14) The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitats that could be avoided by reasonable modification of the plan.
- (15) The use will not cause unreasonable safety hazards for pedestrians, cyclists, and operators of motor vehicles and will not result in a decrease in level of service below LOS D at study area intersections or the project driveway during the design hour. (Levels of service are defined by the latest edition of the Highway Capacity Manual, published by the Transportation Research Board. The design hour is defined as the 30th highest hour of the year for the intersection.) However, at signalized intersections where the level of service is already below LOS D; or at signalized intersections predicted to drop below LOS D where physical improvements cannot be made to attain LOS D; or at unsignalized intersections where physical improvements cannot be made to improve the level of service to LOS D, and provided that warrants for a traffic signal are not met, or signal installation is not desirable, the Board may approve the application if it finds that an adequate level of safety can be attained through imposing conditions of approval such as upgrades in signalization, one-way driveways, prohibiting certain turning movements, construction of turning lanes, sidewalks, bicycle paths, or other improvements, or through a program of transportation demand management measures. [Amended 4-30-2007]
- (16) Existing off-site ways and traffic facilities can safely and conveniently accommodate the increased traffic generated by the development as far away from the development as the effects of the development can be traced with reasonable accuracy.
- E. Additional standards in Resource Protection, Saco River and Shoreland Areas. For conditional use permit applications within RP, SR, and SO Districts, the Planning Board, in addition to the standards for a conditional use permit shall find that the proposed conditional use: [Amended 6-6-2016]
- (1) Will maintain safe and healthful conditions;
 - (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
 - (3) Will adequately provide for the disposal of all wastewater;
 - (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitats;
 - (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - (6) Will protect archaeological and historic resources as in accordance with the Comprehensive Plan;
 - (7) Will not adversely affect existing commercial fishing or maritime activities in a Marine Business and Residential District;
 - (8) Will avoid problems associated with floodplain development and use;
 - (9) Is in conformance with the provisions of § 230-7A03, Land use standards; and

ATTACHMENT A

- (10) If located in a structure, the structure is located in an approved subdivision and will not violate any other local ordinance or regulation or any state law which Saco is responsible for enforcing. [Amended 4-3-2002]
- F. Conditions of approval. The Planning Board, and in the case of minor conditional uses the Planning Office, may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Violation of any of these conditions shall be a violation of this chapter. Such conditions may include, but are not limited to, specifications for: type of vegetation, specified sewage disposal and water supply facilities, landscaping and planting screens, period of operation, operational controls, professional inspection and maintenance, sureties, deed restrictions, restrictive covenants, type of construction, or any other reasonable conditions necessary to fulfill the purposes of this chapter. [Amended 6-6-2016]

Section 280-13-5. Standards for conditional use approval.

280-13-5.1 The Planning Board shall approve a conditional use application, or approve it with conditions, if it makes a positive finding, based on the information presented, that the proposed use, with any conditions attached, meets the following standards:

280-13-5.1.1 The proposed use will not place a burden on municipal services which, due to its location or the characteristics of the site or proposed development, is significantly greater than the burden that would result from similar uses in other situations;

280-13-5.1.2 The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles;

280-13-5.1.3 The proposed use will not cause water pollution, sedimentation, or erosion, contaminate any water supply or reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;

280-13-5.1.4 The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

280-13-5.1.5 The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restricted access of light and air to neighboring properties;

280-13-5.1.6 The proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties;

280-13-5.1.7 The proposed use has no characteristics that are atypical of the general category of use that will depreciate the economic value of surrounding properties; and

280-13-5.1.8 If located in the Shoreland Overlay Zone, the proposed use will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; will conserve shoreland vegetation; will conserve visual points of access to waters as viewed from public facilities; will conserve actual points of access to waters; will conserve natural beauty; and will avoid problems associated with floodplain development and use.

Section 280-13-6. Conditions of approval.

The Board may attach conditions to its approval of a conditional use. These conditions may include, but are not limited to, requirements such as:

280-13-6.1 Off-site street improvements to address impacts generated by the proposed conditional use.

ATTACHMENT A

280-13-6.2 Access restrictions.

280-13-6.3 Hours of use.

280-13-6.4 Buffering and screening.

280-13-6.5 Utility improvements.

280-13-6.6 Performance guarantees for off-site improvements.

LEWISTON

Appendix A – Zoning and Land Use Code, Article X. Conditional Uses, Section 3. Standards for conditional use permits.

A conditional use permit shall be granted by the board of appeals or planning board unless the board finds that the granting of the permit would violate one or more of the following standards:

- (1) Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. The board may not find that this standard is satisfied unless it finds that:
 - a. The size of the proposed use is comparable to surrounding uses; and
 - b. The amount and type of traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces are comparable to surrounding uses; and
 - c. The generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances is comparable to surrounding uses; and
 - d. The impact of the use on the quality and quantity of groundwater available to abutting properties is comparable to surrounding uses; and
 - e. Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, do not aggravate adverse impacts upon surrounding properties.
- (2) Vehicular and pedestrian access to, into and within the site will be safe and will not be overburdened or create hazards because they are inadequate. The board may not find that this standard is satisfied unless it finds that:
 - a. Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.
 1. Adequate capacity means that:
 - i. Intersections on major access routes to the site within one-half mile of any entrance road will function after development at a minimum at Level of Service C; or
 - ii. If they are functioning at a Level of Service D or lower prior to the development, the project will not reduce the current level of service.
 2. The board of appeals or planning board may approve a conditional use permit for an application not meeting this requirement if the applicant demonstrates that:
 - i. A public agency has committed funds to construct the improvements necessary to bring the level of access to said standard, or

ATTACHMENT A

- ii. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to said standard and will guarantee the completion of the improvements within one year of approval of the permit.
 - b. The topography of the site shall permit the construction of all driveways, entrances or proposed streets to meet the standards of the City of Lewiston's Policy for the Design and Construction of Streets and Sidewalks.
 - c. Facilities are present to assure the safety of pedestrians passing by or through the site.
- (3) Municipal or other facilities serving the proposed use will not be overburdened or create hazards because they are inadequate. The board may not find that this standard is satisfied unless it finds that:
- a. The capacity of sewerage and water supply systems is adequate to accommodate the proposed use;
 - b. The capacity of the storm drainage system is adequate to accommodate the proposed use; and
 - c. The ability of the fire department to provide necessary protection services to the site and development is adequate.
- (4) The soils on the proposed site shall have adequate capacity and stability to support all loadings, including fill, developed by the proposed use and the use will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water to the extent that a dangerous or unhealthy condition may result on the site or upon the land of abutters or the environment. In considering whether this standard is satisfied, the board shall take into account the elevation above sea level of the site and surrounding properties, its relation to flood plains, the slope and vegetation of the land and their effects on drainage.
- (5) The scale and design of the proposed structures with respect to materials, scale and massing shall be compatible with existing structures within 500 feet of the site in areas where the existing structures are of a similar scale and architectural treatment.

Section 4. Additional standards in shoreland areas.

For conditional use permit applications in shoreland areas, the board of appeals or planning board shall grant the application only if it finds that the proposed use:

- (1) Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (2) Will conserve shoreland vegetation;
- (3) Will conserve visual points of access to waters as viewed from public facilities;
- (4) Will conserve actual points of public access to waters;

ATTACHMENT A

- (5) Will conserve natural beauty; and
- (6) Will avoid problems associated with floodplain development or use such as erosion, increased risk of flood damage to upstream properties or increased flood damage.

AUGUSTA

Part IV: Land Use, Section 300-603

E. Site plan review criteria applicable to conditional uses.

(1) Neighborhood compatibility. [The intent of this subsection is to encourage the applicant to design the proposal in consideration of the physical impact it will have on the immediate neighborhood (within 500 feet if the property is in the Urban Growth Area Districts and within 1,000 feet if the property is in the Planned Development and/or Rural Districts. Major Development, Major Subdivision, New Mineral Extraction License, Expansions of Renewal Mineral Extraction Licenses, and shooting ranges will have a 2,000 foot standard in the Planned Development and/or Rural Districts).] [Amended 2-21-2019 by Ord. No. 19-025]

a) Is the proposal compatible with and sensitive to the character of the site and neighborhood relative to:

- 1) Land uses;
- 2) Architectural design;
- 3) Scale, bulk and building height;
- 4) Identity and historical character;
- 5) Disposition and orientation of buildings on the lot; and
- 6) Visual integrity?

b) Are the elements of the site plan (e.g., buildings, circulation, open space and landscaping) designed and arranged to maximize the opportunity for privacy by the residents of the immediate area?

c) Will the proposal maintain safe and healthful conditions within the neighborhood? This criterion shall not be limited to the standards affecting safety and health as outlined in this chapter. Additional regulations may be found in the City of Augusta Code, as amended.

d) Will the proposal have a significant detrimental effect on the value of adjacent properties (which could be avoided by reasonable modifications of the plan)? In determining whether this criterion has been met, the Planning Board may require the applicant to submit an appraisal prepared by a State of Maine certified appraiser.

e) Will the proposal cause exterior queuing of vehicles or loitering of pedestrians which would have a negative impact on the surrounding neighborhood? [Added 4-20-2017 by Ord. No. 17-070]

(2) Plans and policies.

ATTACHMENT A

a) (Reserved)

(3) Traffic pattern, flow and volume.

- a) Is the proposal designed so that the additional traffic generated does not have a significant negative impact on surrounding neighborhood?
- b) Will safe access be assured by providing proper sight distance and minimum width curb cuts for safe entering and exiting? See City of Augusta Technical Standards Handbook.
- c) Does the proposal provide access for emergency vehicles and for persons attempting to render emergency services?
- d) Does the entrance and parking system provide for the smooth and convenient movement of vehicles both on and off the site? Does the proposal satisfy the parking capacity requirements of the City and provide adequate space suited to the loading and unloading of persons, materials and goods?

(4) Public facilities. Is the proposal served by utilities with adequate capacity or have arrangements been made for extension and augmentation of the following services:

- a) Water supply (both domestic and fire flow);
- b) Sanitary sewer/subsurface waste disposal system;
- c) Electricity/telephone;
- d) Storm drainage?

(5) Resource protection and environment.

- a) If the proposal contains known sensitive areas such as erodible or shallow soils, wetlands, aquifers, aquifer recharge areas, floodplain or steep slopes (over 15%), what special engineering precautions will be taken to overcome these limitations?
- b) Does the proposal conform to applicable local, state DEP and federal EPA air quality standards, including but not limited to odor, dust, fumes or gases which are noxious, toxic or corrosive, suspended solid or liquid particles, or any air contaminant which may obscure an observer's vision?
- c) Does the proposal conform to applicable local, state DEP and federal EPA water quality standards, including but not limited to erosion and sedimentation, runoff control, and solid wastes and hazardous substances?
- d) Will all sewage and industrial wastes be treated and disposed of in such a manner as to comply with applicable federal, state and local standards?

ATTACHMENT A

- e) Shoreland and Wetland Districts. Will the proposal:
- 1) Maintain safe and healthful conditions;
 - 2) Not result in water pollution, erosion, or sedimentation to surface waters;
 - 3) Adequately provide for the disposal of all wastewater;
 - 4) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - 5) Conserve shore cover and visual as well as actual points of access to inland and coastal waters;
 - 6) Protect archeological and historic resources as designated in the 1988 Growth Management Plan;
 - 7) Avoid problems associated with floodplain development and use; and
 - 8) Conform with the provisions of § 300-528, Special standards applicable to shoreland areas?

(6) Performance standards.

- a) Does the proposal comply with all applicable performance and dimensional standards as outlined in this chapter?
- b) Can the proposed land use be conducted so that noise generated shall not exceed the performance levels specified in Part 5, Performance Standards, of this chapter? Detailed plans for the elimination of objectionable noises may be required before the issuance of a building permit.
- c) If the proposal involves intense glare or heat, whether direct or reflected, is the operation conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line? Detailed plans for the elimination of intense glare or heat may be required before issuance of a building permit. Temporary construction is excluded from this criterion.
- d) Is the exterior lighting, except for overhead streetlighting and emergency warning or traffic signals, installed in such a manner that the light source will be sufficiently obscured to prevent excessive glare on public streets and walkways or into any residential area?
- e) Does the landscaping screen the parking areas, loading areas, trash containers, outside storage areas, blank walls or fences and other areas of low visual interest from roadways, residences, public open space (parks) and public view?
- f) Are all the signs in the proposal in compliance with provisions of this chapter?

ATTACHMENT A

(7) Financial and technical ability.

- a) Does the applicant have adequate technical ability to meet the terms of this chapter?
- b) Does the applicant have adequate financial ability to construct the development in compliance with the terms of this chapter?

(8) It is incumbent upon the Planning Board to approve the application unless it makes one or more negative written findings with respect to the above applicable criteria. All decisions of the Planning Board shall be accompanied by a written statement that sets forth the precise reasons why the findings were made. Once a decision is made, the Planning Board shall inform, in writing, the applicant and the Code Enforcement Officer of its decision and its reasons therefor. Upon notification of the decision of the Planning Board, the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Planning Board, or deny a conditional use permit.

F. Conditions attached to conditional uses. Upon consideration of the criteria listed above, the Planning Board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Violation of any of these conditions shall be a violation of this chapter. Such conditions may include, but are not limited to, specifications for type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls (including noise and odor control); professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; locations of facilities; type of construction; or any other conditions necessary to fulfill the purposes of this chapter.

QUICKNOTES

CONDITIONAL USES

WHAT IS A CONDITIONAL USE?

A conditional use is a use that is permitted subject to compliance with a set of conditions or requirements set forth in the zoning ordinance. The conditions are designed to ensure that the use is in harmony with both the purposes section of the zoning ordinance and the specific requirements for that use detailed in the zoning ordinance, and that it will not adversely affect the neighborhood if such requirements or conditions are met. The terms “conditional use,” “special use,” “special exception use,” and “special permit” are used interchangeably, but the types of uses that are regulated as conditional uses and the board(s) in charge of administering the conditional use review process vary from jurisdiction to jurisdiction.

WHY ARE CONDITIONAL USES IMPORTANT?

The ability to regulate certain uses as conditional uses under a zoning ordinance is an important tool for public officials because it gives them flexibility while still ensuring that the use is and will remain in harmony with the purposes and intent of the zoning ordinance. Public officials can permit uses that might otherwise not be allowed in certain zoning districts by carefully crafting a set of conditions or requirements that must be met in addition to the general zoning criteria. Conditional uses are also important to applicants and the public alike because they allow for a greater variety of and diversity among uses. In most jurisdictions, property owners affected by a zoning provision creating or eliminating a conditional use have the ability to comment at the time such provision is adopted or amended. Likewise, parties aggrieved by the decision to grant or not grant a conditional use permit also have the ability to appeal that decision.

DIFFERENCES BETWEEN CONDITIONAL USES AND OTHER TYPES OF USES

Most contemporary zoning ordinances classify uses as either permitted by right, permitted with conditions, or prohibited in each zoning district. If a use is permitted by right, an applicant simply goes through the administrative processes required to obtain zoning approvals and building permits. Conditional uses, on the other hand, are subject to discretionary review, where the designated review body must determine whether or not the proposed use satisfies the purposes section of the zoning ordinance and meets any specific requirements detailed in the ordinance. Unlike a prohibited use, a conditional use is permitted provided that the general and specific criteria relating to such use have been met. In contrast, a prohibited use is not permitted unless relief from the zoning provisions has been obtained, usually in the form of a variance or through an amendment to the zoning ordinance.

CONSIDERATIONS AND METHODOLOGY FOR DETERMINING CONDITIONAL USES

Except in cases where the state legislature has mandated that certain uses must be permitted in certain zoning districts, the following types of uses are commonly regulated as conditional uses: adult homes, professional offices, group homes, nursing homes, religious institutions, or day-care centers in residential zones, and shopping centers, drive-through establishments, gasoline filling stations, and convenience stores in commercial zones. The advantage to regulating some uses as a conditional use versus relying on permitted uses is that special consideration can be given to some of the recurring problems associated with such uses—protected against by a condition or requirement—without having to apply that same condition or requirement to every other permitted use in the same zone. For example, increased stacking and queuing requirements can be imposed for fast-food restaurants with drive-through lanes, although

The ability to regulate certain uses as conditional uses under a zoning ordinance is an important tool for public officials because it gives them flexibility while still ensuring that the use is and will remain in harmony with the purposes and intent of the zoning ordinance.



American Planning Association

Making Great Communities Happen

these requirements may be overly burdensome for other uses with drive-through lanes in the district, such as banks or pharmacies. Some municipalities, however, overuse this regulatory power by classifying nearly every use as a special use or by overly conditioning uses to the point of prohibition. Too many conditional uses may discourage applicants from applying because of the cost and uncertainty associated with the application process or the increase in the amount of time it takes to obtain approval. The goal in regulating conditional uses should be to balance the need for diversity and proximity to certain uses against any potential impacts such uses may have on the surrounding community.

ISSUING ENTITY FOR CONDITIONAL USE PERMITS

Statewide land-use legislation or the local zoning ordinance will prescribe which board or boards have exclusive jurisdiction to hear a conditional use-based application. In some instances, the local legislative body can designate itself, the planning board, the zoning board, or a hearing examiner with the authority to review conditional use applications. In other instances, an applicant's ability to comply with the conditions required for a conditional use will dictate whether the applicant goes before the planning board or the zoning board. Likewise, in other localities, certain types of conditional uses will be heard by one board (such as the planning board) and other types of conditional uses will be heard by the local legislative body or the zoning board. Under this approach, uses that involve site planning concerns are typically assigned to the planning board while those that focus on neighborhood compatibility are assigned to the zoning board.

APPLICATION PROCESS AND PROCEDURES

Jurisdictions that regulate conditional uses are generally required to hold a public hearing as part of the review process. In most instances, proof of compliance with the conditions or requirements imposed for a conditional use must be made at the time of submission, either on the plans for the proposed use or separately in writing by detailing the applicant's compliance with each condition. This is critical in jurisdictions where compliance or the lack thereof dictates the board to which the application will be assigned. Proof of compliance must also be provided in writing or orally, in the form of testimony, at the public hearing in which permission for the use is being sought. Likewise, for jurisdictions where conditional use review and approval is being conducted concurrently with site plan review, it is also common for the municipality to require that a conditional use permit be obtained simultaneously with the granting of site plan approval.

DETERMINATIONS AND FINDINGS OF FACT

All determinations should be set forth in writing and should include a statement of findings upon which the reviewing board has relied in making its decision. In granting, denying, or granting a permit with conditions, the reviewing board should consider all evidence offered at or before any public hearing; any reports from other boards and federal, state, or local agencies; additional requested information; and all relevant facts and circumstances. The decision to deny a conditional use should not be based upon generalized objections or arbitrary and capricious concerns of neighboring community members but rather a review and application of the specific criteria and conditions for the conditional use.

CONDITIONS

The reviewing board has the authority to attach conditions to the issuance of a conditional use permit or approval. However, such conditions must be directly related to and incidental to the proposed use. Conditions that have been imposed must usually be fulfilled by the applicant prior to the receipt of any building permits or before a certificate of occupancy can be issued, unless they involve a continuing obligation that must be fulfilled once the property has been developed.

PAS QuickNotes (ISSN 2169-1940) is a publication of the American Planning Association's Planning Advisory Service (PAS). © 2012 by the American Planning Association. All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing. Visit PAS online at www.planning.org/pas to find out how PAS can work for you. American Planning Association staff: W. Paul Farmer, FAICP, Chief Executive Officer; William R. Klein, AICP, Director of Research and Advisory Services; Erin Musiol, AICP, QuickNotes Editor; Tim Mennel, Senior Editor; Julie Von Bergen, Assistant Editor; Susan Deegan, Senior Graphic Designer.

REFERENCES

1. Published by the American Planning Association

Easley, V. Gail. 2010. "Fundamentals of Conditional Uses." *The Commissioner*, Summer.

Easley, V. Gail. 2006. "Conditional Uses: Using Discretion, Hoping for Certainty." *Zoning Practice*. May.

2. Other Resources

Law of the Land. <http://lawoftheland.wordpress.com>.

Gibbons P.C. *Real Property & Environmental Law Alert*, www.rpelawalert.com.

Nolon, John R. 2001. *Well Grounded, Using Local Land Use Authority to Achieve Smart Growth*. Washington, D.C.: Environmental Law Institute.

ITEM 99
BACKUP

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: June 29, 2020

SUBJECT: Graham Road Landfill
Administrative Consent Agreement (ACA)

At long last we have reached an agreement with the Maine Department of Environmental Protection (MDEP) to resolve issues related to the violation of the wastewater discharge permit at the Graham Road Landfill. A copy of the proposed Administrative Consent Agreement (ACA) is attached.

Background

The Town of Brunswick has operated a solid waste landfill at Graham Road since 1984. Operation of the landfill requires licenses and continued compliance with those licenses, as well as regulations imposed by the US Environmental Protection Agency (EPA) and the Maine Department of Environmental Protection (MDEP). One of the licenses is a wastewater discharge license that allows the Town to discharge treated wastewater to the Androscoggin River. In 2010 the Town learned that it could not qualify for a fundamentally different factors (FDF) variances from some of the wastewater discharge parameters. The Town had sought those variances primarily, although not solely, related to the treatment of ammonia. After extensive study and trial, including a pilot treatment project, the Town concluded that it could not reduce ammonia to permitted discharge levels without significant and expensive enhancements to the wastewater treatment facilities at the landfill. Based on that analysis, the Town Council voted¹ to accelerate the closure of the landfill and to enter into a Schedule of Compliance (SOC) with the MDEP.² The SOC specifies that the landfill must close by April 2021.

Agreeing to close the landfill left the Town and MDEP with the need to address the discharge violations. Those are addressed in the ACA. Almost all of the violations in the ACA are related to ammonia. It is important to point out that the Town is in violation of a technical standard established by the EPA for landfills. As has been stated many times, and confirmed in a July 2017 letter from MDEP, "The ammonia violations are violations of a technology based limit (as opposed to a water quality-based limit). The discharge of ammonia at the current rates is relatively small and does not cause or contribute to non-attainment in the Androscoggin River."³

¹ A Resolution Authorizing the Town Manager to Negotiate and Execute Documents Related to the Accelerated Closure of the Graham Road Landfill

² Schedule of Compliance, June 28, 2017

³ Letter July 21, 2017 Brian Kavanah to John Eldridge,
Re: Graham Road Landfill Ammonia Discharge Violations (MEPDES/WDL #ME0102113)

To: Town Council
Date: June 29, 2020
Re: Graham Road Landfill ACA

Page 2 of 2

Recommendation

The proposed ACA would fine the Town of Brunswick \$17,000, with all but \$10,000 suspended, for the wastewater discharge violations dating back to 2011. Assuming the Town complies with the ACA, there would be no additional enforcement action by MDEP. Further, the Department and Office of the Attorney General would release their causes of action against Brunswick for the specific violations listed.

The proposed ACA has been negotiated and reviewed with the assistance of David Van Slyke of Preti Flaherty and Randy Tome from Woodard and Curran. We recommend that the Town Council authorize the Town Manager, in consultation with the Town Attorney, finalizes an ACA in substantially the form proposed, to execute a finalized ACA on behalf of the Town of Brunswick, and to issue payment to the State in the amount of \$10,000.

Cc: David Van Slyke, Preti Flaherty
Randy Tome, Woodard and Curran
Ryan Barnes, Town Engineer

attachments

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

A Resolution Authorizing the Town Manager to Negotiate and Execute an Administrative Consent Agreement (ACA) with the Maine Department of Environmental Protection to Resolve Violations of Licenses at the Graham Road Landfill

WHEREAS, the Town of Brunswick (the “Town”) has operated a solid waste landfill located at Graham Road (the “Graham Road Landfill” or “Landfill”) since January 1984; and

WHEREAS, the continued operation of the Landfill requires continued compliance with existing and future environmental regulations established by the US Environmental Protection Agency (“EPA”) and the Maine Department of Environment Protection (“MDEP”) and

WHEREAS, the Town has not been able to meet certain parameters for the wastewater it is licensed to discharge to the Androscoggin River which has resulted in violations of its wastewater discharge license; and

WHEREAS, pursuant to a December 19, 2016 Resolution of the Town Council, the Town Manager on behalf of the Town executed a Schedule of Closure (“SOC”), with the MDEP, dated June 28, 2017 that requires closure of the Landfill by April 2021; and

WHEREAS, the Town Manager in consultation with the Town Attorney, in order to resolve violations of the Town Landfill’s wastewater discharge license as well as other violations, has negotiated an Administrative Consent Agreement with MDEP;

WHEREAS, the Town Manager has provided a draft of the ACA to the Town Council and advised the Council that there will likely be minor modifications to the draft ACA and that most of those to the tables outlining the covered violations;

WHEREAS, the Town Manager recommends that the Town Council authorize the Town Manager and Town Attorney to finalize the details of the ACA, and any other documents necessary to resolve the violations related to the operation of the Graham Road Landfill; and

NOW THEREFORE, BE IT RESOLVED, that the Town Manager in consultation with the Town Attorney is authorized to negotiate and execute with MDEP, an ACA in substantially the form provided to the Town Council, as well as any other agreements and documents on terms the Town Manager and Town Attorney deem advisable, in order to resolve the violations related to the Town’s operation of the Graham Road Landfill; and

BE IT FURTHER RESOLVED, that the Town Manager, with the advice of the Town Attorney, be authorized to execute, on behalf of the Town of Brunswick, a finalized ACA as well as any other documents the Town Manager deems necessary in order to resolve violations at the Graham Road Landfill; and

BE IT FURTHER RESOLVED, that the Town Manager be authorized to remit payment of any fines due to the State of Maine as specified in the executed ACA.

Proposed to Town Council: July 6, 2020

Adopted by Town Council:



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

DRAFT
IN THE MATTER OF:

TOWN OF BRUNSWICK)
GRAHAM ROAD LANDFILL) ADMINISTRATIVE CONSENT
PROTECTION AND IMPROVEMENT) AGREEMENT
OF WATERS) (38 M.R.S. § 347-A)
2017-144-W)

This Agreement by and among the Town of Brunswick ("Brunswick"), the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department's Organization and Powers, 38 M.R.S. § 347-A(1).

THE PARTIES AGREE AS FOLLOWS:

- 1. Brunswick owns and operates the Graham Road landfill, a non-hazardous waste landfill located in Brunswick, Maine. The landfill site contains a leachate collection and treatment system consisting of three facultative lagoons and a tablet chlorinator.
2. On August 12, 2011 and September 1, 2016 the Department renewed Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102113 / Maine Waste Discharge License (WDL) #W004308 for the discharge of a monthly average flow of 0.30 million gallons per day (MGD) of treated combined leachate and stormwater to the Androscoggin River, Class C, in Brunswick, Maine, which was initially issued on November 16, 2004 under MEPDES Permit # ME0102113 / WDL # W004308-5L-C-R.
3. The violations herein occurred at Brunswick's Graham Road landfill wastewater treatment facility during the period May 31, 2011 through July 31, 2019.
4. In order to address in a permanent fashion the circumstances leading to these violations, Brunswick has agreed to close the landfill, and on June 28, 2017, Brunswick and the Department entered into a Schedule of Compliance (SOC) pursuant to which Brunswick is managing the landfill in a manner that seeks to minimize the possibility of permit limit exceedences and resulted in a final landfill closure application being submitted to the Department on September 20, 2019, with closure construction to be initiated on or before May 15, 2021, and a final closure certification report submitted to the Department on or before April 1, 2022. On November 26, 2018, Brunswick completed a detailed modeling study demonstrating the anticipated impact of landfill closure on leachate generation, which study concludes that closure of the landfill will

IN THE MATTER OF:

**TOWN OF BRUNSWICK)
GRAHAM ROAD LANDFILL)
PROTECTION AND IMPROVEMENT OF WATERS)
2017-144-W)**

**ADMINISTRATIVE CONSENT
AGREEMENT
(38 M.R.S. § 347-A)**

minimize landfill leachate generation; Brunswick believes that such leachate minimization will eliminate permit limit exceedences.

5. The Department has regulatory authority over the activities described hereinafter.
6. The *Pollution Control* law, 38 M.R.S. § 414(5), states, “ **Unlawful to violate license.** After the issuance of a license by the department, it is unlawful to violate the terms or conditions of the license, whether or not such violation actually lowers the quality of the receiving waters below the minimum requirements of their classification.”
7. Special Condition A of the MEPDES permit provides discharge limits for, including but not limited to, Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), E. Coli (EC), Ammonia (NH3), and ρ-Cresol (PC).
 - a. “The permittee is authorized to discharge treated landfill leachate and stormwater from a non-hazardous waste landfill via Outfall #001A to the Androscoggin River. Such discharges are limited and must be monitored by the permittee as specified below”:

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow [50050]	0.30 MGD [03]	--	--	--	5/Week ^(2a, 2b) [05/07]	Measured [MS]
BOD ₅ [00310]	62 lbs./day [26]	167 lbs./day [26]	37 mg/L [19]	140 mg/L [19]	Monthly When Discharging ^(2b) [MM/DD]	Grab [GR]
TSS [00530]	42 lbs./day [26]	83 lbs./day [26]	27 mg/L [19]	88 mg/L [19]	Monthly When Discharging ^(2b) [MM/DD]	Grab [GR]
Settleable Solids [00545]	--	--	0.1 ml/L [25]	0.5 ml/L [25]	Monthly When Discharging ^(2b) [MM/DD]	Grab [GR]
Ammonia (as N) [61574]	8.2 lbs./day [26]	16.7 lbs./day [26]	4,900 µg/L [28]	10,000 µg/L [28]	Monthly When Discharging ^(2b) [MM/DD]	Grab [GR]
Alpha Terpineol [51045]	0.03 lbs./day [26]	0.05 lbs./day [26]	16 µg/L [28]	33 µg/L [28]	1/Year [01/YR]	Grab [GR]
Benzoic Acid [77247]	0.12 lbs./day [26]	0.20 lbs./day [26]	71 µg/L [28]	120 µg/L [28]	1/Year [01/YR]	Grab [GR]
ρ-Cresol [77146]	0.02 lbs./day [26]	0.04 lbs./day [26]	14 µg/L [28]	25 µg/L [28]	1/Year [01/YR]	Grab [GR]
Phenol, Total [03604]	0.02 lbs./day [26]	0.04 lbs./day [26]	15 µg/L [28]	26 µg/L [28]	1/Year [01/YR]	Grab [GR]
Zinc, Total [01092]	0.2 lbs./day [26]	0.3 lbs./day [26]	110 µg/L [28]	220 µg/L [28]	1/Year [01/YR]	Grab [GR]
<i>E. coli</i> Bacteria ^(2a) [31633] May 15 – Sept 30	--	--	142/100 ml ^(2b) [13]	949/100 ml [13]	Weekly When Discharging ^(2b) [07/WD]	Grab [GR]
Total Residual Chlorine ⁽⁴⁾ [00665]	--	--	--	1.0 mg/L [19]	Weekly When Discharging ^(2b) [07/WD]	Grab [GR]
pH [00400]	--	--	--	6.0 – 8.5 SU [12]	Weekly When Discharging ^(2b) [07/WD]	Grab [GR]

FOOTNOTES: See Pages 5-6 of this permit for applicable footnotes.

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

8. Special Condition A of the MEPDES permit limits the discharge of BOD in the final effluent to a monthly average concentration of 37 mg/L. The monitoring frequency for BOD is once a month. Brunswick exceeded the maximum monthly average on the following dates:

Biochemical Oxygen Demand (BOD)

IN THE MATTER OF:

**TOWN OF BRUNSWICK)
 GRAHAM ROAD LANDFILL)
 PROTECTION AND IMPROVEMENT OF WATERS)
 2017-144-W)**

**ADMINISTRATIVE CONSENT
 AGREEMENT
 (38 M.R.S. § 347-A)**

Date	Monthly Average Limit mg/L	Reported Concentration mg/L
2/28/2014	37	48
4/30/2014	37	41
1/31/2015	37	59
3/31/2015	37	59
01/31/2020	37	56.5
02/29/2020	37	53
04/30/2020	37	49

- a. By exceeding the monthly average limit for BOD as described above, Brunswick violated Special Condition A of the MEPDES permit and 38 M.R.S. § 414(5).
9. Special Condition A of the MEPDES permit limits the discharge of TSS in the final effluent to a monthly average concentration of 27 mg/L. The monitoring frequency for TSS is once a month. Brunswick exceeded the maximum monthly average on the following date:

Total Suspended Solids (TSS)		
Date	Monthly Average Limit mg/L	Reported Concentration mg/L
2/28/2014	27	45
03/31/2020	27	35
04/30/2020	27	36

- a. By exceeding the monthly average limit for TSS as described

above, Brunswick violated Special Condition A of the MEPDES permit and 38 M.R.S. § 414(5).

10. Special Condition A of the MEPDES permit limits the discharge of NH₃ in the final effluent to a monthly average concentration of 4900 micrograms per liter (µg/L) and a daily maximum of 10,000 µg/L. The monitoring frequency for NH₃ is monthly. Brunswick exceeded the maximum monthly average on the following dates:

IN THE MATTER OF:

**TOWN OF BRUNSWICK)
 GRAHAM ROAD LANDFILL)
 PROTECTION AND IMPROVEMENT OF WATERS)
 2017-144-W)**

**ADMINISTRATIVE CONSENT)
 AGREEMENT)
 (38 M.R.S. § 347-A)**

Ammonia (NH3)				
Date	Monthly Average Limit µg/L	Reported Monthly Average Concentration µg/L	Daily Maximum Limit µg/L	Reported Daily Maximum Concentration µg/L
6/31/2011	4900	11000	10000	12000
7/31/2011	4900	7600	10000	
8/31/2011	4900	7800	10000	
10/31/2011	4900	15000	10000	15000
11/30/2011	4900	19600	10000	19600
12/31/2011	4900	25200	10000	25200
1/31/2012	4900	26300	10000	26300
2/29/2012	4900	21800	10000	21800
3/31/2012	4900	19000	10000	19000
6/30/2012	4900	10600	10000	
12/31/2012	4900	7200	10000	
1/31/2013	4900	22000	10000	22000
2/28/2013	4900	20200	10000	20200
3/31/2013	4900	14000	10000	14000
4/30/2013	4900	11200	10000	
12/31/2013	4900	12800	10000	12800
1/31/2014	4900	10300	10000	
2/28/2014	4900	13400	10000	13400
3/31/2014	4900	14800	10000	14800
4/30/2014	4900	9800	10000	
5/31/2014	4900	6800	10000	
11/30/2014	4900	18000	10000	18000
12/31/2014	4900	11600	10000	11600
1/31/2015	4900	16200	10000	16200
3/31/2015	4900	23000	10000	23000
4/30/2015	4900	10400	10000	
5/31/2015	4900	13400	10000	13400
6/30/2015	4900	6700	10000	
10/31/2015	4900	8500	10000	
11/30/2015	4900	14600	10000	14600
12/31/2015	4900	16800	10000	16800
1/31/2016	4900	14800	10000	14800
2/29/2016	4900	8700	10000	
3/31/2016	4900	10100	10000	
5/31/2016	4900	5600	10000	

IN THE MATTER OF:

**TOWN OF BRUNSWICK)
 GRAHAM ROAD LANDFILL)
 PROTECTION AND IMPROVEMENT OF WATERS)
 2017-144-W)**

**ADMINISTRATIVE CONSENT)
 AGREEMENT)
 (38 M.R.S. § 347-A)**

12/31/2016	4900	8200	10000	
------------	------	------	-------	--

10. Continued

Ammonia (NH3) continued				
Date	Monthly Average Limit µg/L	Reported Monthly Average Concentration µg/L	Daily Maximum Limit µg/L	Reported Daily Maximum Concentration µg/L
1/31/2017	4900	11200	10000	
2/28/2017	4900	10900	10000	10900
3/37/2017	4900	9500	10000	
4/30/2017	4900	7800	10000	
5/31/17	4900	5600	10000	
1/31/18	4900	10000	10000	
2/28/18	4900	7600	10000	
3/31/2018	4900	12000	10000	12000
4/30/2018	4900	5900	10000	
5/31/2018	4900	6700	10000	
10/31/2018	4900	5000	10000	
11/30/2018	4900	11000	10000	11000
12/31/2018	4900	14000	10000	14000
1/31/2019	4900	12000	10000	12000
2/28/2019	4900	14000	10000	14000
3/31/2019	4900	16000	10000	16000
4/30/2019	4900	8400	10000	8400
5/31/2019	4900	14000	10000	14000
6/30/2019	4900	12000	10000	12000
7/31/2019	4900	7000		
10/31/2019	4900	7400	10000	12000
11/30/2019	4900	29000	10000	29000
12/31/2019	4900	37000	10000	37000
01/31/2020	4900	40000	10000	40000
02/29/2020	4900	38000	10000	38000
03/31/2020	4900	28000	10000	28000
04/30/2020	4900	31000	10000	31000

- a. On each of the dates identified in the table above, Brunswick exceeded the monthly average limit for NH3 and the daily maximum limit for NH3 as specified in the table and violated Special Condition A of the MEPDES permit and 38 M.R.S. § 414(5).

IN THE MATTER OF:

TOWN OF BRUNSWICK)	
GRAHAM ROAD LANDFILL	)	ADMINISTRATIVE CONSENT
PROTECTION AND IMPROVEMENT OF WATERS	)	AGREEMENT
2017-144-W	)	(38 M.R.S. § 347-A)

11. The actions described in paragraphs 8-10 of this Agreement are violations of the MEPDES permit # ME0102113 and 38 M.R.S. § 414(5).
12. On July 26, 2017, the Department issued a Notice of Violation to Brunswick for the activities described in Paragraphs 8-11 of this Agreement, in accordance with 38 M.R.S. § 347-A(1)(B). The parties agree that Brunswick has been adequately noticed for all respective violations herein.
13. On June 28, 2017, Brunswick and the Department entered into a SOC for the Municipal Solid Waste Landfill License #S-008458-WD-F-N. That SOC requires Brunswick to, among other things, initiate landfill closure construction on or before May 15, 2021, and submit a final closure certification report to the Department on or before April 1, 2022. The parties anticipate that Brunswick's MEPDES permit renewal applications in 2021 and 2026 and any permit renewals based upon such applications will reflect the then-current status of landfill closure and any post-closure monitoring.
14. This Agreement shall become effective only if it is approved by the Board and the Office of the Attorney General.
15. To resolve the violations referred to in Paragraphs 8-11 of this Agreement, Brunswick agrees to:
 - a. Immediately upon signing this Agreement, pay to the *Treasurer, State of Maine* a civil monetary penalty in the amount of seventeen thousand dollars (\$17,000), with all but ten thousand dollars (\$10,000.00) suspended, provided that Brunswick complies with all provisions in this agreement to the satisfaction of the Department. Brunswick shall immediately pay upon demand by the Department any suspended amounts, should the Department, in its sole discretion, determine that Brunswick failed to comply with all provisions of this Agreement to the Department's satisfaction.
 - b. Complete the landfill closure construction by December 31, 2021, as set forth in Appendix A of the SOC, or by such other date as the parties shall mutually agree.
 - c. By January 1, 2026, Brunswick must submit a plan and schedule for the treatment of the leachate and stormwater discharge that will ensure compliance with the waste discharge license to the Department for review and approval or submit a plan and schedule to cease the discharge.
 - d. Upon demand by the Department, Brunswick shall pay the amount of one hundred dollars (\$100.00) per violation per day for violating any provision of this Agreement, as determined by the Department, and by providing such payment, payable to the *Treasurer, State of Maine*, to the Department.

IN THE MATTER OF:

TOWN OF BRUNSWICK)	
GRAHAM ROAD LANDFILL	)	ADMINISTRATIVE CONSENT
PROTECTION AND IMPROVEMENT OF WATERS	)	AGREEMENT
2017-144-W	)	(38 M.R.S. § 347-A)

16. The Department and Office of the Attorney General grant a release of their causes of action against Brunswick for the specific violations listed in Paragraphs 8-11 of this Agreement on the express condition that all actions listed in Paragraph 15 of this Agreement are completed in accordance with the express terms and conditions of this Agreement to the satisfaction of the Department and the Office of the Attorney General in their sole discretion. The release shall not become effective until all requirements of this Agreement are satisfied. Until the release becomes effective, the Department and the Office of the Attorney General agree not to bring any separate enforcement action for the violations listed in Paragraphs 8-11 of this Agreement provided Brunswick is in compliance with all terms and conditions of this Agreement as determined by the Department and the Office of the Attorney General in their sole discretion.

17. All deadlines for action established by this Agreement may be reasonably extended by the Department in its sole discretion in the event there are delays resulting from Acts of God or War, labor strikes, failure of governmental authorities to issue required approvals (where a timely and properly completed application has been submitted to the applicable governmental authority), or other conditions beyond the reasonable control of Brunswick or their contractors constituting Force Majeure that in the Department's view warrant such an extension. When requesting such an extension, Brunswick shall notify the Department orally within 48 hours following its awareness that events constituting Force Majeure have occurred or are likely to occur, and thereafter shall notify the Department in writing within ten (10) business days of the oral notice that a Force Majeure exists or is likely to occur. Such written notice shall be accompanied by all relevant available documentation in the possession of Brunswick, including but not limited to the following: (a) third party correspondence and communications; (b) a description of the circumstances and Brunswick's rationale for interpreting the circumstances as being Force Majeure; and (c) the date by which or the time period within which Brunswick proposes to complete the delayed action. If the Department in its sole discretion concludes that circumstances warrant an extension, it will notify Brunswick in writing of any extension that the Department determines is appropriate.

18. Non-compliance with this Agreement, as determined by the Department and the Office of the Attorney General in their sole discretion, voids the release set forth in Paragraph 16 of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S. §§ 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies. In the event that the Department and the Office of Attorney General make such a determination of non-compliance that voids the release set forth in Paragraph 16 and pursue additional enforcement, Brunswick retains all of its defenses, rights and remedies with respect to such further enforcement of the violations identified in Paragraphs 8-11 of this Agreement.

IN THE MATTER OF:

TOWN OF BRUNSWICK)	
GRAHAM ROAD LANDFILL	)	ADMINISTRATIVE CONSENT
PROTECTION AND IMPROVEMENT OF WATERS	)	AGREEMENT
2017-144-W	)	(38 M.R.S. § 347-A)

- 19. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all applicable local, state, and federal laws, rules, and orders. including but not limited to licensing requirements.
- 20. The provisions of this Agreement shall apply to, and be binding on, Brunswick and its officers and employees acting in their official capacity as well as all successors and assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of eight (8) pages:

TOWN OF BRUNSWICK

BY: _____ DATE: _____
TITLE

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE: _____
MARK C. DRAPER, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____ DATE: _____
SCOTT BOAK, ASSISTANT ATTORNEY GENERAL

**TOWN OF BRUNSWICK, MAINE
TOWN COUNCIL**

**A Resolution Authorizing the Town Manager to Negotiate and Execute Documents Related to
the Accelerated Closure of the Graham Road Landfill**

WHEREAS, the Town of Brunswick (the "Town") has operated a solid waste landfill located at Graham Road (the "Graham Road Landfill" or "Landfill") since January 1984; and

WHEREAS, the continued operation of the Landfill requires continued compliance with existing and future environmental regulations established by the US Environmental Protection Agency ("EPA") and the Maine Department of Environment Protection ("MDEP") and

WHEREAS, the Town has not been able to meet certain parameters for the wastewater it is licensed to discharge to the Androscoggin River; and

WHEREAS, in 2014 the Town learned that MDEP expressed concerns about possible groundwater contamination detected by the monitoring wells located at the Landfill; and

WHEREAS, Woodard and Curran, the Town's engineering consultant, has determined that the remediation efforts for both the wastewater and groundwater issues would be extremely costly to implement and operate; and

WHEREAS, Woodard and Curran concluded, and MDEP concurs, that the most cost effective measure for addressing the groundwater contamination is closure of the Landfill; and

WHEREAS, the Town and MDEP have had discussions about a Schedule of Closure ("SOC") that would result in the closure of the Landfill; and

WHEREAS, MDEP has indicated that provided the Town is in agreement with the requirements for closure outlined in the SOC, the Town will be eligible for 75% cost share of closure costs under 38 MRSA § 1310.

WHEREAS, the Town Manager recommends that the Town Council authorize the Town Manager and Town Attorney to negotiate and execute the details of the SOC and any other documents necessary to accomplish the closure of the Landfill, while retaining the Town's eligibility for the 75% cost share; and

NOW THEREFORE, BE IT RESOLVED, that the Town Manager in consultation with the Town Attorney is authorized to negotiate and execute with MDEP, an SOC, and other agreements and documents on terms the Town Manager and Town Attorney deem advisable in order to accomplish closure of the Landfill.

Proposed to Town Council: December 19, 2016

Adopted by Town Council: December 19, 2016



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF BRUNSWICK)	
BRUNSWICK, CUMBERLAND COUNTY, MAINE	)	SCHEDULE OF
MUNICIPAL SOLID WASTE LANDFILL	)	COMPLIANCE
#S-008458-WD-F-N)	

This agreement by and among the Town of BRUNSWICK (“Brunswick”) and the Department of Environmental Protection (“Department” or “MDEP”)(hereinafter collectively, “the Parties”) is entered into pursuant to the provisions of the *Maine Hazardous Waste, Septage, and Solid Waste Management Act*, 38 M.R.S. §§ 1301-1319-Y and the *Maine Solid Waste Management Regulations: General Provisions*, 06-096 C.M.R. ch. 400 (last amended April 6, 2015), *Landfill Siting, Design, and Operation*, 06-096 C.M.R. ch. 401 (last amended April 12, 2015), and *Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 C.M.R. ch. 405 (last amended April 12, 2015)(hereinafter collectively, “the Rules”).

In support of this Schedule of Compliance (“SOC”), the Department FINDS THE FOLLOWING FACTS:

1. Brunswick is a municipal corporation that is organized and exists under the laws of the State of Maine.
2. Brunswick owns, operates and maintains a 16.3-acre solid waste disposal facility known as the Brunswick Graham Road Landfill and hereinafter referred to as “the landfill”. The landfill is located on Town-owned land, off Graham Road.
3. Brunswick received conditional approval to construct the landfill in 3 phases (Board Order #S-07-8458-05030, dated March 23, 1983 and hereinafter referred to as the “Original License”).
4. The Original License was renewed and construction of Phases 2 and 3 were approved by Board Order #S-008458-7A-F-N, dated October 11, 1991 and hereinafter referred to as the “Renewal License”. The Renewal License contained a number of standard and special conditions that, on defined schedules, required compliance to be demonstrated to the Department’s satisfaction. As of the date of this SOC, the landfill is approved to accept certain kinds of waste from Brunswick and its surrounding communities including normal household refuse, minor amounts of construction demolition debris, non-friable asbestos, sludge from its leachate treatment ponds, and limited special wastes as approved by the Department. Landfilling operations are currently being conducted in Phase 3.

5. Phase 1 is approximately 7.5 acres and consists of a 40-mil high-density polyethylene (HDPE) geomembrane over re-compacted native soil. Phases 2 and 3 are approximately 3.7 and 5.0 acres, respectively. Phase 2 consists of a single 80-mil HDPE geomembrane primary liner system and a composite secondary liner system consisting of an 80-mil HDPE geomembrane in contact with 36 inches of re-compacted clay. Phases 3A and 3B have double composite liner systems. The primary liner system consists of an 80-mil HDPE geomembrane over a geosynthetic clay liner (“GCL”) over twelve inches of barrier soil with a hydraulic conductivity of 1×10^{-5} cm/sec. The secondary liner system consists of an 80-mil HDPE geomembrane over 18 inches of barrier soil with a hydraulic conductivity less than or equal to 1×10^{-7} cm/sec. The transition area between Phases 1 and 2 is lined with a single 40-mil HDPE geomembrane.

6. Phase 1 does not have a leak detection system. The Phase 2 leak detection system consists of twelve inches of sand with a perforated collection pipe and the Phases 3A and 3B leak detection system consists of a drainage geocomposite. Generally, leak detection flows are reported by Brunswick as a “drip”, or “no measurable flow”. Leak detection flow rates were measured by the Department in December 2011 as 5.6 to 7.4 gallons per acre per day (gpad) from Phase 2, 1.4 gpad from Phase 3A, and 0.9 gpad from Phase 3B. These flow rates are all well below Brunswick’s approved action leakage rates. As the flow rates detected from Phases 2 and 3A are below the acceptable limits, it’s the Department’s opinion that leakage from Phase 1, which does not have a leak detection system, is most likely a contributing factor of the water quality deterioration described in Finding of Fact #9 below.

Leachate from all phases of the landfill drains by gravity into the first of three facultative leachate treatment ponds (“ponds”) operated in series. All three ponds are lined with an 80-mil HDPE geomembrane overlying a degraded 60-mil HDPE geomembrane, 6 inches of sand, and 6 inches of re-compacted native soil. The 80-mil geomembranes were installed in the fall of 2005 due to stress cracking of the original 60-mil material. No leachate detection systems are installed. The ponds liners are inspected annually and repaired as necessary. On site groundwater generally flows from the northwest to the southeast towards the Androscoggin River. The landfill is up-gradient and side gradient to the ponds, with respect to groundwater flow. The Department, therefore, finds that any potential leachate leakage associated with the ponds would not contribute to the water quality deterioration described in Finding of Fact #9 below.

The third pond acts as both a leachate treatment pond and a sedimentation basin for stormwater runoff from the east side of Phases 1 and 2 and the south side of Phase 2. A portion of the runoff from the intermediate cover on Phases 3A and 3B drains directly to the first pond. Approximately 8,860,000 gallons of leachate was treated during 2014, or an average of approximately 24,300 gallons per day. A chlorinator for leachate disinfection is operated seasonally between the second and third ponds. Flow was measured at the disinfection system, and includes some stormwater contribution.

7. Currently, the effluent from the three-stage pond system is discharged to the Androscoggin River, as originally authorized by Maine Waste Discharge license #W004308-5L-C-R. A moving bed filter pilot treatment system for ammonia reduction was operated between the second and third ponds for a period of approximately one year beginning in November 2012. However, the Department found that, the system could not sufficiently treat ammonia to allow Brunswick to fully achieve compliance with its discharge license and the project was discontinued.
8. The Department maintains that accurate leachate measurement is essential to evaluate components of the landfill to insure that it is operating as designed, is consistent with the facility's leachate management plan, and to monitor the effectiveness of a closure system as required 06-096 C.M.R. ch. 401, §§ (2)(D)(4), (2)(F)(5)(e)(iv), and 5(B)(1). Brunswick agreed with the concept of installing a continuous flow monitoring device, in either of two leachate collection system manholes labeled "MH C" or "MH P1", to allow for the direct measurement of leachate produced by the landfill¹. However, Brunswick has yet to install a device for this purpose.
9. In 1993, Brunswick revised their Water Quality Monitoring Program to include certain ground water monitoring wells in assessment monitoring, based upon documented trends of increasing landfill-related contaminants in on-site downgradient monitoring wells². Brunswick expanded its assessment water quality monitoring program to include methane after the April 2012 sampling and analysis revealed methane ranging in concentrations from 16 to 670 micrograms per liter in on-site up-gradient monitoring wells. The Department finds that continued monitoring conducted at the landfill shows that water quality is deteriorating and methane migration away from the landfill has been detected and requires further investigation³.
10. The Department, via an April 25, 2014 letter to Brunswick, suggested in its exploration of potential corrective actions that consideration should be given to closing the facility. In a May 4, 2016 letter to Brunswick, the Department formally requested an evaluation of potential corrective actions and a proposal, including a schedule, to initiate and implement the selected corrective action(s). Brunswick responded in a letter dated September 21, 2016 and provided an assessment of potential remedial alternatives. In summary, Brunswick requested that the Department make the determination that closure of the landfill is the most appropriate means to achieve corrective action. The schedule proposed by Brunswick, dated September 13, 2016, provides for Brunswick to temporarily accelerate waste acceptance in an effort to bring the landfill nearer to final closure grades. Landfill closure construction shall be completed by December 31, 2021, with permanent vegetation provided for, in accordance with the *Maine Erosion and Sediment Control Practices Field Guide for Contractors* (MDEP, 2015).

¹ The Department acknowledges that there is no need to quantify flows from the leak detection system, as they are diminutive.

² Department Memorandum dated February 14, 2005, prepared by Hank Andolsek, C.G. (MDEP).

³ Department Memoranda dated April 25, 2014, June 18, 2015 and March 23, 2016, prepared by Richard Behr, C.G.

11. On November 3, 2016, the Department met with Brunswick following a review of the September 2016 letter described in Finding of Fact #10 above, and told Brunswick that the Department substantively agrees with the proposal. During the meeting, the Department requested that Brunswick: (1) install a continuous leachate flow monitoring device; (2) investigate and remediate as necessary gas migration away from the landfill; and (3) develop a contingency plan to accelerate final closure if the amount of waste needed to accomplish Brunswick's goals cannot be attained. Brunswick determined that approximately 20,000 tons per year, beginning January 2017, would achieve their goal. In addition to Brunswick's current waste generation rate, Brunswick has provided (1) a December 5, 2016 letter from Pine Tree Waste, Inc. (PTW) stating PTW's intent to supply Brunswick with a minimum of 16,000 tons of municipal solid waste and construction and demolition debris annually; and (2) a draft contract between Brunswick and PTW for the delivery of the agreed upon tonnage. Brunswick will provide the Department with a copy of the final contract upon its execution.

12. The Department finds that the September 13, 2016 proposal (as amended by the Department, attached as Appendix A and hereinafter referred to as "the schedule") includes timeframes for the submission of waste cell development plans, a landfill closure application, and the submission of alternative plans for solid waste management, in a timeframe allowing for review and approval by the Department, and the municipal funding and construction bidding process.

BASED upon the above Findings of Fact, and subject to the terms of this SOC, the Department makes the following CONCLUSIONS:

1. Brunswick and the Department have agreed to a reasonable schedule for cessation of use of the Brunswick Graham Road Landfill and implementation of a Department-approved alternative solid waste management plan.
2. Brunswick agrees to implement the schedule and to operate the landfill in compliance with its renewal license and, consistent with this SOC, the Rules until it has been closed.
3. The schedule specified in this SOC may be modified only by mutual agreement of the Department and Brunswick. All such modifications shall be in writing.
4. The Department will consider requests from Brunswick to modify the schedule approved by this SOC if the Department agrees that completion of an obligation has been delayed by an event beyond the reasonable control of Brunswick and Brunswick has notified the Department of the event in writing within 5 business days of Brunswick becoming aware of the problem.
5. Brunswick will provide the Department with a copy of the final contract executed between PTW and Brunswick for the delivery of the agreed upon waste tonnage.

6. Brunswick is eligible to participate in the Department's Landfill Closure and Remediation Cost-Sharing Program pursuant to 38 M.R.S. § 1310-F, as the Department previously informed Brunswick in a letter dated October 31, 2016.
7. The Parties agree to jointly review the progress of the required tasks, as provided in the schedule once per annum beginning with the landfill annual report of April 2018. Brunswick must request and schedule a meeting once a year with Department staff, for this purpose.

BASED upon the Findings of Fact and Conclusions set forth above, and pursuant to 38 M.R.S. § 1310-N(6), Brunswick agrees to address corrective action at the Brunswick Graham Road Landfill through the following actions:

1. Brunswick shall provide the Department with a copy of the final contract executed between PTW and Brunswick for the delivery of the agreed upon waste tonnage.
2. In accordance with the schedule, but no later than October 1, 2019, Brunswick shall submit a complete application for final closure of its landfill to the Department for review and approval, prepared in accordance with the applicable provisions of appropriate sections of 06-096 C.M.R. ch. 400, 401 and 405.
3. In accordance with the schedule, but no later than August 1, 2020, Brunswick shall submit a complete plan for alternative solid waste management to the Department for review and approval.
4. Until use of the landfill ceases, Brunswick shall: (1) operate in accordance with its renewal license and, consistent with this Schedule of Compliance, the Rules; and (2) investigate and remediate as necessary gas migration away from the landfill. During the period of time after cessation of use and before completion of final closure, Brunswick shall continue monitoring and maintenance of the facility in accordance with the Rules.
5. If Brunswick will be unable to meet a timeframe set in this SOC or any license associated with this SOC, whether caused by delays within or beyond Brunswick's reasonable control, Brunswick shall notify the Department of the issue within 5 business days of Brunswick becoming aware of the problem. The Department shall consider a reasonable extension of the time period for performance of that obligation. All modifications to the schedule shall be documented in writing.

BASED upon the Findings of Fact and Conclusions set forth above, the Department deriving its authority pursuant to 38 M.R.S. §1310-N(6), and Brunswick's agreement to address corrective action and closure at the Brunswick Graham Road Landfill pursuant to this SOC (including the Schedule of Tasks for Closure), the Parties agree as follows:

TOWN OF BRUNSWICK
BRUNSWICK, CUMBERLAND COUNTY, MAINE
MUNICIPAL SOLID WASTE LANDFILL
#S-008458-WD-F-N

6
)
)
)

SCHEDULE OF
COMPLIANCE

1. So long as Brunswick is in compliance with this Schedule of Compliance, the Bureau of Remediation and Waste Management within the Department will not initiate an administrative action, and will not recommend that the Attorney General bring an action, seeking civil penalties or injunctive action for violations of *Maine Hazardous Waste, Septage, and Solid Waste Management Act*, 38 M.R.S. §§ 1301-1319-Y, the *Maine Solid Waste Management Regulations: General Provisions*, 06-096 C.M.R. ch. 400, *Landfill Siting, Design, and Operation*, 06-096 C.M.R. ch. 401, and *Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 C.M.R. ch. 405 based upon known conditions at the time of the execution of this SOC and relative to the Graham Road Landfill. The emergence of landfill gas, to be investigated and remediated as necessary in accordance with this SOC, will not be considered at this time, a "known condition."

IN WITNESS WHEREOF the Parties hereto have executed this SOC consisting of seven (7) pages, including the Schedule of Tasks for Closure following this signature page, in two original copies.

TOWN OF BRUNSWICK

BY: _____


John Eldridge, Town Manager

DATE: _____

6/20/17

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____


Paul Mercer, Commissioner

DATE: _____

6/28/2017

APPENDIX A

Brunswick Schedule of Tasks for Closure⁴

<u>Task</u>	<u>Completion Dates</u>
1. MDEP Schedule of Compliance executed	June 2017
2. Determination of amount of waste necessary for closure	completed
3. Amend Town's Solid Waste Ordinance	completed
4. Submit plans for gas migration evaluation to MDEP	June 30, 2017
5. Submit amended O&M Manual and cell development plans	June 30, 2017
6. Accept waste until	April 1, 2021
7. Submit final closure application to MDEP	October 1, 2019
8. Submit gas corrective action plan to MDEP based on evaluation	August 1, 2017
9. Approval of gas corrective action plan (based on evaluation)	August 15, 2017
10. Implement plan (as required by evaluation)	January 1, 2019
11. Submit alternative management plan for solid waste to MDEP	August 1, 2020
12. Submit final landfill closure construction documents to MDEP	September 2, 2020
13. Bidding for solid waste collection and disposal	October 1, 2020
14. Approval final closure application (license issuance)	January 2, 2021
15. Landfill closure construction bidding	March 1, 2021
16. Landfill closure construction initiated	May 15, 2021
17. Landfill closure construction completed	December 31, 2021
18. Submit final certification report to MDEP	April 1, 2022

⁴ Adapted from September 13, 2016 Memorandum to Town of Brunswick from Woodard & Curran



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



PAUL MERCER
COMMISSIONER

July 21, 2017

Mr. John Eldridge, Manager
Town of Brunswick
85 Union Street
Brunswick, ME 04011

RE: Graham Road Landfill Ammonia Discharge Violations (MEPDES/WDL #ME0102113)

Dear John:

This letter is to follow up our recent discussions regarding the ongoing ammonia discharge violations at the Graham Road Landfill (Landfill) owned by the Town of Brunswick (Town). As you know, the Town has consistently violated the technology based ammonia limits in the Landfill's waste discharge license since it was renewed on August 12, 2011 and then renewed again on September 1, 2016. The Town and the Department have now entered into a Schedule of Compliance (SOC) (effective June 28, 2017) addressing changes to Landfill use and operation leading to a scheduled Landfill closure in 2021. The parties anticipate that these efforts, among other things, will lead to the elimination of exceedences of these technology-based limits. The following summarizes how the Department proposes to resolve these violations.

The Department recognizes that the ongoing ammonia violations are the result of a unique set of circumstances summarized below. Due to these unique circumstances, the Department has worked cooperatively with the Town since the issuance of the licenses to try to resolve this challenging situation. For the benefit of Town Council discussion of this issue, I've provided a summary of the Landfill waste discharge license and compliance history below.

Landfill Licensing and Compliance Summary

- The Landfill was originally licensed by the Department to discharge Landfill leachate to the Androscoggin River in 1988. The license was subsequently renewed in 1995 and 2004.
- The 2004 license, for the first time, contained limits for ammonia based on National Effluent Guidelines (NEGs) that were promulgated through rulemaking by the Environmental Protection Agency (EPA) on January 19, 2000. The license contained a compliance schedule for these new limits. As part of the compliance schedule, the license allowed the Town to submit a request for a rarely used variance from the limits. The Town submitted a request for a variance dated May 29, 2007.
- From May 2007 until early 2011 the Town, the Department, the Maine Office of the Attorney General and EPA had extensive communications and conducted legal research regarding the potential for the Town to be granted a variance. On July 15, 2011 the Department officially notified the Town in writing that a variance could not be granted because it was not timely submitted for consideration. (It is noted that the NEGs were promulgated by EPA through rulemaking one year prior to the Department receiving authorization from EPA for

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

the National Pollutant Discharge Elimination System Program. It appears the Town may not have been aware of the applicability of this regulation during its development and this may have hindered the ability of the Town to apply for a variance in a timely manner.)

- The ammonia violations are violations of a technology based limit (as opposed to a water quality based limit). The discharge of ammonia at the current rates is relatively small and does not cause or contribute to non-attainment in the Androscoggin River. While the NEGs are a basis for legally binding limits, it is not clear that EPA fully considered the technical and financial challenges for cold weather lagoon based communities such as Brunswick to achieve full compliance with ammonia limits. (It is noted that while the ongoing violations of these technology based ammonia limits are not causing non-attainment of water quality standards, compliance with technology based limits is a foundational principal of the Clean Water Act and state law and almost all licensed discharges in Maine have technology based limits that they are required to comply with.)

While the Department has been understanding of the challenge of meeting the ammonia limits, and has worked cooperatively with the Town to resolve the ammonia violations, the expectation has always been that the Town must comply with the requirements of the waste discharge license. In a previous letter to the Town¹, I indicated that should the Town close the Landfill due to groundwater contamination issues, the Department would seek to enter into an enforceable agreement with the Town to establish the schedule for closure and compliance with the ammonia limits.

As noted above, the Town and the Department's Bureau of Remediation and Waste Management have recently come to agreement on a SOC to close the Landfill in order to address groundwater contamination from the Landfill and that the Town will be eligible for reimbursement of a portion of the closure costs through the landfill closure program provided that the conditions of the SOC are met.

Since a SOC has been determined, the Department's Bureau of Water Quality is now ready to draft an Administrative Consent Agreement (ACA) with the Town to resolve the past ammonia violations and integrate the SOC into the ACA as the corrective action to eliminate the ammonia violations in the future once the closure is completed and leachate levels have been reduced. An ACA is a tool that allows violations to be resolved in a negotiated settlement without the need for going to court.² The signatories to an ACA are the Town, the Department and the Office of the Attorney General.

While the Department has been understanding of the unique circumstances of these ongoing violations, as demonstrated by the length of time enforcement discretion has been utilized by the Department, and the extended time the SOC allows for resolving the violations, the Department does consider the violations legally significant given their frequency and duration. Therefore an ACA is an appropriate tool to resolve these violations.

¹ See letter of June 6, 2016 from Brian Kavanah to John Foster.

² See attached Department ACA Fact Sheet.

Letter to John Eldridge

July 21, 2017

Page 3 of 3

After consulting with the Office of the Attorney General, the Department will propose an ACA³ that includes the SOC as an enforceable schedule to close the landfill⁴. Some additional time will also be negotiated as a date of compliance with the ammonia limits. This additional time will allow for the reduction in leachate due to the closure. The Department will also propose a monetary penalty for the ammonia violations, as well as the relatively few violations of other discharge parameters. Penalty amounts are determined based on a variety of factors that are specific to each violation or group of violations and may include mitigating and/or aggravating factors to influence the final penalty amount. An initial penalty estimate is approximately \$13,739 for the ammonia violations and \$206 for the other parameter violations, for a total penalty of \$13,945. This is an initial estimate that may be adjusted up or down based on final review of the draft ACA by Department management and the Office of the Attorney General, and discussions with the Town. As we discussed at our meeting on June 26, 2017, the Department has considered the unique circumstances regarding the ongoing ammonia violations as strongly mitigating factors in the determination of the above penalty and the resulting penalty is substantially less than it would have been without this consideration.

Given the frequency and duration of the ammonia violations, the Department and the Office of the Attorney General consider the inclusion of a penalty necessary to ensure the ACA is considered diligent prosecution of the violations and that the ACA is equitable and consistent with other Department enforcement actions. As noted in the attached ACA Fact Sheet, up to 80% of the penalty amount may be applied to a Supplemental Environmental Project (SEP). If the Town is interested in pursuing a SEP the Department can work with the Town to help identify potential projects.

We look forward to the Town's cooperation in resolving these ongoing ammonia discharge violations in a timely manner. Please feel free to contact me with any comments or questions at 287-7700, or brian.w.kavanah@maine.gov.

Sincerely,



Brian Kavanah, Director
Division of Water Quality Management
Bureau of Water Quality

Cc: Victoria Eleftheriou, Brian Beneski, Linda Butler - DEP, BRWM
Mick Kuhns, Pam Parker, Matt Hight - DEP, BWQ
Ron Mongeon - DEP, OC
Scott Boak - Office of Attorney General
Alex Rosenberg – EPA
Randy Tome – Woodard & Curran
David Van Slyke – Preti Flaherty

³ As required by statute, the Department will issue a Notice of Violation prior to issuing the ACA.

⁴ Stipulated penalties would be proposed for missed schedule deadlines.

ITEM 100 BACKUP

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: July 1, 2020

SUBJECT: Village Review Overlay District
Design Guidelines

On February 24, 2020, the Town Council held a workshop with members of the Village Review Board (VRB) to discuss the Board's recommended draft of new guidelines that would be applicable in the Village Review Overlay District.

The proposed guidelines are a re-write and intended to replace guidelines that have been in place for many years. Over the years, board members, staff and the public have expressed concerns with the guidelines. The VRB's draft is an attempt to respond to those concerns by improving definitions, adding more illustrations, and providing more specificity in the application of the guidelines.

Brunswick is a community that takes pride in its historic heritage. Its downtown is a recognized historic district. There are many historic homes and buildings throughout the Village Review Overlay zone. Having guidelines that are flexible enough to allow improvements while maintaining the historic character of the community has been a long-term goal of the Town and the VRB.

During the Council's discussion of the proposed guidelines, only a few edits were suggested. Those edits have been incorporated into this final draft. We recommend that the Town Council to adopt the attached guidelines.

Cc: Matt Panfil

attachment



DESIGN GUIDELINES

Village Review Overlay District



Adopted: (Insert Date)

Unless otherwise attributed, all illustrations by Laurel Margerum, Town Manager's Office Intern

Historic maps provided by the Pejepscot Historical Society.

Photographs by: Cooper Dart, Bowdoin Fellow

Claudia Knox, Village Review Board, Chair

Laura Lienert, Village Review Board

Laurel Margerum, Town Manager's Office Intern

Matt Panfil, AICP CUD, Director of Planning and Development

TABLE OF CONTENTS

I. INTRODUCTION

A. Summary	2
B. Guiding Principles	3
C. Definitions	4

II. DESIGN GUIDELINES

A. Building Access	9
B. Demolition	11
C. Doors	15
D. Exterior Cladding and Trim	18
E. Façades, Storefronts, and Signage	23
F. New Construction and Additions	26
G. Outbuildings: Garage, Carriage House, and Storage Shed	32
H. Porches and Entries	34
I. Roofs and Related Elements	37
J. Setting and Site	39
K. Signage and Awnings	43
L. Windows	45

III. BRUNSWICK ARCHITECTURAL STYLES

A. Colonial (c. 1725-1790)	50
B. Federal (c. 1790-1820)	52
C. Greek Revival (c. 1820-1860)	54
D. Italianate (c. 1840-1860)	56
E. Second Empire (c. 1860-1885)	58
F. Colonial Revival (c. 1880-1945)	60
G. Queen Anne / Stick Style (c. 1880-1910 / 1860-1890)	62

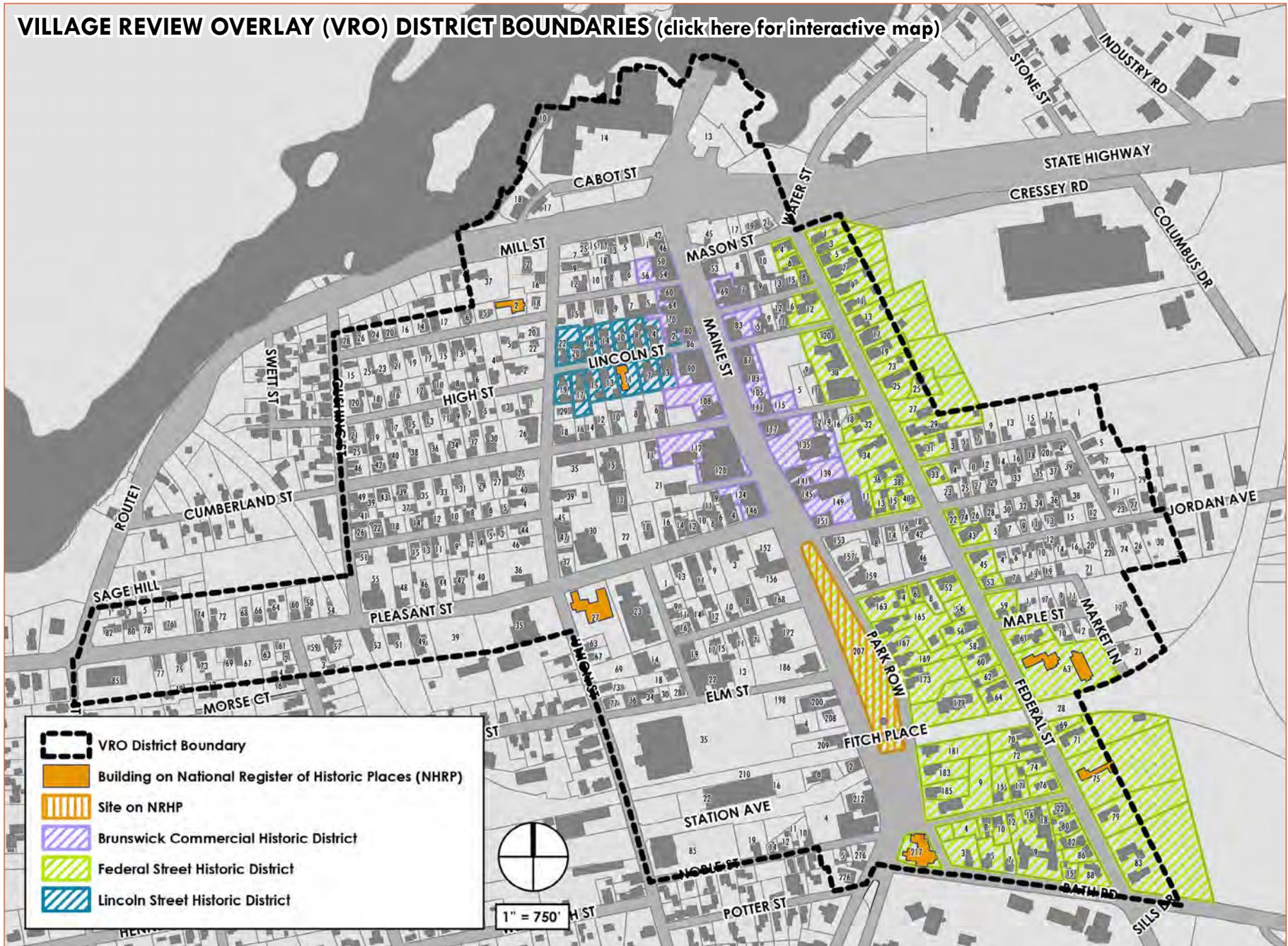
IV. BRUNSWICK ARCHITECTURAL CONTEXT

A. Federal Street Neighborhood	65
B. Franklin-Maple Street Neighborhood	68
C. Maine Street Neighborhood	71
D. Mill Street Neighborhood	74
E. Northwest Brunswick Neighborhood	76
F. Pleasant Street Neighborhood	79

IV. APPENDICES

A. Accessibility Guidelines	84
B. Illustrated Architectural Elements	87
C. Illustrated Design Concepts	91
D. Historic Maps	93
E. Properties within the Village Review Overlay District on the National Register of Historic Places	96

VILLAGE REVIEW OVERLAY (VRO) DISTRICT BOUNDARIES (click here for interactive map)



-  VRO District Boundary
-  Building on National Register of Historic Places (NHRP)
-  Site on NHRP
-  Brunswick Commercial Historic District
-  Federal Street Historic District
-  Lincoln Street Historic District



1" = 750'

I. INTRODUCTION

- A. Summary
- B. Guiding Principles
- C. Definitions

A. Summary

The Village Review Overlay District (VRO) District Design Guidelines were developed as a complement to the [Brunswick Zoning Ordinance](#) (.pdf file) in 2004. After over fifteen years of use, applicants and the Village Review Board (VRB) found that some aspects of design were absent from the Guidelines or the Guidelines needed clarification to be more responsive to specific issues that were arising in Brunswick. In 2018, Barba + Wheelock Architecture, Preservation and Design was contracted to undertake these revisions. They held a series of public meetings with presentations on the following topics:

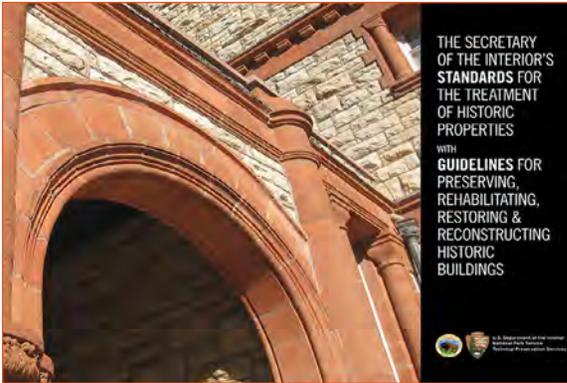
- Overall objectives of the revisions to the Design Guidelines;
- Neighborhood meeting to outlay overall objectives and garner feedback;
- New construction;
- Demolition; and
- Review of proposed changes to the Design Guidelines, Zoning Ordinance, and further recommendations.

The VRB then held several additional workshops in order to finalize the document. On _____, 2019 at a joint Public Hearing with the Town Council and the VRB the following was adopted:

- Village Review Overlay District Design Guidelines, revised _____, 2019

The following Design Guidelines are a tool for evaluating the impact of each change to properties within the VRO District.

B. Guiding Principles



The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (.pdf file) is available by clicking on the image above.

The Department of Planning and Development is open 8:30 AM - 4:30 PM Monday through Wednesday, 8:30 AM - 6:00 PM on Thursday, and 8:30 AM - 3:00 PM on Friday and can be reached via telephone at (207) 725-6660.

- The VRB will always prefer the use of original material when repairing or replacing architectural elements. The VRB also recognizes that there are instances when a substitute material will perform better while closely replicating the appearance of original materials. The VRB will review such exceptions for each application on its merits for each individual property.
- The Design Guidelines are heavily influenced by the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (U.S. National Park Service, 2017). This publication (.pdf format) is available for free download by clicking on the image to the left. Applicants and interested parties are encouraged to review this document for additional guidance and inspiration when preparing a project in the VRO District.
- It is highly recommended that a potential applicant contact the [Town of Brunswick Department of Planning and Development](#) to schedule a pre-application meeting to discuss their project and the necessary information to be submitted with their application.
- This document is not intended to be read cover to cover. It has been designed for ease of use based on the type and location of a project. The relevant design guidelines are located at the beginning of the document and supporting background information is provided at the end of the document and within its appendices.

C. Definitions

Alteration: The addition, demolition, or construction of any building on a pre-existing site, including, but not limited to, the removal or addition of façade materials, the addition of floor area to a site, the erection of fences, or the addition of signage, and the creation of new impervious surface.

Applicant: A person who submits an application for the review of a Certificate of Appropriateness, Certificate of Demolition, and/or Certificate of Non-Applicability.

Application: A form submitted for approval of alteration, construction, demolition or removal that requires issuance of a Certificate of Appropriateness or Certificate of Demolition.

Business Day: A day on which the Town Hall is open for business. See [Page 3](#).

Certificate of Appropriateness: After review by staff or the VRB, a certificate issued by staff allowing a project proposed in an application to proceed, sometimes with conditions. See [Section 5.2.8, Brunswick Zoning Ordinance \(.pdf file\)](#).

Certificate of Demolition: After review by staff or the VRB, a certificate issued by staff allowing demolition to proceed. See [Section 5.2.8, Brunswick Zoning Ordinance \(.pdf file\)](#).

Character-Defining Feature: For the purposes of the VRO District, the form, material, and detail of an architectural feature important in defining a building's historic character and whose retention will preserve that character. Such features include, but are not limited to: façades, roofs, porches, windows, doors, trim, massing, scale, orientation of structures, and landscape features such as fences, walls, posts, and walkways.

Compatibility: For purposes of the VRO District, possessing characteristics that are predominant in nature to character-defining features of structures within a neighborhood, as described in the VRO District Design Guidelines. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of alterations or new construction in maintaining, or complementing, the character of the existing neighborhood.

Council: The [Town Council](#).

VRB Applications are available at the Department of Planning and Development in Town Hall. Fillable .pdf applications are available for download [here](#).

Demolition: The removal of part or the whole of a structure. See [Page 11](#).

Demolition by Neglect: The destruction of a building through abandonment or lack of maintenance, routine or major. See [Page 11](#).

Demolition Delay: A delay in the issuance of a Certificate of Demolition in order to explore alterations to demolitions such as building relocation, sale, or adaptive reuse. See [Page 12](#) or [Section 5.2.8.C.\(4\), Brunswick Zoning Ordinance \(.pdf file\)](#).

Historic District: A geographic area federally designated as a historic district and listed on the [National Register of Historic Places](#).

Historic Integrity: The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship, and association) that existed during the property's prehistoric or historic period.

Historic Structure: A historic structure is any structure that is:

1. Listed individually in the [National Register of Historic Places](#) (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on the Maine Historic Preservation Commission's Maine Historic Resources Inventory (MHRI); or
4. Individually listed on a local inventory of historic places if the Town has a historic preservation program that has been certified either:
 - a. By the [Maine Historic Preservation Commission Certified Local Government \(CLG\) Program](#) (as of 2019 the Town of Brunswick is not a CLG community); or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Incremental Demolition: The act of removing historic elements of a building over time, the aggregate of which is loss of character and substance that results in a building that has lost its historic integrity. See Pages [11](#), [91-92](#).

National Register: The [National Register of Historic Places](#).

National Register District: Historic districts listed in the [National Register of Historic Places](#).

New Construction: The addition to an existing structure; the erection or placement of any new structure on a lot or property; or the comprehensive redesign/renovation of an existing structure. See [Page 26](#) or [Section 5.2.8, Brunswick Zoning Ordinance \(.pdf file\)](#).

Owner: The person or persons holding record title to the building, site or property; provided, however, the last previous tax roll in the records of the [Town Assessing Department](#) may be relied upon as showing record ownership in the absence of substantial evidence to the contrary.

Property: Land and improvements identified as a separate lot for purposes of subdivision, site plan, or zoning regulation.

Relocation: Moving a structure to a new location, on its existing site or to another site.

Replacement, In Kind: An item that is of the same form, material, and detailing as the original.

Routine Maintenance: Acts of maintenance or repair which do not include a change in the design, material or outer appearance of a structure, including without limitation: repainting, in kind replacement of materials or windows of the same scale, material, texture and color, and landscaping.

Secretary of the Interior's Standards: [The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings](#) (.pdf download) (U.S. National Park Service, 2017), as amended. These are national standards to guide work undertaken on historic properties, and are intended to assist in the long-term preservation of historic structures and features.

Streetscape: The visual elements of a street including a street, adjoining buildings, street furniture, trees, fences, and open spaces that combine to form the street's character.

Village Review Board (VRB): An appointed group of Brunswick citizens who review applications for changes to properties within the VRO District. See [Section 5.1.1.D, Brunswick Zoning Ordinance \(.pdf file\)](#).

Visible from a Public Way: Visibility is determined as seen from pedestrian height, four (4) to six (6) feet, from any public way or street. Visibility applies to all seasons.

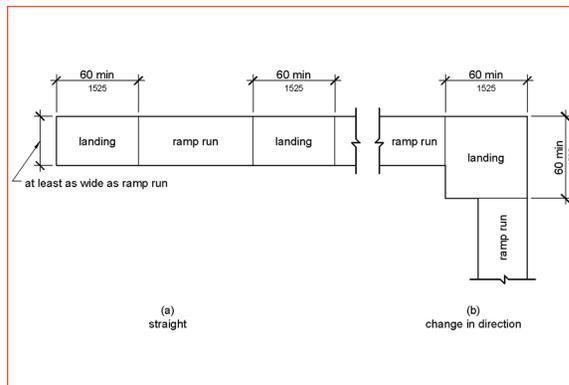
II. DESIGN GUIDELINES

- A. Building Access
- B. Demolition
- C. Doors
- D. Exterior Cladding and Trim
- E. Facades, Storefronts, and Signage
- F. New Construction
- G. Outbuildings: Garage, Carriage House, and Storage Shed
- H. Porches and Entries
- I. Roofs and Related Elements
- J. Setting and Site
- K. Signage and Awnings
- L. Windows

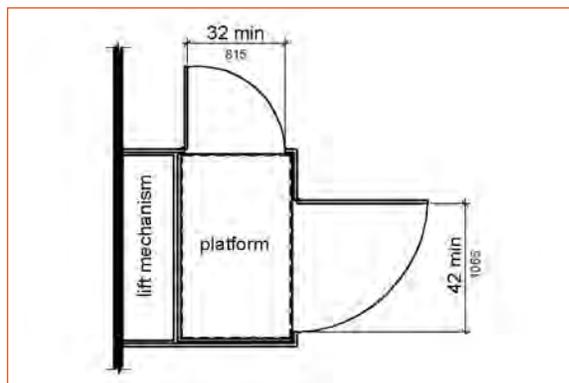
A. Building Access

There are several types of design challenges to achieving an accessible route to a project needing public access. Design solutions vary depending on the challenge and may be best achieved with a combination of approaches, such as:

- Inclined Planes
- Ramps
- Porch and Ramp Railings
- Mechanical Lift
- Downtown Solutions and Small Businesses
- Freestanding Building Solutions
- Other, including Door Clearances



Documents like the [Americans with Disabilities Act \(ADA\) Standards for Accessible Design](#) and [ADA Accessibility Guidelines \(ADAAG\)](#) provide minimum accessibility standards, including standards for building access design features such as a ramp (above) or mechanical lift (below). For more information specific to making historic properties more accessible, consult [Appendix A](#) or [National Park Service Department of the Interior Preservation Brief #32 - Making Historic Properties Accessible](#).



Although the nature of building codes is that they are regularly updated, the Owner, Applicant, Architect, Engineer, or Designer should consult the Maine Uniform Building and Energy Code (MUBEC), the [Fire Prevention Code of the Town of Brunswick as established in Chapter 7, Article I, Section 7-26 of the Municipal Code of Ordinances](#), and the [Town of Brunswick Zoning Ordinance as established in Appendix A of the Municipal Code of Ordinances](#) (.pdf file). The following guidelines are based on the codes at the time of the adoption of the Design Guidelines as examples of how to work with the codes to the best design advantage for changes to historic buildings.

The [Americans with Disabilities Act \(ADA\)](#) recognizes that historic buildings may present obstacles to full conformance. In particular, the ADA points to technical and structural feasibility, and discourages changes that affect historic character. The requirement for a single main entry is a key principle that should be explored carefully. The ADA allows for alternatives to this important requirement when options are not technically feasible.

Guidelines:

As clarified in Guidelines 1-4, the VRB will always prefer the use of original material when repairing or replacing elements related to building access.

1. To the highest degree practicable, provide barrier-free access that promotes independence for people who have a disability, while preserving significant historic features.
2. The historic building's character defining spaces, features, and finishes should be identified so that accessibility code-required work will not result in their damage or loss.
3. Barrier-free access requirements should be designed in such a manner that character defining spaces, feature, and finishes are preserved.
4. The design for a new or additional means of access should be compatible with the historic building and its setting.



Located at the rear entrance of this building on Maine Street, the ADA-compliant ramp above promotes independence for the disabled person while preserving the primary façade and other significant historic features of the building. Although the ramp below is attached to the primary façade, its design is compatible with the existing porch, balustrades, and handrails.



B. Demolition



Rather than demolishing a building, adaptive reuse allows for the repurposing of vacant buildings such as this former church (above) on Pleasant Street that is now a wine bar and fabric store. The Fort Andross Mill Complex¹ (below) is another example of adaptive reuse. The former mill is now a mixed-use building with retail, office, restaurant, and entertainment uses.

¹ Image Source: "Fort Andross Mill Complex." Waterfront Maine, <http://www.waterfrontmaine.com>



The demolition portion of these Guidelines is intended to give guidance to the VRB and owner on portions of buildings, loss of major elements, or removal of entire buildings. For reference, the Brunswick Zoning Ordinance regulations ([Section 5.2.8.C.\(4\) of the Brunswick Zoning Ordinance](#)) pertaining to demolition within the VRO District are included in this section.

The demolition of buildings within the VRO District, or portions thereof diminishes the built environment and creates unnecessary waste. Demolition of historic buildings is usually not an appropriate option for a project and should be avoided whenever possible.

Alternative options to building demolition which the owner must explore include locating a buyer who might have an alternative use for the building or relocating it to another site.

1. Alternatives to Demolition

- Adaptive reuse
- Building moving or relocation
- Salvage

2. Incremental Demolition

Incremental demolition is defined as, “the act of removing or altering elements of a building over time, the aggregate of which is loss of character and substance that results in a building that has lost its historic integrity.”

In the instance(s) where the proposed alterations are small in scale, the VRB shall review the changes in the context of the whole project. These changes could include:

- Removal of character-defining architectural details;
- Removal or covering of trim, brackets or other elements;
- Porch removal;
- Changes of siding or roofing;
- Changes to window muntin profiles;

- Changes to door types; and / or
- Introduction of new elements without consideration of proportions or types.

3. **Demolition by Neglect**

Demolition by neglect is the unintended or intentional destruction of a building through abandonment or lack of maintenance, routine or major.

4. **Demolition Delay**

Demolition delay is a preservation tool that allows for a process and time frame to ensure that potentially significant buildings and structures are not demolished without notice to the community and review by the VRB. The delay allows for alternatives to demolition to be explored, exhausted, or implemented. Demolition delay procedures are established in [Section 5.2.8.B\(6\) of the Brunswick Zoning Ordinance](#) (.pdf file).

Town of Brunswick Zoning Ordinance, Section 5.2.8.B

(6) Additional Processing Requirements for Relocation or Demolition Activities

In addition to the provisions of Subsections 5.2.8.B(1) through (5) above, additional process requirements for Major Activity applications for demolition or relocation of contributing resources, as well as noncontributing resources visible from public right-of-way, are listed as follows:

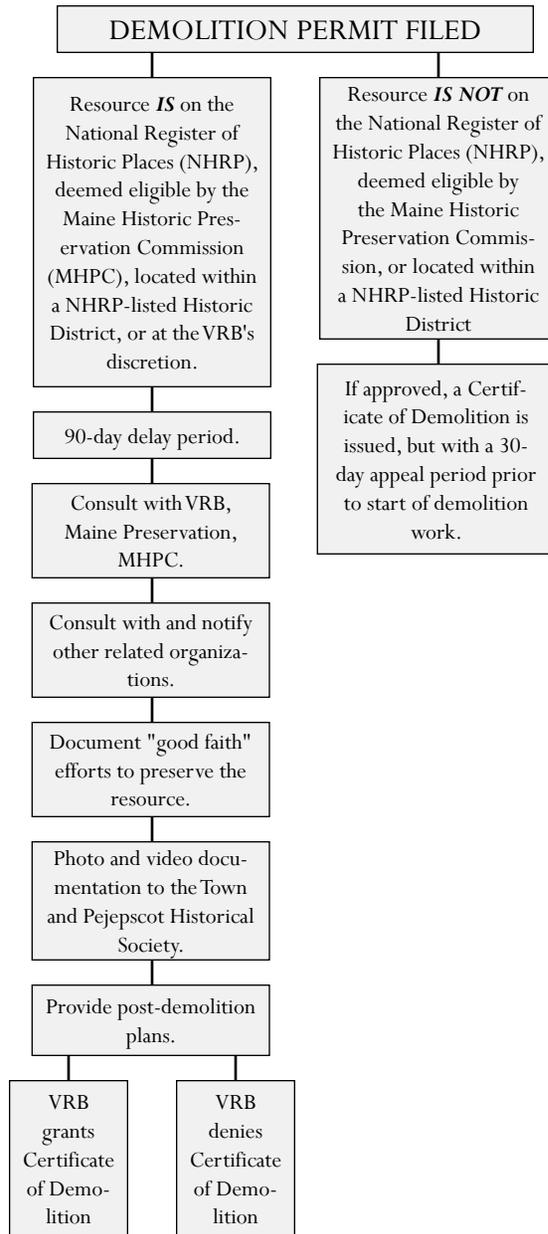
- a. A permit for demolition or relocation of a contributing resource, a noncontributing resource visible from a public right-of-way or portions thereof, within the Village Review Zone shall not be issued unless a Certificate of Appropriateness has been approved. No exterior demolition work and interior demolition work rendering the structure uninhabitable, or relocation of the resource may commence until the expiration of the 30-day decision appeal period or, if an appeal is taken, upon final disposition of the appeal.



An example of a building that used to be on Pleasant Street that experienced demolition by neglect and had to be torn down in 2011.

Resources for Demolition Alternatives:

- [Historic New England](#)
- [Maine Historic Preservation Commission](#)
- [Maine Preservation](#)
- [National Park Service](#)
- [National Trust for Historic Preservation](#)



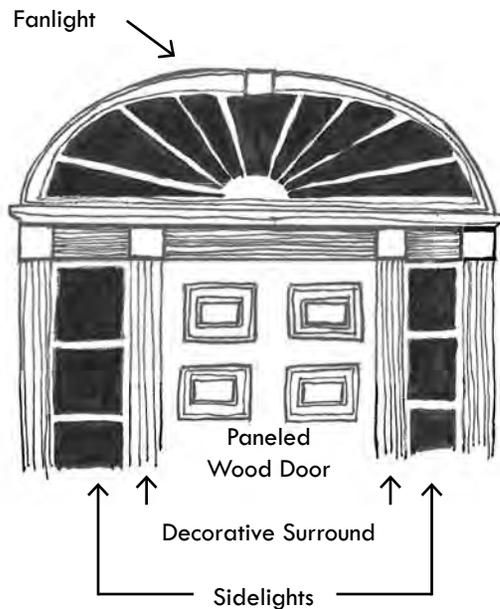
- b. Applications to demolish or relocate contributing resources individually listed on the National Register of Historic Places or deemed eligible by the Maine Historic Preservation Commission, and contributing resources located within a National Register-listed Historic District shall adhere to a 90-day delay period. The Village Review Board may impose a 90-day delay period for contributing resources of local and regional significance. Such 90-day delay period shall commence when the application is deemed complete by the Village Review Board.
- c. During the 90-day delay period, the applicant shall:
 - i. Consult with the Village Review Board and Maine Preservation or Maine Historic Preservation Commission in seeking alternatives to demolition, including the reuse and/or relocation of the contributing resource.
 - ii. Consult with and notify other related organizations of intent to demolish the contributing resource, as identified during consultations with Village Review Board and Maine Preservation or Maine Historic Preservation Commission.
 - iii. Document “good faith” efforts in seeking an alternative, including relocation and/or reuse, resulting in the preservation of the contributing resource. Such efforts shall include posting a visible sign on the property, listing the property for sale and/or relocation, and publishing a notice of availability in a general circulation local newspaper. The notice of the proposed demolition shall be forwarded to the Village Review Board, Pejepscot Historical Society, Town Council, and Review Authority.
 - iv. Thoroughly photo or video document the contributing resource and provide photo/video and written documentation to the Town and Pejepscot Historical Society. Any significant architectural features shall be salvaged, reused and/or preserved as appropriate.

- v. Provide post-demolition plans, including a site plan for the property specifying site improvements and a timetable for completion.
- d. If at the end of the 90-day period, no satisfactory alternative has been found, the Village Review Board shall either grant or deny a Certificate of Appropriateness to demolish or relocate the resource, applying the criteria set forth in Subsection 5.2.8.C(4).

C. Doors



Both single- and double-doors are found throughout the VRO. It is common for these doors to have wood panels on the lower half, glass panels on the upper half, and a pediment over the doorway.



Doors and door openings are important character-defining features of any property. The size, placement, and architectural detailing of a doorway contribute to the pattern and rhythm of a building's façade. The door itself is also important. Is it wood? Paneled? Panes of glass? Single or double doors?

Doors are normally subjected to a great deal of weathering, so routine maintenance is essential. The main entry is typically a focal point on a façade, and it is where one looks for clues about a building's architectural style.

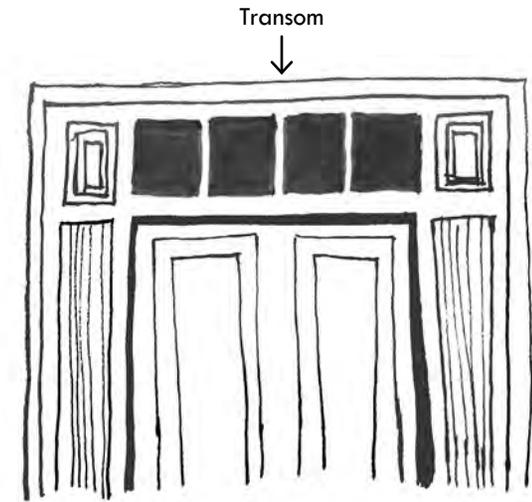
Typical door characteristics include:

- Paneled wood;
- Paneled wood with fixed panes of glass;
- Single or paired (double) doors;
- Small roof or pediment over the main entry and supported by brackets. This doorway treatment is often associated with the Italianate style and can be found on both vernacular and high style houses;
- Decorative door surround (trim);
- Sidelights; and
- Transom.

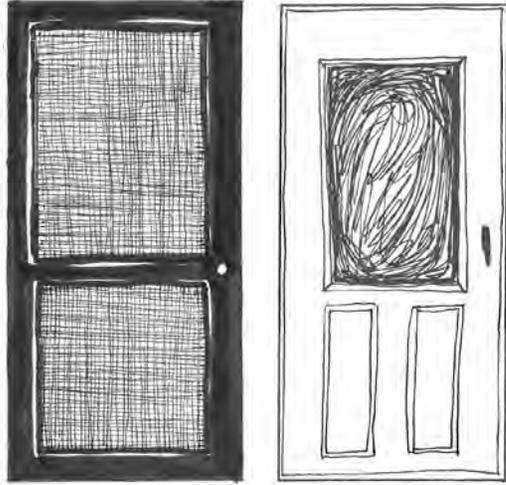
Guidelines:

As clarified in Guidelines 1-12, the VRB will always prefer the use of original material when repairing or replacing elements related to doors.

1. Every reasonable effort should be made to repair the original door and door opening. Repairs should be made with as little intervention as possible by patching, piecing-in, splicing, consolidating, or otherwise reinforcing the deteriorating material using the same material as the existing door.
2. Entry pediments should be maintained and preserved. Supporting brackets should not be covered with vinyl or aluminum.
3. The door and any other related features should be photographically documented and submitted to the [Pejepscot Historical Society](#) prior to any repair or rehabilitation work.
4. If it is necessary to replace any section of a door or a door surround, the replacement should be made from the same material as the original and should match the original in size, scale, shape, and detail. Any details such as paneling, glass pattern, and door surround molding should be duplicated in the replacement. In the event that it is not reasonably possible to match the material, a compatible substitute material is acceptable.
5. If an existing door or door surround is deteriorated or damaged beyond repair, the new door and/or surround should match the original in configuration and material. In the event that it is not reasonably possible to match the material, a compatible substitute material is acceptable.
6. The design for a new door and/or door surround should be compatible with other doors and surrounds on the property and/or with adjacent properties.
7. Original door openings should not be altered to accommodate stock doors.
8. If a door has any decorative windows such as sidelights, fanlights or transoms, these should be maintained and preserved.



Buildings with multiple entrances under a single pediment should have a consistent appearance.



Caution should be used when selecting a storm door to prevent such an important character-defining feature from being damaged or hidden from view. In the above example the upper glass panel and lower wood door panels will not be obscured by the storm door.

9. Storm doors should be compatible with the existing door in material and color. Storm doors should be mounted so that they will not permanently damage the original door surround and trim. Storm doors should be designed in such a way that they do not completely obscure the historic door.
10. The character of an entrance should not be altered by either the removal or addition of historic elements that never existed on the property.
11. Paired or double doors should not be replaced with a single door or vice versa.
12. Exterior lighting fixtures should be mounted in a manner that does not obscure or damage the door surround.

D. Exterior Cladding and Trim

Exterior cladding (shingles, clapboards, brick, vinyl etc.) is a building’s “skin”, and it works with other dominant features, such as windows, doors and porches, to define a building’s character. The material’s color, texture, shadow lines, application technique, as well as the molding and trim around windows, the treatment of details at the building’s corners and along the roof edge, all contribute to a building’s identity and historic integrity. The scale of the building and the rhythm of the façade are also greatly affected by the exterior surface treatment.

When a particular material, such as wood clapboard, has been used on the majority of houses in a neighborhood, a dominant pattern emerges in the community, which has a collective impact on neighborhood character. It is important to understand what the dominant building materials are and how they were applied.

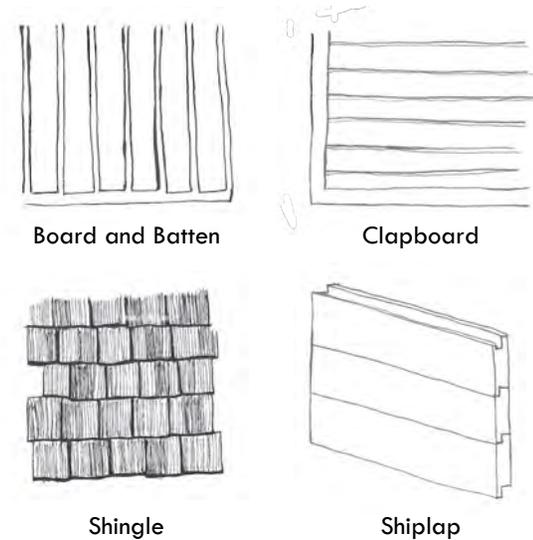
1. Wood Clapboards

With abundant timber and saw mills nearby on the Androscoggin River, wood was readily available and the preferred, as well as the affordable, building material in Brunswick. It was used for almost every construction element from framing to interior finishes. Wood clapboards are the predominant original exterior building material found in the VRO District. Unless compromised due to rot, original wood clapboards pre-dating the 1920s are of a higher quality than contemporary wood siding because they were sourced from old-growth forests. The aging process of old-growth wood means it is structurally stronger and more resistant to rot and insects such as ants and termites than new-growth wood.

Typically, clapboards align with the top and bottom edge of window and door openings. This detail was accomplished during installation by a subtle shifting of the width of the clapboard’s exposed area.

Wood shingles of various configurations are also used in Brunswick, particularly on some of the late-19th and early-20th century buildings. A few brick structures also exist in the district.

Common Types of Wood Cladding



This home on Federal Street is an example of wood clapboards aligning cleanly with the top and bottom edge of the windows.

Guidelines:



Although most buildings within the VRO District were originally constructed with wood clapboard siding, there are a few historic masonry structures, like this brick home on Federal Street. For more information on the maintenance of historic masonry buildings, visit:

<https://www.nps.gov/tps/how-to-preserve/briefs/1-cleaning-water-repellent.htm>

and

<https://www.nps.gov/tps/how-to-preserve/briefs/2-repoint-mortar-joints.htm>

As clarified in Guidelines 1-3, the VRB will always prefer the use of original material when repairing or replacing elements related to exterior cladding and trim. Whenever possible, the first and preferred choice is to preserve and maintain the original exterior cladding, such as clapboards, shingles, or masonry.

1. Historic exterior cladding materials and trim should be maintained and preserved;
2. Every effort should be made to repair the original material and trim with the same kind of materials that originally or historically existed on the building; and
3. The exterior wall surface and any other related features should be photographically documented and submitted to the [Pejepscot Historical Society](#) prior to any repair or rehabilitation work.

2. **Substitute Materials**

Unless the original material (clapboards, shingles) is in serious disrepair, it should be left intact and then overlaid with a substitute material. The preservation of original material underneath the substitute cladding allows the alteration to be reversed in the future. If it is necessary to apply an exterior cladding that does not match one historically found on a building, the substitute material should be carefully considered.

First, identify the characteristics of the existing or historically appropriate material. Some questions to consider include:

- Does the material have a vertical or horizontal emphasis (clapboards versus board and batten)?
- Are the primary façade (the front of the building) and side façades clad with the same material? It is not uncommon to find some buildings that use a higher quality material on the front with a simpler material on the sides.
- Is there a change in material between floors? Some late-19th and early-20th century houses use clapboards on the first floor with shingles on the upper floors or vice versa.

Use the identified characteristics to guide the selection and application of a substitute material. For instance, if a house has historically been clapboarded, it would not be appropriate to cover the building in a material that resembles shingles. Preferred substitute materials acceptable in locations not subject to abuse and breakage (not withstanding other comments herein) include:

- Boral
- Hardie Plank
- Certainteed Icon, composite siding
- Azek Trim

As manufacturers of substitute siding and trim are consistently developing new products (often in response to market demands) the VRB reserves the right to consider new materials presented to them with sufficient data for review. The VRB can recommend products to be added to this list. Asphalt and asbestos shingles are not acceptable substitute siding materials.



Some buildings like the stick-style building above on Cumberland Street, utilize both horizontally- (1st and 2nd floors) and vertically-oriented (gable end of the home and garage) siding.

For more information on the use of substitute materials on historic building exteriors, visit <https://www.nps.gov/tps/how-to-preserve/briefs/16-substitute-materials.htm>.

For more information on the use of aluminum and vinyl siding on historic building exteriors, visit <https://www.nps.gov/tps/how-to-preserve/briefs/8-aluminum-vinyl-siding.htm>.

For more information on moisture problems with historic buildings, visit <https://www.nps.gov/tps/how-to-preserve/briefs/39-control-unwanted-moisture.htm>.



Covering wood clapboards with a substitute material like vinyl or aluminum may substantially reduce the depth between the exterior wall plane and decorative trim. As seen on this house on Cumberland Street, the depth between the original wood clapboards and the decorative trim creates shadows that enhance the character of a building.

Although not preferred, vinyl and aluminum may be acceptable substitute materials for two primary reasons: 1) Both materials evoke the horizontal emphasis of wood clapboards, which is the dominant building material in Brunswick; and 2) both materials can be installed over the original cladding, which allows for the future possibility of removal or reversal of the substitute material installation.

When a substitute material is applied over existing shingles or clapboards, the relationship between the decorative features (example: window trim) and the wall is altered. This relational change diminishes the prominence of the decorative elements, such as corner pilasters, and undermines the property's integrity. This relational change is not ideal, but it is preferable to losing the original siding.

While the application of substitute materials over clapboards may not cause moisture problems, it does conceal any building problems that may exist or emerge. It is also important to recognize that substitute siding materials themselves are not a weather barrier. The plane (building surface) behind the substitute siding materials acts as the barrier. Therefore, it is important to ensure that the existing building is in good repair prior to covering with a substitute material, or current repair issues could develop into serious building problems. The installation of an alternate material is not an appropriate substitute for regular maintenance and/or necessary building repairs.

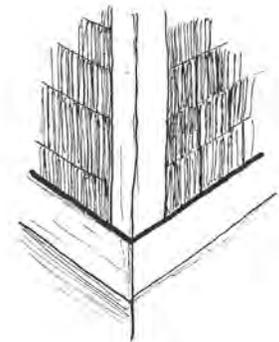
Guidelines:

As clarified in Guidelines 1-9, the VRB will always prefer the use of original material instead of substitute materials when repairing or replacing elements.

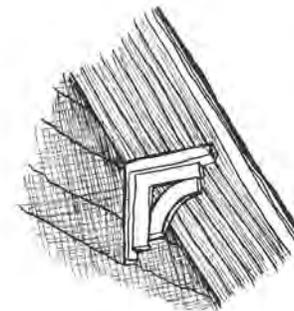
1. Character-defining historic features such as eave brackets, cornice and cornice detailing (fascia, soffit), corner pilasters, and windows and doors should not be removed or obscured by a substitute siding.
2. Original siding and/or shingles in good repair should be maintained and preserved.
3. Substitute siding should duplicate the exposed area, or height, as well as the length of the original wood clapboard.
4. Substitute siding materials with embossed wood graining, intended to simulate wood, is not an acceptable option, as the exaggerated wood grain is typically not found on wood siding.
5. The visibility of substitute panel overlaps should be minimized by avoiding stair-step installation patterns and by facing the overlaps away from the most prominent or visible viewpoint.
6. The use of J-channel should be minimized around window and door openings. The J-channel color should match the siding color.
7. The coursing of the substitute siding materials should align with the top of the window and door trim. If necessary, favor aligning the coursing with the tops of windows.
8. Original or historic siding material should not be removed prior to the installation of a substitute material, because the removal of original material is not a reversible alteration.
9. Substitute materials should not be attached over exterior brick or stone.



Cornice Return



Corner Board

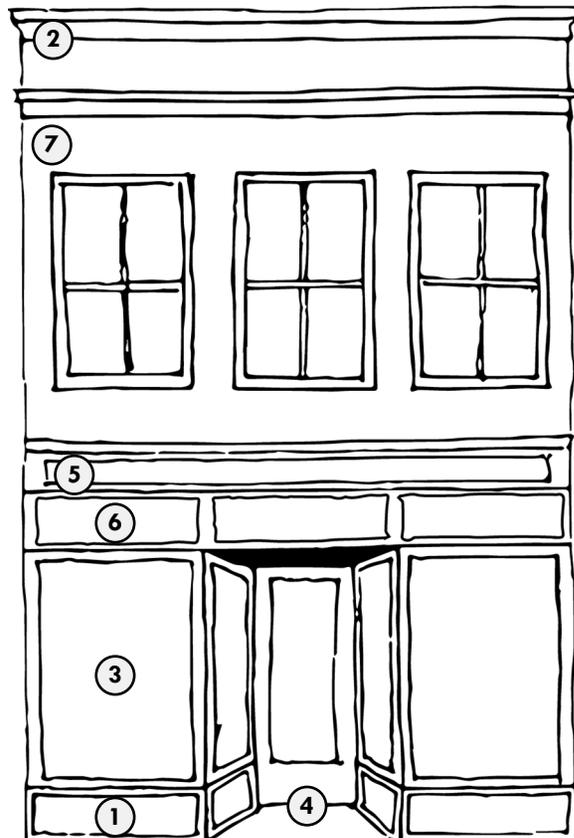


Eave Bracket



Cornice with Corner Pilaster

E. Facades, Storefronts, and Signage



1. Bulkhead
2. Cornice
3. Display Window
4. Recessed Entrance
5. Sign Band
6. Transom / Clerestory Window
7. Upper Façade

Image Source: Town of Brunswick Village Review Design Guidelines (2004), prepared by Barba + Wheelock Architecture, Preservation and Design

The character of downtown Brunswick is defined by the variation in building forms found along Maine Street: freestanding structures, continuous commercial blocks and wood frame structures. These commercial buildings have similarities in height, width, window configuration, storefronts and relationship to the sidewalk, which create a strong continuous edge or streetwall. The streetwalls on opposite sides of the street create a defined space or outdoor room where all the activity occurs downtown. While there are many similarities in overall building size, each façade has its own rhythm and character-defining features. It is important to understand both the broad patterns of the street-wall as well as the specific patterns on each building.

Generally, façades are comprised of the different components as illustrated to the left.

Traditional storefronts are designed to have large display windows along the sidewalk to give prominent display to the merchandise. This encourages the pedestrian to stop, look, and hopefully enter the store. The recessed entryways emphasize the door and provide a sheltered, inviting entrance for customers. There are several key elements to a storefront as illustrated to the left.

The majority of the buildings in downtown Brunswick are two or three stories in height with flat roofs. Common materials are brick, wood, and granite. Display windows are usually encased in wood, cast iron or aluminum frames. Recessed entries can be found throughout downtown. Upper floors are characterized by double-hung windows with bay windows found on some buildings.

Guidelines:

As clarified in Guidelines 1-16, the VRB will always prefer the use of original material when repairing or replacing elements related to façades, storefronts, and signage.

1. Historic images, where available, should be used to understand how the storefront may have changed over time. Storefronts should not be recreated without solid physical or documentary evidence.
2. Later alterations that have taken on their own architectural significance should be retained. For example: curved glass display windows added in the 1930s to a late-19th century storefront should be maintained.
3. Every reasonable effort should be made to repair the original storefront. Repairs should be made with as little intervention as possible by patching, piecing-in, splicing, consolidating, or otherwise reinforcing deteriorating material using the same material as the existing storefront.
4. The façade and storefront should be photographically documented and submitted to the [Pejepscot Historical Society](#) prior to any repair or rehabilitation work.
5. The proportion, scale, and organization of character-defining features should be maintained when renovating a storefront.
6. Storefront elements (transoms, display windows, etc.) should not extend beyond the original defined opening of the storefront and should not extend across the division between neighboring buildings.
7. Display windows, transoms, and bulkheads should be maintained and preserved.
8. The expansive areas of glass in display windows should be maintained.
9. Openings, such as transoms and windows should not be covered with solid panels.
10. Original entry locations and configuration (example: recessed entry) should be maintained.



An example of a strong continuous streetwall along Maine Street.

For more information on rehabilitating historic storefronts, visit <https://www.nps.gov/tps/how-to-preserve/briefs/11-storefronts.htm>



The well-maintained storefront elements (bulkheads, display windows, transoms) on the Lincoln Building on Maine Street contribute to its status on the National Register of Historic Places.



This building on Maine Street has a parapet and false front.



Concealing or locating the rooftop satellite dish away from the primary façade would better maintain the building's character.

11. Cornices should not be removed or obscured by a substitute material.
12. Parapets and false fronts should not be added to downtown buildings unless there is historic precedent for these features.
13. New storefronts should respond to the patterns and rhythm of neighboring buildings, yet they should reflect the time in which they were constructed.
14. The scale, proportion, and rhythm of upper floor openings should be maintained.
15. The installation of air conditioners on the primary façade should be avoided.
16. The installation of utility entrances and satellite dishes on the primary façade should be avoided. When a utility entrance is already located on a primary façade, finding creative ways to conceal them or reduce their impact should be explored. Satellite dishes should be located elsewhere or be limited to no greater than 12" in diameter.

F. New Construction and Additions

1. New Construction

New construction is subject to the standards established in [Section 5.2.8.C.\(2\) of the Town of Brunswick Zoning Ordinance](#) (.pdf file). As standards, compliance is mandatory. For convenience, the standards are provided below:

(2) New Construction and Additions and Alterations to Existing Structures

- a. In approving applications for a Certificate of Appropriateness for new construction or additions or alterations to contributing resources, the Review Authority shall make findings that the following standards have been satisfied:
 - i. Any additions or alterations shall be designed in a manner to minimize the overall effect on the historic integrity of the contributing resource.
 - ii. Alterations shall remain visually compatible with the existing streetscape.
 - iii. Concealing of distinctive historic or architectural character-defining features is prohibited. If needed, the applicant may replace any significant features with in-kind replacement and /or accurate reproductions.
 - iv. New construction or additions shall be visually compatible with existing mass, scale and materials of the surrounding contributing resources.
 - v. When constructing additions, the applicant shall maintain the structural integrity of existing structures.



This previously existing home on School Street (above) was demolished and replaced with a new home (below) that is visually compatible with the mass, scale, and materials of the surrounding neighborhood





The Brunswick Zoning Ordinance requires dumpsters to be screened from public view. Cigarette receptacles are not required, but businesses are encouraged to provide them for their staff.



Painting equipment such as utility meters and planting attractive landscaping is one way simple method to screen mechanical equipment.

- b. In approving applications for a Certificate of Appropriateness for new construction of, or additions to commercial, multifamily, and other non-residential structures, the Review Authority shall make findings that the following additional standards have been satisfied:
 - i. Where practicable, new off-street parking shall be located to the rear of the principal building and shall be accessed from a secondary street. In cases where off-street parking currently exists in a front or side yard, the parking area shall be screened from the public right-of-way with landscaping or fencing.
 - ii. Site plans shall identify pedestrian ways and connections from parking areas to public rights-of-way.
 - iii. All dumpsters and mechanical equipment shall be located no less than 25 feet away from a public right-of-way, unless required by a public utility, and shall be screened from public view.
 - iv. Roof-top-mounted heating, ventilation, air conditioning and energy producing equipment shall be screened from the view of any public right-of-way or incorporated into the structural design to the extent that either method does not impede functionality. Parapets, projecting cornices, awnings or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.
 - v. The use of cinder-block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.
 - vi. The use of vinyl, aluminum or other non-wood siding is permitted as illustrated in the Village Review Board Design Guidelines. Asphalt and asbestos siding are prohibited.
 - vii. Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.

- viii. No building on Maine Street shall have a horizontal expanse of more than 40 feet without a pedestrian entry.
- ix. No building on Maine Street shall have more than 15 feet horizontally of windowless wall.
- x. All new buildings and additions on Maine Street shall be built to the front property line. This may be waived if at least 60 percent of the building's front facade is on the property line, and the area in front of the setback is developed as a pedestrian space.
- xi. If more than 50 percent new floor area is added to a structure located on Maine Street, the addition shall be at least two (2) stories high and/or not less than 20 feet tall at the front property line.
- xii. The first floor facade of any portion of a building that is visible from Maine Street shall include a minimum of 50 percent glass. Upper floors shall have a higher percentage of solid wall, between 15 percent and 40 percent glass.
- c. Proposed additions or alterations to noncontributing resources shall be designed to enhance or improve the structure's compatibility with nearby contributing resources as compared to the existing noncontributing resource.



A significant remodel provided an opportunity for this Maine Street business to relocate HVAC equipment to the roof, screened from public view.

2. **Additions:**

Buildings and neighborhoods are not static – they evolve and change over time. Numerous buildings in Brunswick’s VRO District have sustained additions and alterations over the years. These changes contribute to the building’s history and sometimes take on their own architectural, historical, and social significance. For instance, a Greek Revival style house that was constructed in the 1840s may have been “updated” in the 1870s with Italianate brackets and window hoods. These changes, although not “original” to the house, have taken on their own architectural significance and should be preserved.

Additions to a private residence or commercial building can have a dramatic impact on the historic character and integrity of that particular building, as well as the surrounding structures. It is important to be able to differentiate between the historic building and the new addition; otherwise a false sense of history is created.

Before designing an addition, it is important to understand the character-defining features of the historic building (roof forms, types of windows, doors, materials, decorative details, etc.). Examine the relationship between solids (walls) and voids (window and door openings). Are windows more dominant than the wall space, or is the amount of wall space equal to the window area? When examining where to place an addition, consider the relationship between the historic building and the sidewalk, street and neighboring properties. How do outbuildings relate to the main structure? Answers to these types of questions will provide information that can serve as the “building vocabulary” for the addition.



Ells (above) and pediments (below) are common additions to historic buildings that have taken on their own architectural significance.

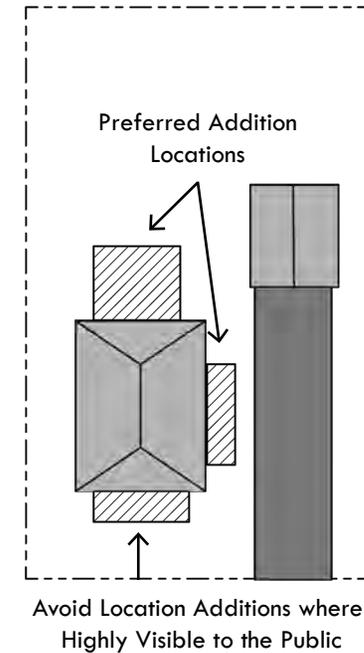


For more information on additions to historic buildings, visit <https://www.nps.gov/tps/how-to-preserve/briefs/14-exterior-additions.htm>.

Guidelines:

As clarified in Guidelines 1-9, the VRB will always prefer the use of compatible material when constructing additions.

1. The relationship between the existing building and its site, as well as surrounding buildings, should be used as a guide for the form and placement of the addition.
2. Every reasonable effort should be made to locate the addition on a side that is least visible from the public street or sidewalk, such as a side or rear elevation. If the addition is a porch, please see the Porches section on [Page 34](#) of the Guidelines for additional information.
3. A new addition should be compatible with the massing, size, scale, and proportion of the original building. In other words, the overall bulk (number of stories and building footprint) of the addition should not overpower the original building.
4. Although the addition should not exactly duplicate the design of the original structure, the addition should be compatible with the style and materials used on the historic building, but it should be clear what is historic and what is new.
5. The window and door openings in the original building should serve as a guide for the placement and proportion of these elements in the addition.
6. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
7. Roof top additions should be set back from the wall plane and should be minimally visible from the street.
8. Each property should be recognized as a physical record in time, place, and use. Changes that create a false sense of historical development should not be undertaken.



The addition (left side of image) to the existing (right side of image) Curtis Memorial Library is an example of an addition that is distinct from, but compatible with the style and materials of the existing building

9. Whenever possible, new additions to structures and objects should be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure should be unimpaired.

G. Outbuildings: Garage, Carriage House, and Storage Shed

Brunswick has a wide range of outbuildings, including garages, barns, carriage houses, and small storage buildings. These outbuildings may be attached to the main house or freestanding. In either case, these buildings are often visible from the street and echo the details of the main building on the property.

Doors, roof elements, windows, and exterior wall surface are some of the character-defining elements on outbuildings. In Brunswick, many of the doors are paneled with a single or double row of glass panes. In some cases, these doors operate by swinging open or sliding on a track. Different materials (shingles as opposed to clapboards) and simpler window configurations were often used on the side (or less visible) barn elevations.

In some instances, outbuildings in the neighborhood have taken on a new use as living quarters. In these cases, the character-defining features should be maintained. Alterations to an outbuilding should be reviewed using the same standards one would apply to a primary structure.



The attractive attached outbuilding on the Parker Cleaveland House contributes to the property's status on the National Register of Historic Places.



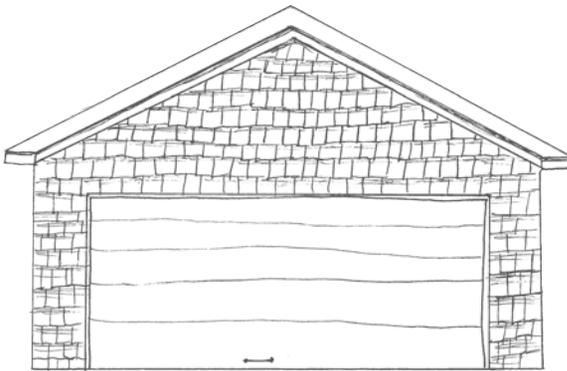
Single- or double-row glass panes are a common architectural elements on historic outbuildings.

Guidelines:

As clarified in Guidelines 1-8, the VRB will always prefer the use of original material when repairing or replacing elements related to outbuildings.



The reuse of existing openings and single-width garage doors (above) are always preferable to double- (below) or triple-width doors.



1. Existing outbuildings should be maintained and preserved wherever possible.
2. Every effort should be made to repair the existing outbuilding and any character-defining architectural features of the building. Repairs should be made with as little intervention as possible by patching, piecing-in, splicing, consolidating or otherwise reinforcing the deteriorating material using the same material as the existing structure.
3. The outbuildings and any other related features should be photographically documented and submitted to the [Pejepscot Historical Society](#) prior to any repair or rehabilitation work.
4. If it is necessary to replace any element of an outbuilding, the replacement should be made from the same material as the original and should match the original in size, scale, shape, and detail. In the event that it is not reasonably possible to match the material, a compatible substitute material is acceptable.
5. Double and triple width garage doors should be avoided. New garage doors should utilize the existing opening(s) and should not have a smooth surface.
6. Every reasonable effort should be made to maintain how outbuilding doors operate, such as hinged, swinging doors or sliding doors.
7. If constructing a new outbuilding, the structure should be compatible with the existing primary structure in materials, building and roof form, and detailing. The design for a new outbuilding should be compatible with the primary structure, but it should be clear that it is not from the same time period as the primary structure.
8. Any new or temporary outbuilding should be located behind the primary structure and should be compatible with the location of outbuildings on adjacent properties.

H. Porches and Entries

Porches often mark the main and/or side entrance to a house and serve as a semi-private transition area between the public space (sidewalk/street) and the private space (house). Porches are often added to a house to help screen it from the weather and, in some cases, to provide additional living space. There is ample opportunity for architectural expression on porches with details such as columns, pilasters, decorative brackets, railings, and balustrades.

Porches are found in various locations on buildings, and one building may have several porches. The steps and railings leading up to a porch are an equally important character-defining feature. A variety of porch configurations can be found in Brunswick, including the following:

- One-story attached entry porch;
- One-story attached wraparound porch;
- One-story attached porch that spans the full width of the front façade;
- One-story attached side porch; and
- Double porch (porches stacked over each other).

The majority of Federal and Greek Revival style houses in Brunswick did not originally have entry porches; however, porches were often added to these houses. There are many properties with a small roof pediment over the main entry, which is supported by decorative brackets. This detail was common during the mid-to-late 1800s and is characteristic of the Italianate style.



This one-story attached side porch demonstrates the opportunities available for architectural expression that is also compatible with the principal building.



Small roof pediments with decorative brackets were common additions to Federal and Greek Revival style houses.

For more information on preserving historic wooden porches, visit <https://www.nps.gov/tps/how-to-preserve/briefs/45-wood-en-porches.htm>.

Guidelines:



A dilapidated porch (above) on Federal Street was demolished and replaced with a new porch (below) with the same material, scale, shape, and detail, including decorative brackets.



As clarified in Guidelines 1-11, the VRB will always prefer the use of original material when repairing or replacing elements related to porches and entries.

1. Existing porches and their character-defining elements should be maintained and preserved.
2. Every reasonable effort should be made to repair the existing porch and any character-defining architectural features of the porch (brackets, columns, balustrade or railing, flooring, ceiling, roof, and steps). Repairs should be made with as little intervention as possible by patching, piecing-in, splicing, consolidating, or otherwise reinforcing the deteriorating material using the same material as the existing porch.
3. The porch and any other related features should be photographically documented and submitted to the [Pejepscot Historical Society](#) prior to any repair or rehabilitation work.
4. If it is necessary to replace any element of a porch, the replacement should be made from the same material as the existing porch and should match the historic feature in size, scale, shape, and detail. In the event that it is not reasonably possible to match the material, a compatible substitute material is acceptable. Replacement of decking and treads with composite material is acceptable.
5. Covering porch details with vinyl or aluminum siding should be avoided.
6. Enclosing an existing porch on the primary building façade should be avoided.
7. Historic stone steps should be maintained and preserved. In many instances, resetting stone steps and repointing can solve many related problems.
8. Screens may be added to a porch if they can be attached in such a manner that will not cause damage to historic fabric and the modification is completely reversible.
9. New porches should be compatible with the overall scale, shape, and detail of the building, as well as the prevailing streetscape.

10. Ornamentation should not be added to a porch that is not compatible with the stylistic period of the house.

11. New decks, glass enclosed rooms, or sun porches should be treated as additions where visible from a public way.

I. Roofs and Related Elements

A roof is an extremely important character-defining element of a building. There are several different aspects of a roof to consider:

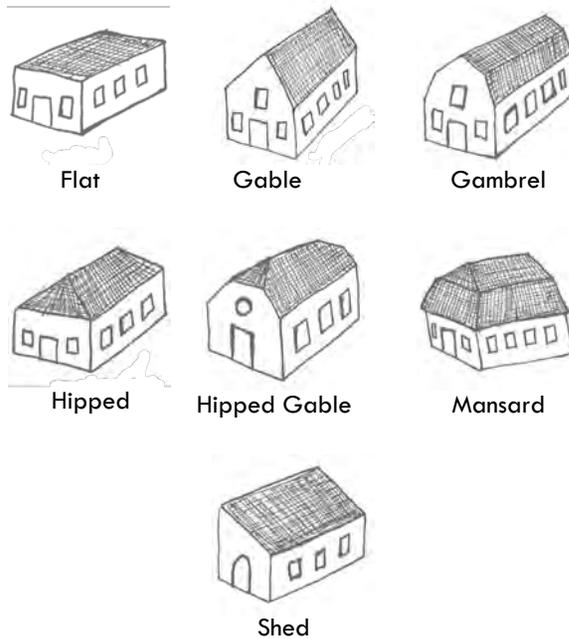
- Overall shape of a roof, such as hipped, gambrel, and gable;
- Decorative features, including dormers, cupolas, and chimneys;
- Roofing material (slate, wood, and metal), as well as the material's size, color, and patterning; and
- The treatment of the roof edge.

Common roof characteristics in Brunswick:

- The predominant roof forms are gable and hipped. A significant number of houses are positioned with the gable end facing the street;
- Shed and flat roofs are common on porches and additions;
- Metal and asphalt shingles are the predominant roofing materials; and
- Eaves are predominantly simple and unadorned except on Italianate style houses where brackets are used along the eaves.

Roof-mounted solar panels should be located on the upper roof and laid as flat as possible. Installing roof-mounted solar panels on the front of the roof, or installing solar panels with a high degree of tilt is not recommended.

Common Types of Roofs

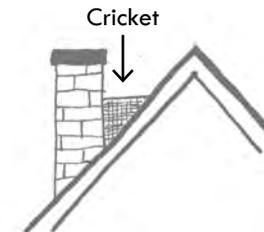
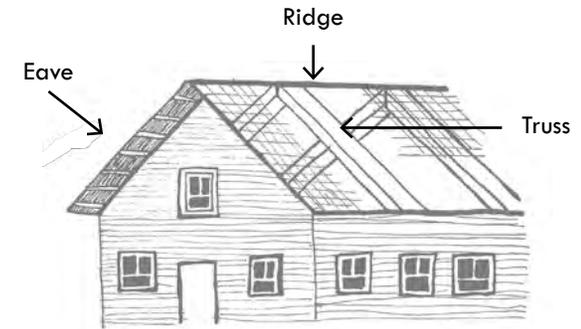


Low profile solar panels minimize the visual impact on the character of a building.

Guidelines:

As clarified in Guidelines 1-8, the VRB will always prefer the use of original material when repairing or replacing elements related to roofs and associated elements.

1. The shape, pitch, overhang, and material of a historic roof should be maintained and preserved.
2. Any character defining elements of the roof (cupolas, vents, and dormers, etc.) should be maintained and preserved.
3. Every reasonable effort should be made to repair the existing roof. The materials used to repair the roof should match the existing roof in color, material, and configuration. If a substitute material is necessary, it should match the existing roof material in color and configuration.
4. If replacing an entire roof, the replacement material may revert back to an original material if historic documentation is available. For example, if removing an asphalt roof and early photographs clearly show a metal roof, then it would be acceptable to revert to a metal roof.
5. The roof and any other related features should be photographically documented and submitted to the [Pejepscot Historical Society](#) prior to any repair or rehabilitation work.
6. If replacing a metal roof, the proportion of the seams and trim should match the original. Generally, a commercial-grade architectural metal on a residential structure should be avoided where there is no evidence that this type of metal was used originally.
7. When installing replacement gutters, the destruction of historic detail should be avoided.
8. Elements attached to the roof such as antennae, skylights, vents, solar panels, and decks on front elevations or areas that are visible from the public way should be avoided.



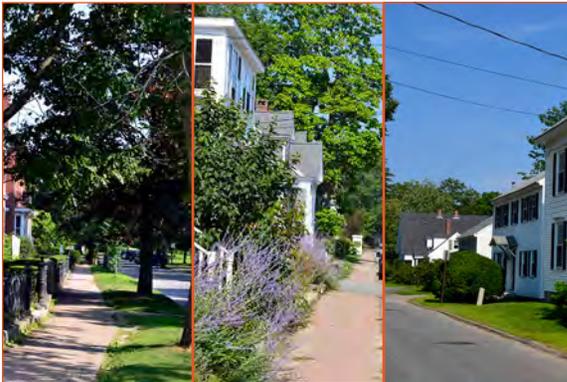
"Crickets" are structures designed to preserve chimneys or other decorative elements by diverting water away from the structure.

For more information on roofing for historic buildings, visit <https://www.nps.gov/tps/how-to-preserve/briefs/4-roofing.htm>.

J. Setting and Site



This map from 1901 illustrates some of the various development patterns within the VRO District: Maine Street with its broad width and minimal front building setbacks, the moderate width and side setbacks of Lincoln and Cumberland Streets, and the narrow width and side setbacks of Bank and Centre Streets.



Streetscapes within the VRO District range from the formal such as Park Row (left), semi-formal such as School Street (center) and informal such as Cleaveland Street (right).

A neighborhood's character is defined not only by its buildings, but also by the setting where the buildings are located. Street width, building setbacks, sidewalks, curbing, street lights, parking, fence patterns, granite walls, trees, signs, and open spaces like neighborhood parks and cemeteries, define a neighborhood's setting. The term "streetscape" refers to the area between the front of a building and the street. Streetscape elements and their relationship to buildings, as well as the relationship of buildings to each other and the street itself, establish an overall pattern and rhythm, which help define a community's character.

For example, houses in one area may be situated in a regular pattern close to the street with narrow front and side yards, whereas in another neighborhood, a mixture of setbacks and yard dimensions may result in an irregular pattern. It is important to identify the overall rhythm and pattern for each neighborhood so that these existing parameters can be used to evaluate and guide future changes.

Brunswick has a mix of formal (paved sidewalks, granite curbs, streetlights, trees, fences, small retaining walls/pillars) and informal (no sidewalks, no curbing) streetscapes. A wide variety of sidewalk paving materials are used throughout Brunswick's VRO District, including concrete, asphalt and brick. Granite curbing is also found in several areas. Historic images are an excellent source of information for understanding how a neighborhood's streetscape elements have changed through the years.

On a smaller scale, each individual property has its own characteristics, which are also important to understand. The relationship between buildings on the site and the amount of open space contributes to each property's character. Is a large portion of the lot covered with a building and/or outbuildings, or is the building set far back from the street with a large front yard? Is the outbuilding (garage, barn, tool shed) attached to the main house or freestanding? Where is the outbuilding in relation to the main house? Directly behind it or next to it? If buildings are connected, how are they configured? Do they form an ell or do they run straight back?

Driveways and their entrances establish a rhythm along the street. Brunswick has several properties where adjoining lots share a driveway. In many cases, the driveway leads to parking along the side of the house or in the rear where there may be a garage or outbuilding.

Wooden front and side yard fences are important character-defining features in several areas of the district. Fences or low retaining walls define the semi-public space between the sidewalk and the building itself. Since fences sustain a great deal of weathering, it is unusual when original fencing survives. Property owners can look to historic photographs to determine if their property had fencing and, if so, the design and scale of the fence. Wood and granite are the most prominent fence and wall materials in the district.

The location of parking areas is an important issue, particularly when considering a new use for a property. For example, if a house is going to be converted for use as an office, the placement of the parking area should be carefully considered to ensure that it enhances the neighborhood's character.

Landscape features such as hedges, terraces, and mature trees also contribute to a neighborhood's setting. Trees are important streetscape elements, and they have a dramatic impact on the scale and character of a town.



As seen on this house on Federal Street, fences, landscaping, and rear- or side-access parking can be important character-defining features.

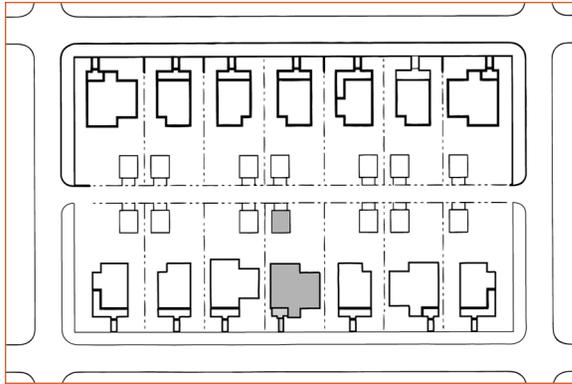


Although this building on Park Row is significantly set back in comparison to surrounding buildings, the mature trees contribute to the neighborhood character.

Guidelines:

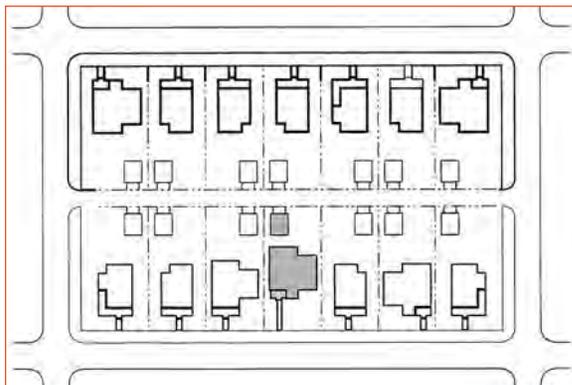
As clarified in Guidelines 1-13, the VRB will always prefer the use of original material when repairing or replacing elements related to setting and site.

1. The relationship between buildings, the sidewalk, and street should be maintained and preserved.
2. New buildings and alterations to existing buildings should be compatible with the setback of adjacent properties. If there is variation in the setback within a district, then the location of previously existing structures on the site should guide the placement of a new building.
3. Street trees should be maintained wherever possible. Review historic photographs to determine type and placement of trees. Consult with an arborist to determine appropriate tree species. Plant new trees to complete patterns where trees may have been lost in the past.
4. Distinctive landscape features such as terraces, mature trees, and hedges should be maintained and preserved.
5. Existing driveways should be maintained. New driveways should be avoided as they interrupt sidewalks, pedestrian activity, and the established rhythm of openings along the street edge.
6. Historic sidewalk paving and curbing materials such as granite and brick should be maintained, repaired and preserved.
7. If replacement of the paving material is necessary, every reasonable effort should be made to use historically appropriate materials or to replace in kind.
8. Materials such as granite, stone, and wood have been historically used in the VRO District for steps and retaining walls. These materials or similar natural materials should be used if a new retaining wall or steps are needed. Artificial materials such as concrete block or concrete masonry units, should not be used on along primary building façades.
9. Every reasonable effort should be made to preserve and maintain fences and retaining walls. It is not appropriate to replace an entire fence or wall when minor repairs and limited replacement of deteriorated or missing features is possible.



New buildings (shaded) should be located to be visually compatible with the setbacks of the adjacent properties (above). Locating a building closer or further from the setbacks of the adjacent properties visually disrupts the streetwall.

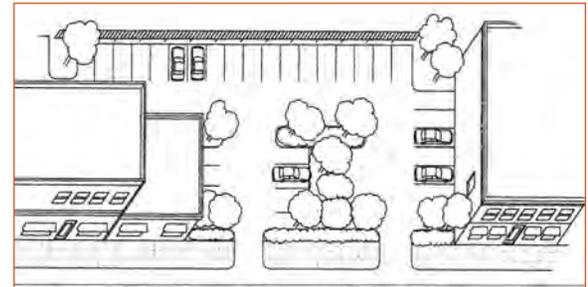
*Image Source: Sendich, Emina. *Planning and Urban Design Standards*. John Wiley & Sons, Inc., 2006, p. 189*



10. If it necessary to replace a large section of fence or an entire fence, the replacement should be compatible in material, height, and detail to other historic fences in the district and to the materials of the primary structure on the property.
11. Chain link is not an appropriate fencing material for any areas that are visible from a public way.
12. Parking areas should be located to the side or rear of the primary building. In no cases should it be located in the front yard.
13. Dumpsters or other large trash receptacles should be located to the side or rear of the property and, if necessary, screened using materials that are in keeping with the primary structure.



Wood (left), wrought iron (center), and stone (right) are the most commonly used fence materials in the VRO District.



Parking, especially in a downtown area, should be located to the side or rear of a structure, not in the front yard.

Image Source: Sendich, Emina. Planning and Urban Design Standards. John Wiley & Sons, Inc., 2006, p. 445

K. Signage and Awnings



A projecting sign for a business on Maine Street.

For more information on the use of awnings on historic buildings, visit <https://www.nps.gov/tps/how-to-preserve/briefs/44-awnings.htm>.

Signs are essential elements of the downtown commercial area and have a dramatic impact on the streetscape. Signs promote businesses and provide information to the public. Historically, signs were surface or flush mounted between the storefront and upper façade, hung on brackets projecting from the storefront, and/or painted on the display windows. Icon or graphic signs were also popular in downtown commercial areas. These signs used shapes to convey information about the business, for example: a shoe shaped sign may have been used for a cobbler.

Awnings have always been a popular element on downtown commercial buildings. They serve many purposes:

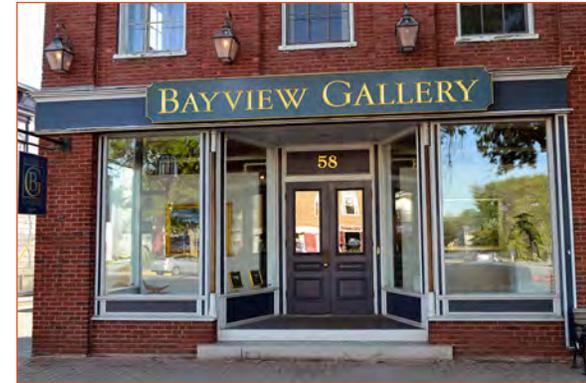
- Provide shelter for pedestrians;
- Protect merchandise from the sun;
- Regulate the amount of sunlight and heat entering a store; and
- Identify the business.

Traditionally, awnings were operable allowing the merchant to capitalize on natural light and visibility yet provide shade when needed.

Guidelines:

As clarified in Guidelines 1-8, the VRB will always prefer the use of original material when repairing or replacing elements related to signage and awnings. For additional regulations applicable to signage, please see [Section 4.13 of the Brunswick Zoning Ordinance](#) (.pdf file).

1. Signage should be placed in areas historically used for this purpose, such as the sign band between the storefront and the upper façade, or projecting from the façade on a simple bracket.
2. Signage on an awning canopy should be discouraged and permitted only on the valence of the awning.
3. Internally lit signs and plastic or fiberglass canopies are not permitted.
4. When several businesses are located in one building, individual signs should be coordinated in material, scale, color, lettering style and placement on the building.
5. Awnings and signs should be attached to the building in a manner that will not damage or obscure significant architectural details or features. Hardware should be fastened into mortar joints rather than the masonry.
6. Awnings should be modeled after traditional forms, and neighboring buildings should be taken into account when considering the installation of awnings.
7. Awnings should be in a color that compliments the façade and should be designed to coordinate with the overall signage plan for the building.
8. Awnings should be made of a weatherproof cloth material and of a scale that does not overwhelm the façade.



This Maine Street business sign is properly located on the building's sign band.



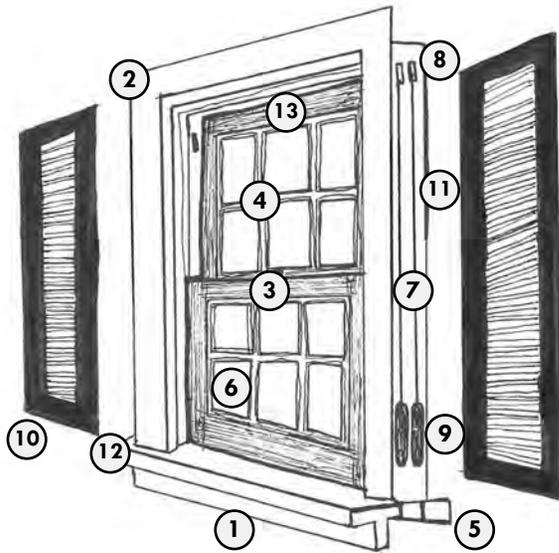
An awning for a business on Maine Street with signage on both the canopy (discouraged) and the valence (encouraged).

L. Windows

Windows are an important character-defining feature of a building. The size, style, placement, and architectural detailing of and around windows all affect a building's character. Windows, like doors, are typically subjected to weathering and require regular maintenance. Windows are comprised of many parts such as frames, sash, muntins, sills, heads, moldings, and shutters.

The first step in any window repair project is to conduct a survey of the existing windows. Systematically look at each window and determine the condition of each part. Things to look for include:

- Peeling paint.
- Rotten wood.
- Broken glass.
- Glazing (putty) intact.
- Broken or missing hardware.
- Deteriorated or missing molding.
- Smoothness of window operation.



-
1. Apron
 2. Frame / Casing
 3. Lower Sash
 4. Muntin
 5. Outer Sill
 6. Pane
 7. Sash Cords
 8. Sash Pulleys
 9. Sash Weights
 10. Shutter (x2)
 11. Side Jamb
 12. Stool
 13. Upper Sash
-

Survey results may indicate that the windows are in better condition than initially thought and may require only minor repairs and painting as opposed to wholesale replacement. For example, the operation of a window may dramatically improve by simply replacing the worn sash rope with new rope. Unless a house was severely neglected it would be unusual to find that all of the windows are beyond repair. Sometimes the windows on one side have suffered more than others. Attic windows sometimes hold clues about a property's historic window design, as these windows are often not renovated. Understanding the condition of all the windows, and using a comprehensive approach to window repair will allow one to price out different repair options and find the best long-term solution.

1. Value of Original Materials

Older wood windows are often a better grade material and construction than what is available economically today. Mid-19th century or early-20th century windows have survived over 100 years, a life expectancy that cannot be matched with modern windows. With proper maintenance and repair, older wood windows may last another 100 years. In addition, the mechanisms and hardware in older windows are often mechanically simpler and repairable, as opposed to the type of balances in new windows.

2. **Repair and Rehabilitation**

The standard argument for replacement windows is that “the old windows are drafty,” yet the heat loss attributed to old windows occurs more often through parts that have loosened over time rather than through the glass itself. Windows are typically responsible for only 15 to 35 percent of a building’s total heat loss in winter.

Generally, windows can be restored to good working condition and improved energy efficiency by making the following repairs:

- Replace and/or install weather-stripping;
- Replace deteriorated glazing compound or putty that seals the joint between the glass and the muntin; and/or
- Apply caulking to fill cracks around exterior window opening and the casing, head, and sill.

Another possible solution for addressing heat loss is the use of storm windows. Storm windows may be used on the exterior or the interior of a property. Although exterior storms may compromise the visual appearance of a building’s exterior, storm windows are a suitable option because they are not permanent and may be removed without permanently altering the historic building.

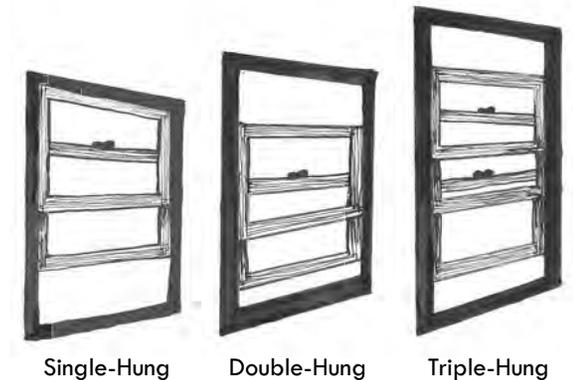
Newer versions of storm windows are available in anodized aluminum colors and in a narrower profile (as opposed to the old triple track storms). Storm windows can also be painted the same color as the sash to minimize their visual impact on historic features.

3. **Window Replacement**

One rule of thumb for evaluating window conditions is that when a window sash has more than two broken parts, such as a broken tongue and groove corner joint and broken muntins, it is time to consider replacement. Otherwise, any good woodworker can repair a sash with minor breaks. Old counterbalanced sashes are very simple in their design. Window sashes are made to be taken apart for repair, as well as to glide easily when maintained.

In most cases when a window is in poor condition, only the sash needs replacement and the frames, sills, and trim can be simply repaired using common methods. Sash replacement is often the most-effective solution to complete window replacement and is recommended because it can be

For more information on the repair of historic windows, visit <https://www.nps.gov/tps/how-to-preserve/briefs/9-wood-en-windows.htm>



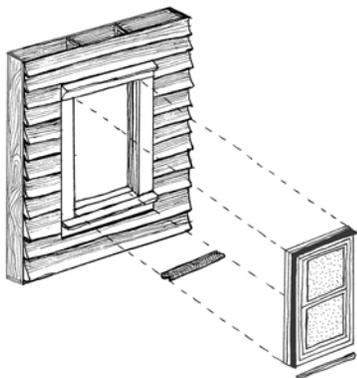
Although double-hung windows are most common in the VRO District, both single- and triple-hung windows can also be found, depending on the architectural style of the building.



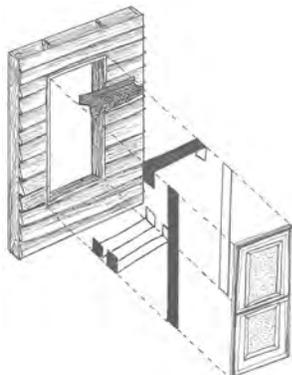
Storm windows like those on this home on Federal Street can maintain the historic character of a building and reduce heat loss.



More than 20 windows were salvaged prior to the demolition of a building on Bath Road in 2016.



Frame-in-Frame (Insert) Window



Full Window Replacement

accomplished without adversely changing the building's appearance. The original exterior trim or surround (often a character-defining feature), original sightlines, and original building material can all be maintained.

For replacement windows, the first and best option to maintain historic character is to look for a replacement in kind – a window that matches the size, material, muntin configuration, and detail of the existing window. One option is to look to local salvage yards for old sash that match the existing windows. These often will have the old wavy glass, known as cylinder glass, and will most closely replicate the original window sash in detail and species. They can be rehabilitated to make a fine replacement window. Depending on the age of the window, more likely than not the New England sash would have been made out of eastern white pine. These windows have milled joinery and are made of solid stock, a far superior product and technique than commonly available today in even the best commercial wood windows.

The other option is to work with a millwork shop to create a new in-kind wood window sash. If it is necessary to replace multiple windows, the set-up cost for the muntin and sash profile knives (cutters) is offset when buying larger quantities. Double glazing each pane is another option to explore. Some glass manufacturers make restoration glass, which is similar to the cylinder glass. In a few cases, contractors and local glass companies will go so far as to stockpile old sash in order to salvage the old glass for reuse. This could be reused in other old sash or in new sash if the choice is made to stay with single glazing.

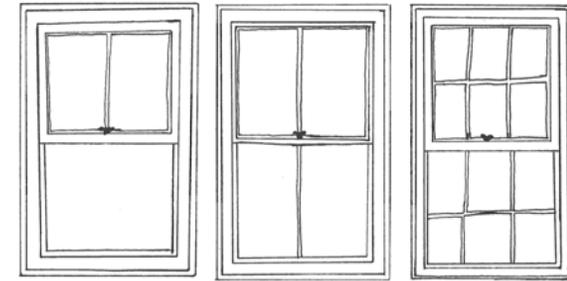
In some cases, commercial window manufacturers are able to take almost any of their standard products and customize them as replacement sash. They can route a pocket in the sash edge for the counterbalance sash line to fit. In some cases, a double-insulated sash from one of these manufacturers can be installed in the original opening. This is ideal in that it does not require a carpenter to tear out the frame or do any special refurbishing of the frame (short of attaching new sash line to old counterbalances and then to the new sash). A successful replacement sash should not reduce or expand the original opening size. Complete replacement might be either an entire new window unit (frames, sash, and trim), or a new window unit (frames and sash but no trim) set within the existing frames and trim (known as frame-in-frame or insert windows).

The predominant window form in Brunswick is wood, double-hung with multi-lights in both sash. The term six-over-six or two-over-two is used in reference to double-hung sash to describe the number of panes of glass in each sash. Decorative windows like three-part windows and fanlights are also common.

Guidelines:

As clarified in Guidelines 1-10, the VRB will always prefer the use of original material when repairing or replacing elements related to building windows.

1. Every reasonable effort should be made to maintain and preserve a property's historic windows
2. Every reasonable effort should be made to repair the existing windows. Repairs should be made with as little change as possible by patching, piecing-in, splicing, consolidating or otherwise reinforcing the deteriorating material using the same material as the existing window.
3. If it is necessary to replace any section of a window, the replacement should be made from the same material as the original and should match the original in size, scale, shape, and detail. Any details, such as glazing pattern, and window surround molding should be duplicated in the replacement.
4. Alternate materials, such as aluminum or vinyl clad wood windows, or vinyl windows may be acceptable for replacement sash (not frame-in-frame), as long as they match the historic window configuration.
5. Original window openings should not be altered to accommodate stock sizes.
6. Existing windows should not be blocked-in.
7. Storm windows should be attached so that existing windows and frames are not damaged. If possible, exterior storms should be painted to match the color of the existing windows. Interior storms are another option.
8. Original shutters should be repaired and maintained.
9. If it is necessary to replace any section of a shutter, the replacement should be made from the same material as the original and should match the original in size, scale, shape and detail.
10. Shutters should not be introduced where there is no evidence that they ever existed.



Although various other divided light patterns are located within the VRO District, two-over-one, two-over-two, and six-over-six are the most commonly used pattern.



If maintained properly, original shutters (like those above located on a Park Row business), can make a significant contribution to the overall architectural character of a building. However, shutters should not be added to an existing building when there is no evidence they ever existed.

III. BRUNSWICK ARCHITECTURAL STYLES

- A. Colonial (c. 1725 - 1790)
- B. Federal (c. 1790 - 1820)
- C. Greek Revival (c. 1820 - 1860)
- D. Italianate (c. 1840 - 1880)
- E. Second Empire (c. 1860 - 1885)
- F. Colonial Revival (c. 1880 - 1945)
- G. Queen Anne (c. 1880 - 1910) & Stick Style (c. 1860 - 1890)

A. Colonial (c. 1725 - 1790)

There are few structures in Brunswick's review district that date to the Colonial era. This is due, in part, to the fact that there was less development in this area compared to the southern part of the state, and, quite simply, very few structures from this era survive anywhere in Maine.

The Colonial structures that endure in Brunswick are examples of a one and one-half-story building sub-type commonly referred to as a cape. It is worth noting that the term "Cape Cod Cape" did not come into use until the 1920s and 1930s when builders were looking back to earlier architectural styles and building forms for inspiration and popularized the cape building form. Almost all early capes in Maine are wood frame construction with a gable roof. One of the most notable features of an early cape is the large brick center chimney.

A center chimney that is painted white with a black cap indicates one of two things: 1) an early cape that was updated during the Colonial Revival era or 2) the building may be an early-20th century cape. Capes from the Colonial era typically did not have painted chimneys. In some regions of the country, chimneys may have been coated with plaster, but they were not painted. In Brunswick, the predominant foundation material is granite and the exterior is clad with wood clapboards. It is not uncommon to see wood clapboards on the front elevation with wood shingles on the sides. Most capes originally had a wood shingle roof.

The primary façade is usually a symmetrical three or five-bay configuration: a door centered on the façade with windows evenly spaced on either side. The entrance sometimes has a small rectangular window above the door with several small square panes. Simple pilasters sometimes flank the door. Window openings are much smaller compared to those of later styles. Windows are typically double-hung with nine-over-six or eight-over-eight sash. Early double-hung sash did not have a pulley or weight system and the upper sash was fixed. The lower sash was held open at various points with a wood peg inserted into holes. On rare occasions, these early sash configurations survive. Colonial houses often have a rear or side ell connecting the main house to a barn. Frequently, dormers have been added at a later date to provide more light and air to the second story.

Evidence suggests that the exterior of many rural Colonial houses were often unpainted while high style houses may have had contrasting colors on the trim such as orange or blue.

- Center Chimney
- Side-Gabled Roof
- Main Entry Centered on Front Façade with Transom Window Above Door to Allow Light into Center Hall
- Symmetrical Five-Bay Façade with Painted Clapboards



Although this Colonial-style house on School Street has six-over-six sashes, nine-over-six and eight-over-eight sashes were typical of the era.

B. Federal (c. 1790 - 1820)

The Federal style is well represented in Brunswick's architecture, particularly along the major streets such as [Federal Street](#) and Park Row. This reflects Brunswick's prosperity at the turn of the 19th century. Although some properties have sustained extensive alterations, there are other buildings that retain a significant portion of their original exterior character-defining features.

The Federal style was influenced by the Neoclassical movement in Europe and became increasingly popular in America after the Revolution. The designs of English architect [Robert Adam](#) had a dramatic impact on American architecture, thus the term, Adamesque, is also often used to describe this architectural style. Hallmarks of the Federal style are delicate proportions and details as well as applied ornament. Façades are symmetrical with the entry centered on the long side of the house.

Generally, the Federal style houses in Brunswick are of wood frame construction with a rectangular or block form oriented with the long side facing the street. Typically, they are two or three stories with either a side gable or shallow hipped roof. Wood clapboards are the predominant exterior material with the building sitting on a granite and/or brick foundation. In some cases, clapboards are laid flush only on the front elevation to give the impression of smooth masonry.

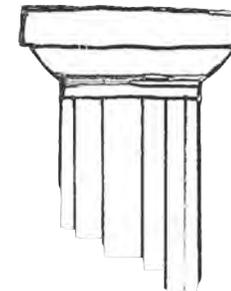
Chimney placement is usually at either end of the main block of the house. Shifting the chimneys out from the center towards the end walls permitted greater flexibility for interior room configurations. In some high style houses it is not unusual to see a pair of chimneys at either end of the house.

One of the primary defining features of a Federal style house is the main entrance. The front door is usually centered on the primary façade with a semi-circular or elliptical fanlight window above it. The door is flanked by sidelights that typically have lead tracery. The door is often accentuated with simple pilasters and a broken triangular pediment. In some houses, the entry pediment is carried forward to create an entrance portico. The portico may be rectangular or elliptical and is often supported by groupings of slender, Doric columns. This use of classical elements (columns, arches) is typical of the Federal period.

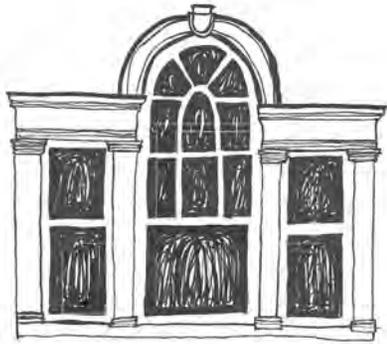
Windows are also an important defining characteristic of a Federal house because they establish a balanced rhythm and pattern across the primary façade. Windows are typically wood, double-hung sash with six panes in each sash, often referred to as six-over-six. Federal era windows are characterized by thinner and more delicately proportioned muntins and mullions, which contribute to an



The main entrance of a Federal-style house is one of its defining features. This entrance on Federal Street has the characteristic elliptical fanlight, sidelights, pilasters, and a portico supported by narrow columns.



Doric columns are commonly used to support the entry pediment or portico for a Federal style house. For more information on columns, please see [Appendix B](#).



Palladian windows were often used as an ornamental element in Federal style houses.

overall feeling of light and air. In three-story houses, window openings may get smaller as they go up the façade. For example, the first floor windows might be large paned six-over-six sashes and the top floor might be a three-over-three sash. This stylistic treatment was used to enhance the perception of a building's height.

Wood louvered shutters are another prevalent feature of Federal style houses. Several types of ornamental window forms were used as decorative elements in Federal houses including semi-circular windows; Palladian windows; and three-sectioned windows.

The cornice, window, and door surrounds are other areas to look for the intricate, finely proportioned and small-scale detail that is characteristic of the Federal period.

Chimneys Near Each End of the Main Block of House
Shallow Pitched Hip Roof

Symmetrical Five-Bay Façade

Rectangular Building Form with Long Side Facing the Street

Main Entry Centered on Front Façade with Elliptical Fanlight and Sidelights



C. Greek Revival (c. 1820 - 1860)

Brunswick has many superb examples of the Greek Revival style. When Maine achieved statehood in 1820, Greek Revival was achieving great popularity in America and quickly became the predominant choice for all building types in Maine, including civic and religious buildings, retail blocks, and residences – from the most modest farmhouse to the grandest mansion. The Greek Revival buildings dominated the architectural scene from 1835 – 1850. The popularity of the style wound down with the beginning of the Civil War in the 1860s. The inspiration for this style was the Grecian temple.

The examples in Brunswick are frame construction with wood clapboard exterior and a gable roof. A great number of the Greek Revival houses in Brunswick are oriented with the gable end facing the street. A triangular pediment in the gable end, which rests on a wide entablature, distinguishes a Greek Revival house. The corners of the building are finished with wide pilasters, or corner boards. The pilasters may be simple boards, or paneled, and may be repeated across the front façade to suggest a temple colonnade. Typically, there is an ell extending off the side or rear of the main building.

As in any building, windows are significant features. Greek Revival windows are similar to the Federal style in that they are typically wood double-hung sash with six panes in each sash. In late Greek Revival buildings, the windows may be two-over-two. Overall, Greek Revival windows are larger with bolder muntins. Larger pane sizes were possible due to technological developments in the manufacture of glass. Some Greek Revival houses have triple-hung windows particularly on the first floor in the parlor.

Entrances of Greek Revival houses typically have a bold door surround with a narrow band of rectangular windows on the top and sides of the door. There are a few examples that have a recessed entry marked with bold columns. The columns are often capped with Ionic or Doric capitals.

An important difference between Federal and Greek Revival is the change in the location of the entrance, which moved from the side gable elevation to the gable end of the house. Also, a Greek Revival entrance is not always centered on the façade.



This residence on High Street features common Greek Revival architectural elements such as a side gable roof with a triangular pediment, corner boards, and a recessed entrance with a bold door surround.



In addition to Doric columns, Ionic columns (above) are commonly used at the entrances of a Greek Revival style house. For more information on columns, please see [Appendix B](#).

- Bold, but Simple Cornice Board
Defining the Gable End
- Gable End Facing the Street
- Corner Pilasters, which Often Have
Raised or Recessed Panels
- Main Entrance Recessed and with a
Rectangular Door Surround and
Rectangular Sidelights
(Greek Motifs such as a Greek Key or Fret Pattern Are Often Found
on Door Surrounds)



D. Italianate (c. 1840 - 1880)

The Italianate style was a romanticized interpretation of the Italian villa form. The style became popular in America in the 1840s and 1850s. The influential books of the architect Alexander Jackson Davis and the landscape designer [Andrew Jackson Downing](#) furthered the style's widespread acceptance in this country. The style was easily applied to numerous building types and forms. Due to the Industrial Revolution, an increasing number of building elements were readily available to property owners. The mass production of details made them affordable, thus it was possible for more people to add architectural ornament to an existing or new house.

In Brunswick, there are several examples of houses with an earlier date of construction that appear to have been updated with Italianate features. Common alterations include adding brackets along the roof edge, constructing a small pediment supported by brackets over the main entry, and the conversion of window openings to bay windows.

The Italianate house form can be either symmetrical or asymmetrical. Decorative brackets (single or grouped in pairs) are used extensively, particularly at the following locations:

- Roof edge
- Entry pediment
- Bay windows
- Window lintels
- Towers
- Porches

Both windows and doors are often tall and narrow and may be grouped in pairs. Sometimes openings have round or segmented tops. Bay windows are also common. Corner pilasters topped with elaborately carved brackets are also common. In some instances, wood quoins (woodwork that is cut to resemble stone) are used at the corners of a building. Paint colors were often earth tones with contrasting colors on the details.



This house on Gilman Street is an example of a building with an earlier building, Greek Revival, updated with Italianate features such as decorative hoods over windows and a small pediment with brackets.



Towers are a common feature of high design Italianate buildings.

Hipped Roof
Deep Eaves with Roof Brackets
Decorative Hood Over Windows

Small Pediment with Brackets

Bay Window
Double Doors



E. Second Empire (c. 1860 - 1885)

Second Empire, like Queen Anne and Stick Style, falls within the Victorian era and was popular during the second half of the 19th century. Brunswick has a small collection of Second Empire buildings and most of these are modest examples of the style. Unlike some of the other revival styles of the late-19th century, Second Empire was considered modern because it was imitating the latest French architectural style. The term “Second Empire” refers to the reign of Napoleon III.

The primary defining characteristic of Second Empire is the mansard roof with dormer windows. The roof form became popular because it created a functional full height attic space. It was not uncommon to see the roof of an existing house converted to a mansard form in order to gain additional usable space. Dormers often have elaborate hoods or decorative surrounds. Additional character-defining details include molded cornices at the top and bottom of the roof slope, and decorative brackets at the eaves.



The Wyler Building on Maine Street, with its mansard roof with dormer windows, represents the essential architectural elements of a Second Empire building.

- Hooded Dormers
- Heavy Molding at Top and Bottom of Roof Slope
- Mansard Roof with Flared Base



F. Colonial Revival (c. 1880 - 1945)

There are several Colonial Revival style buildings in Brunswick's current VRO District as well as strong concentrations of the style in surrounding neighborhoods. Generally, the Colonial Revival period spans from c.1880 to the 1950s and encompasses a wide variety of building forms.

Sparked by the Centennial Exposition in Philadelphia in 1876, architects began reviving architectural styles and elements from earlier styles, particularly Colonial, Georgian, and Federal. During the Colonial Revival era, decorative features were modified without regard to scale and proportion and details from different architectural styles were often combined on the same building. While there are several popular building sub-types or forms from this era, the Four Square and the Dutch Colonial are two of the most common in Brunswick.

Building Form: Four Square

As its name suggests, one of the hallmarks of a Four Square is its overall shape and form: a square footprint with four equal sides. Typically, these houses are two-stories with a hipped roof that is often interrupted by hipped or shed dormers. Windows are typically grouped in pairs and are double-hung with multi-panes in the upper sash and a single pane in the lower sash. Rectangular bay windows and a one-story attached porch across the full width of the façade are typical characteristics. An enclosed porch or sunroom off one side of the house is another common feature of a Four Square. Clapboards and wood shingles are the predominant exterior cladding material. In many cases, there is a change in exterior wall surface treatment between the first and second story. In some cases, this change in material is accentuated with a change in finish color.

Building Form: Dutch Colonial

The predominant architectural element Dutch Colonial Revival buildings is the gambrel roof. In addition to the gambrel roof, Dutch Colonial Revivals may have flared eaves, clapboard, shingle, or brick (less often) siding, and long, shed dormers. Window sashes were often eight-over-eight and the entrance is often defined by a small portico with columns.¹ Although most Dutch Colonial Revival buildings feature a side-gambrel, there are several front-gambrel Dutch Colonial Revivals within the VRO District (see [Page 77](#)).



This Four Square residence features many of the architectural elements associated with the style: hipped roof with a hipped dormer, six-over-one window sashes, and an attached porch with the entry off to the side.



Although side gambrel roofs are most common for Dutch Colonial Revival, as is the case for this building on Pleasant Street, there are several front gambrel roofs within the VRO District.

¹ "Dutch Revival." *University of Vermont Landscape Change Program*, https://www.uvm.edu/landscape/dating/residential_architecture/dutch.php

Windows are Wider than Earlier Styles

Entrance is Off-Center and the
Fencing above the Pediment is
not Characteristic of Earlier Styles

Side Porches are Characteristic of
the Colonial Revival Style



G. Queen Anne (c. 1880 - 1910) & Stick Style (c. 1860 - 1890)

Brunswick has a small number of buildings that display decorative elements typical of two 19th century architectural styles, Queen Anne and Stick Style. The majority of the stylistic examples in Brunswick are fairly restrained. Queen Anne is one of several architectural styles that emerged during the Victorian era, a time period that generally corresponds to the reign of Queen Victoria in England (1837 – 1901). The term “Queen Anne” originated in England and was used to describe buildings whose design was influenced by late medieval English architectural styles.

The increasing advancements in technology and industry allowed for the mass production of various house components, such as doors, balusters, windows, shingles, siding, and brackets, which were then readily distributed across the country via the expanding railroad network. Not only were these architectural decorative details relatively easy to acquire, but they were also affordable. With the introduction of balloon frame construction, irregular floor plans could be readily achieved. All these factors contributed to the widespread popularity of the Queen Anne and Stick Style in America.

Both Queen Anne and Stick Style houses are characterized by irregular building forms with various projections from the wall surface, such as dormers, towers, bay windows, porches, and overhangs. Porches and eaves are often adorned with spindle work and brackets. A variety of shingle patterns are typically used on Queen Anne buildings, often in the gable ends.

Stick Style detailing is typically comprised of horizontal, vertical or diagonal boards, or stickwork, that are intended to imply a sense of the building’s structure, but in reality have no correlation to the structural system. In some cases, siding may be applied in different directions on a façade to create a complex pattern and texture.



Bay windows are a common characteristic of both the Queen Anne and Stick Style architectural styles.



Stickwork like that above is intended to appear to be an integral part of a building's structure, but it is non-functional.

Chimneys with Patterned Brick Work

Decorative Wood Trim in Gable Peak

Complex Roof Forms with
Projecting Dormers

Corner Brackets

Bay Window



IV. BRUNSWICK ARCHITECTURAL CONTEXT

- A. Federal Street Neighborhood
- B. Franklin-Maple Street Neighborhood
- C. Maine Street Neighborhood
- D. Mill Street Neighborhood
- E. Northwest Brunswick Neighborhood
- F. Pleasant Street Neighborhood

A. Federal Street Neighborhood



Federal Street and Park Row (above) are characterized by a relatively uniform setback from the street with modest front yards. Fences, hedges, and low retaining walls are common decorative elements used to separate private and public space.



The Harriet Beecher Stowe House, designed by Samuel Melcher III in 1806, is listed on the [National Register of Historic Places](#) and is just one of the many Federal-style homes that give character to the aptly named Federal Street Neighborhood.

The Federal Street Neighborhood is one of six neighborhoods that comprise the VRO District in Brunswick. The neighborhood is located east of Maine Street and north of the [Bowdoin College](#) campus. Federal Street and Park Row are the two major roads in the neighborhood with School, Green, and Cleveland Streets serving as secondary connector roads. Additionally, the [Federal Street Neighborhood](#) is part of a National Register Historic District, which speaks to the significance of this area's architectural heritage.

Residential-scale structures are the dominant building form in the neighborhood. However, there are a few large non-residential buildings such as Hawthorne School and a church. Historically, this area's proximity to Bowdoin College and downtown made it a convenient place to live for college professors and administrators as well as successful merchants and business leaders. Today, not much has changed although several of what were originally constructed as single-family houses have been divided into multiple units. Although there are also several substantial brick buildings, the majority of the structures are wood frame.

The houses along both Federal Street and Park Row maintain a uniform setback from the street that allows a modest front yard. The lot width typically allows for a yard on both sides of the building. Curbs, trees, and sidewalks establish a formal streetscape. Some properties further define the transition between public space (street/sidewalk) and private space (house) with a fence, hedge, low retaining wall and/or a porch. Federal Street breaks down into three sections: Bath Road to the railroad tracks; railroad tracks to Center Street; and Center Street to Mason Street. From Bath Road to the railroad tracks, the fine proportions and architectural detailing of the houses combined with the generous lot widths (particularly on the east side of the street) indicate that these properties were originally home to Brunswick's wealthy upper class. Federal and Greek Revival are the predominant architectural styles reflecting the popularity of this area in the first decades of the 19th century. Noted carpenter-builder, Samuel Melcher III, designed several houses in this neighborhood. After crossing over the railroad tracks, the character of Federal Street starts to change. Between the railroad tracks and Center Street, the street narrows, the building density begins to increase as lot sizes decrease and examples of later architectural styles, such as Colonial Revival, are interspersed between earlier houses. The last section of Federal Street (Center to Mason Streets) has several Federal style houses with a strong rhythmic spacing between them. These changes in building styles and lot configuration among the three sections of Federal Street reflect that development occurred first at either end of Federal Street with the middle section filling in as Brunswick prospered and the population grew.

As its name suggests, the character of Park Row is defined by its proximity to the Mall, a park between Park Row and Maine Street. Houses line only the east side of Park Row and overlook the Mall, which ironically was not always the pastoral, green open space that it is today. With a few exceptions, the houses maintain a modest setback from the road and the buildings cover a majority of the lot. Federal, Greek Revival and Italianate are the predominant architectural styles indicating that development began as early as the first quarter of the 19th century.

The houses located in the triangle created by Cleveland Street, Bath Road, and [Federal Street](#) are generally smaller in scale compared to buildings elsewhere in the neighborhood. The smaller scale buildings, narrow width of Cleveland Street, minimal front setbacks, and the informal sidewalks establish an intimate pedestrian feel which is noticeably different from the more formal streetscape elsewhere in the neighborhood. Stylistically, a mix of Federal and Greek Revival buildings indicates early-to-mid-19th century development along this street.

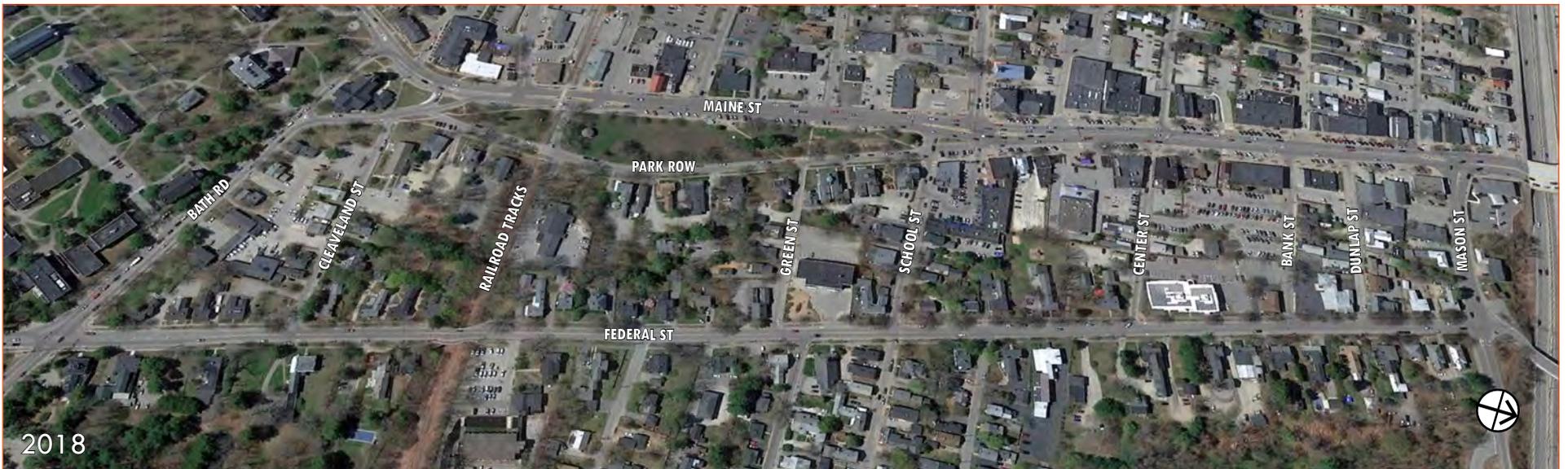
Overall, the buildings in the [Federal Street Neighborhood](#) represent a superb collection of residential 19th century architecture and reflect Brunswick's prosperity during this time period. The survival of the majority of these 19th century structures is not only a testament to the convenience of this residential area to nearby services ([Bowdoin College](#), shopping, Route 1), but also to the local citizens' awareness of the importance of these structures to Brunswick's history.



The idyllic Town Mall runs along the east side of Park Row and is just one of the distinctive characteristics of the Federal Street Neighborhood.



Due to its narrow width, informal sidewalks, and smaller buildings, Cleveland Street has a noticeably different character than the rest of the Federal Street Neighborhood.



B. Franklin-Maple Street Neighborhood

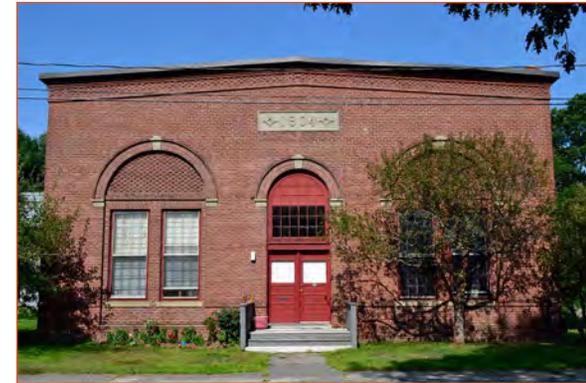
This neighborhood is one of six neighborhoods that comprise the VRO District in Brunswick. The houses that face Federal Street are not included in the boundaries of this neighborhood. The neighborhood is tucked between the houses along Federal Street to the west and the railroad to the east.

A walk through the Franklin-Maple Street Neighborhood reveals a great deal about how this area of Brunswick developed. By examining the relationship of buildings to the street and to each other, as well as the scale of the houses and their architectural detailing, one can gather valuable clues as to the neighborhood's history. Today, the area consists of predominantly residential buildings although historically a few commercial structures could be found in this area of town, such as a tannery at the end of Maple Street. The buildings are wood frame construction with the exception of two brick structures, one residential building on Jordan Avenue and the former Gas Company Building on Maple Street now known as the "Cookie Apartments."

The houses in the neighborhood are generally situated on long, narrow lots with the buildings sitting close to the street and side yards separating the houses and outbuildings. The separation between the public space (street/sidewalk) and private space (house) is informal with no curbing or formal sidewalks. Few street trees or other elements (such as fences, retaining walls, etc.) define the public and private areas. This configuration differs noticeably from Federal Street, along the west side of the neighborhood, where houses are typically situated further back from the street with sidewalks as well as retaining walls, fences and porches defining the transition from the public street to the private house.

The informal relationship between the buildings and the street, and the houses' close proximity to each other contributes to the character of this neighborhood and reflects the early and ongoing development of this residential area conveniently positioned between downtown and rural areas beyond the railroad.

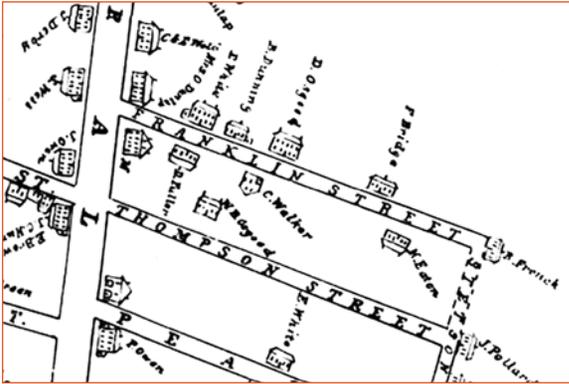
A visual analysis of the scale and detailing of neighborhood buildings also contributes to the story about the area's development. The concentration of several small, one and one and one-half-story Greek Revival capes along Franklin and Stetson Streets reflects the mid-19th century development in the neighborhood. An 1846 map clearly indicates the existence of several capes, many of which still survive, and illustrates how this area bridged the gap between downtown development and the farms beyond.



The building known as the "Cookie Apartments" on Maple Street is one of two distinctive brick buildings in the Franklin-Maple Street Neighborhood.



This mid-19th century Greek Revival cape is one of several still in existence on Franklin Street that reflects the character of the Franklin-Maple Street Neighborhood.



Franklin and School (formerly Thompson) Streets as depicted on a map from 1846.



This Italianate-style double-house on Jordan Avenue is one of several in the Franklin-Maple Street Neighborhood.

The continued growth of Brunswick and the success of the mills in the second half of the 19th century are reflected in the built environment with the construction of larger, two and one-half-story houses as well as double-houses, particularly on School Street, Jordan Avenue, and Market Lane. During this same period, numerous connected houses and barns, or carriage houses, were constructed reflecting the adaptation of the common connected farmhouse to a town setting. An examination of the 1887 map shows the concentration of these connected houses along several streets, particularly Franklin and Thompson (now School) Streets. The existence of both large single-family houses and multifamily dwellings speaks to the convenience of the location for people from a wide range of economic and social levels.

Many of the buildings constructed in the neighborhood during the mid-to-late-19th century are simple building forms that incorporate Italianate stylistic details, such as brackets along the roof edge or a small, pediment over the main entry. Decorative window lintels, or hoods, and bay windows are also common Italianate features. The popularity of this particular style indicates how readily available these architectural elements were to a wide segment of Brunswick's residents.

While most of the neighborhood was developed by the late-19th, there are several early-20th century houses in the area. These include cape forms designed to replicate early Colonial architecture, and others reflect the newer building forms, such as the four square. Most of the 20th century buildings exist along Jordan Avenue and to the south. The buildings of the Franklin-Maple Street Neighborhood reflect the consistent popularity of this small residential area beginning in the early-19th century and continuing through the 20th century.



C. Maine Street Neighborhood



The Lincoln Building (above) and the Tondreau Building (below) exemplify the traditional downtown building form of the late-19th and early-20th centuries.



This neighborhood is one of six neighborhoods that comprise the VRO District in Brunswick. Maine Street links Route 1 to [Bowdoin College](#) as well as numerous residential areas. The Maine Street neighborhood encompasses Brunswick's historic commercial core. Today, this area remains the heart of downtown activity. Additionally, the Maine Street Neighborhood is part of the [Brunswick Commercial Historic District](#) that is listed on the National Register of Historic Places.

The tremendous width of Maine Street distinguishes it from other streets in the VRO District. The street's ample width affords dramatic views of Fort Andross Mill to the north and [First Parish Church](#) to the south. The variation in building forms and materials defines the character of Brunswick's Maine Street. An examination of the current buildings offers clues to how this vibrant community center has evolved over the last 250 years.

Residential scale one and one-half- and two-story buildings populate the west side of the street between Route 1 and Gilman Avenue. They are free-standing structures with either hipped or gable roofs. This adaptation of the residential building form for commercial downtown use was common during the early-to-mid-19th century and these buildings are some of the earlier structures in downtown. Several other free-standing residential scale commercial buildings exist elsewhere along Maine Street. These buildings are typically either brick or wood frame.

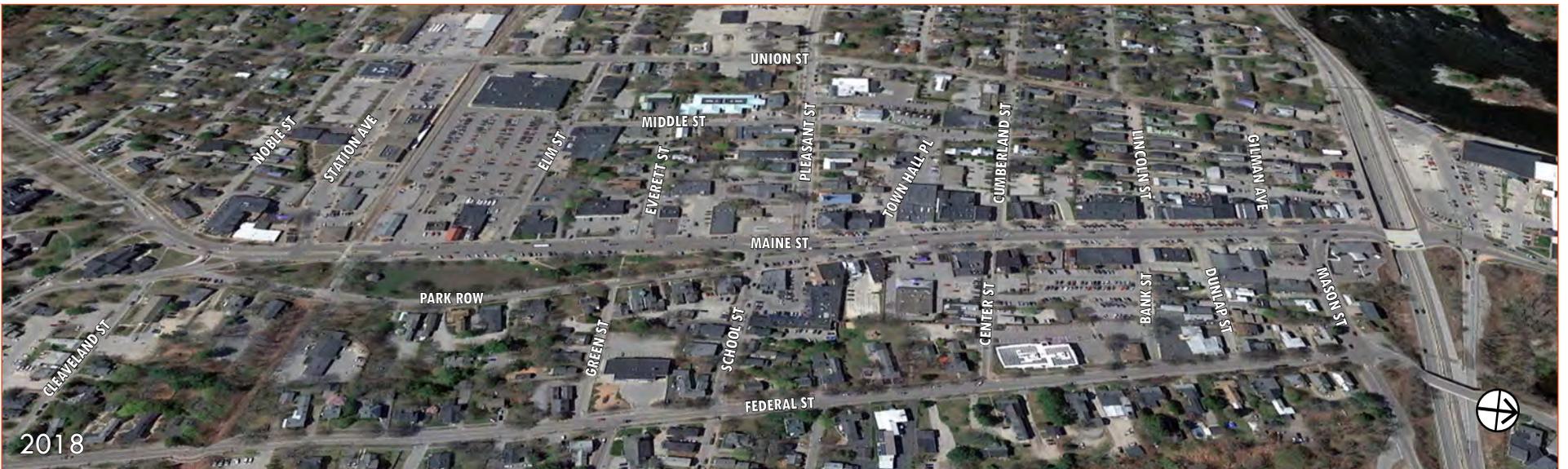
Maine Street also has several commercial blocks that represent the traditional downtown building form of the late-19th and early-20th centuries. The Lincoln Building and the Tondreau Building are exceptional examples of this tradition. Both of these buildings are brick, the preferred building material for densely developed downtowns as it was more fire resistant.

Several 20th century buildings indicate where earlier structures were either lost to fire or demolition. Some of these "younger" buildings respond to Maine Street's traditional character by maintaining a setback similar to neighboring structures while others are representative of the 20th century free-standing commercial building. Wide sidewalks, trees, crosswalks, and streetlights establish a formal streetscape and contribute to the cohesiveness of Maine Street.

Maine Street's architecture represents over two centuries of change. The layers of history are evident in the various building forms and materials. Despite a wide variety of buildings, Maine Street maintains a sense of uniformity as a result of the generally consistent building setback and building height. While building forms and materials may have changed, the unifying thread of commercial activity continues to thrive on Maine Street.



The various building forms and materials of Maine Street can be experienced with a short walk down the block.



D. Mill Street Neighborhood

This neighborhood is one of six neighborhoods that comprise the VRO District in Brunswick. Route 1 divides this neighborhood, which was once at the heart of Brunswick's textile mill industry.

The Route 1 bypass destroyed many of the tenements and commercial buildings associated with the industrial age. However, the south side of Mill Street retains numerous buildings from the mid-19th century. These three-story, wood frame buildings with commercial storefronts on the first floor and housing on the upper floors typify industrial era vernacular architecture.

The Cabot Mill (now called Fort Andross) anchors the north end of Brunswick and signifies the importance of the town's industrial heritage. While this neighborhood's architectural history has been greatly altered, the remaining buildings, both the mill and modest tenement buildings, reflect a significant aspect of Brunswick's 19th century heritage.



The completion of the Route 1 bypass demolished many others, but a few buildings on the south side of Mill Street remain.



One of only two (2) remaining buildings on Bow Street.



E. Northwest Brunswick Neighborhood

This neighborhood is one of six neighborhoods that comprise the VRO District in Brunswick. The neighborhood is bounded to the east by the downtown commercial district (Maine Street); to the north by Route 1; and to the west and south by residential areas. Union Street runs down the middle of the neighborhood and divides it into two sections: the eastern blocks end at Maine Street and the western blocks end at Cushing Street. In comparison to the other residential areas in the VRO District, the Northwest neighborhood contains the broadest range of architectural styles and level of architectural details.

The grandest houses in the neighborhood reside along the western blocks of Cumberland and High Streets. Impressive residences dating from the mid-to-late-19th century line Cumberland Street. Superb examples of Greek Revival, Italianate, and Stick Style are a testament to the wealth of the original owners and the talented craftsmen and builders in the area. Beyond these majestic houses lie several duplexes reflecting the need for housing as the textile industry prospered. Several high style Italianate and Colonial Revival houses dating from the 1870s populate the western block of High Street indicating the later development of this street. On some properties, the ornate architectural detailing carries over onto the carriage houses.

The residences along Dunning and Oak Streets are modest both in scale and architectural details compared to those found elsewhere in the neighborhood. One and one-half-story houses located extremely close to the road and to each other characterize Dunning Street. Over the years many houses have transformed into multi-family housing. Similarly, modest architecture characterizes Oak Street with the one notable difference being the existence of three-story multi-family dwellings. Given this area's proximity to the mills it is logical to see a concentration of multi-family buildings.

The residential structures located east of Union Street are typically one and one-half- or two- story houses situated on long narrow lots resulting in a densely developed street. Several beautifully detailed brick Greek Revival residences on [Lincoln Street](#) date to the mid-1800s and reflect the impact of the mills' prosperity on the development of local housing. The consistent small scale of the houses, the regular setback from the street and the narrow width of the street all contribute to an intimate pedestrian feel on both Gilman Avenue and [Lincoln Street](#).



This house on High Street is one of several finely crafted buildings on Cumberland and High Streets.



Three-story multi-unit residences on Oak Street reflect the Northwest Brunswick Neighborhood's proximity to the former mills.

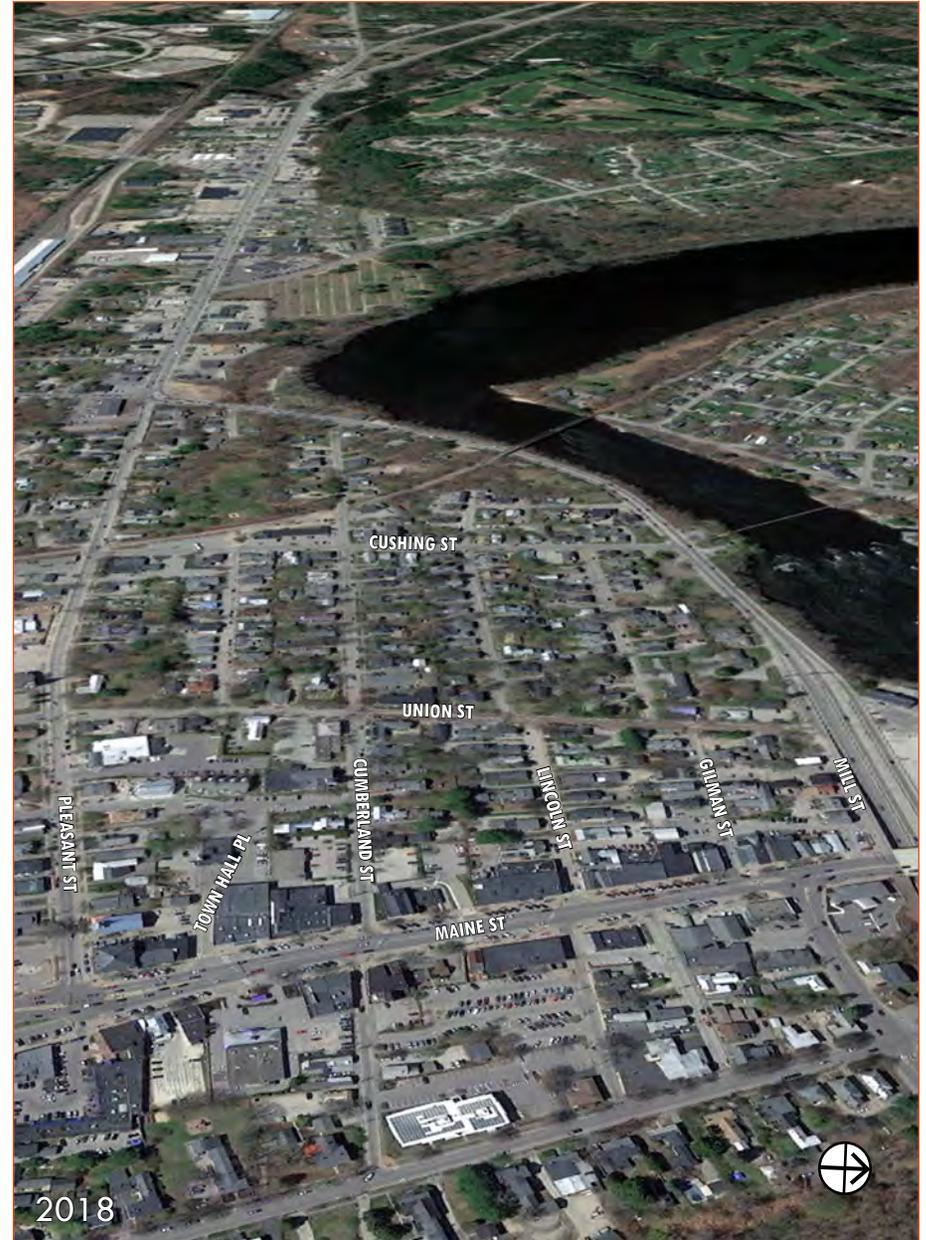


A brick Greek Revival (above) on Lincoln Street and a Dutch Colonial Revival (below) on High Street showcase the diverse architectural styles found within the Northwest Brunswick Neighborhood.



The eastern block on Cumberland Street is predominantly residential, however there are a few institutional buildings in this area, including a church and a school. Of particular note is the Stetson Street Block, a two-story apartment house originally built as townhouses.

The Northwest neighborhood is a compact predominantly residential area. The streets establish a grid like pattern yet the pedestrian experience varies greatly depending upon the street and the location of the houses in relation to the street. The mix of both high-style and vernacular buildings reflects the diverse history of residents and is one of the defining characteristics of the neighborhood.



F. Pleasant Street Neighborhood



This Second Empire-style building is one of several buildings on Pleasant Street that have been converted for commercial use.



Curtis Memorial Library is one of the civic uses characteristic of the Pleasant Street Neighborhood.

The Pleasant Street Neighborhood includes the properties on both sides of the street from Route 1 / Stanwood Street to Maine Street. This neighborhood is one of six neighborhoods that comprise the VRO District in Brunswick. The neighborhood is one of the primary gateways into downtown Brunswick.

The variety of building types along Pleasant Street indicates that a significant amount of change and growth has occurred through the years. Union Street is an important delineation point as the character of the buildings begins to change at the intersection of Union and Pleasant Streets. Therefore, Pleasant Street can be broken down into two sections: Maine Street to Union Street and Union Street to Route 1 / Stanwood Street.

Between Maine Street and Union Street, there is a mix of civic, religious and commercial uses as well as building forms. Significant civic or religious buildings of various architectural styles contribute to the street's character, including the [Curtis Memorial Library](#) (Colonial Revival, c. 1904), the Unitarian Universalist Church (Queen Anne, c. 1886), [St. Paul's Episcopal Church](#) (Gothic Revival, c. 1845) and the United States Post Office (Colonial Revival, c. 1932). The importance of these community landmarks is reflected, in some cases, by the use of masonry, a more substantial and expensive building material. Over the years, the commercial activities of Maine Street have crept around the corner onto this section of Pleasant Street. As a result, many of the 19th century residences have been converted to commercial use, which has significantly impacted their architectural integrity. While setbacks are generally consistent in this area, the variation in building form, materials, and use creates a busy visual environment.

From Union Street to Route 1/Stanwood Street, Pleasant Street begins to take on a less commercial feel. Between Union and Cushing Streets there is still a mix of residential and institutional buildings. St. John's Catholic Church and its related buildings anchor the southwest corner of Pleasant and Union Streets and mark the end of the religious landmarks along Pleasant Street. Numerous businesses inhabit residential buildings. For the most part, this results in preserving the residential scale and character of the street. While there are a few early-19th century buildings, the prevalence of late-19th century architectural styles reflect the later development of this section of Pleasant Street. These styles include Queen Anne, Stick Style, and Colonial Revival.

The tremendous width of Pleasant Street (two lanes of traffic plus one lane of parking) is due to its original function as a major two-way gateway into and out of Brunswick. The wide street dominates the streetscape and diminishes the pedestrian feel of the neighborhood. Curbs, sidewalks, and trees establish a formal streetscape pattern.

While Maine Street represents the commercial center of Brunswick, Pleasant Street is the hub of civic and religious activities. The buildings along Pleasant Street portray a significant part of Brunswick's commercial, residential, and religious history.



Directly across from Curtis Memorial Library, the United States Post Office is another civic use characteristic of the Pleasant Street Neighborhood



Built in 1881, this house on Pleasant Street is reflective of late 19th-century architecture found in the Pleasant Street neighborhood.



V. APPENDICES

- A. Accessibility Guidelines
- B. Illustrated Architectural Elements
- C. Illustrated Design Concepts
- D. Historic Maps
- E. Properties within the Village Review Overlay District on the National Register of Historic Places

A. Accessibility Guidelines

Americans with Disabilities Act Accessibility Guidelines (ADAAG)

Sections 4.1.7 Accessible Buildings: Historic Preservation

(1) Applicability*:

- (a) General Rule. Alterations to a qualified historic building or facility shall comply with 4.1.6 (Accessible Buildings: Alterations), the applicable technical specifications of section 4 and the applicable special application sections unless it is determined in accordance with the procedures in 4.1.7(2) that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility in which case the alternative requirements in 4.1.7(3) may be used for the feature.

Appendix Note: A4.1.7(1) The Department of Justice's regulations implementing titles II and III of the ADA require alternative methods of access where compliance with the special access provisions in 4.1.7(3) would threaten or destroy the historic significance of a qualified historic facility. The requirement for public facilities subject to title II is provided at 28 C.F.R. 35.154(b) and the requirement for private facilities subject to title III is provided at 28 C.F.R. 36.405(b).

EXCEPTION: (Reserved).

- (b) Definition. A qualified historic building or facility is a building or facility that is:
 - (i) Listed in or eligible for listing in the National Register of Historic Places; or
 - (ii) Designated as historic under an appropriate State or local law.

(2) Procedures:

- (a) Alternatives to Qualified Historic Buildings and Facilities Subject to Section 106 of the National Historic Preservation Act:
 - (i) Section 106 Process. Section 106 of the National Historic Preservation Act (16 U.S.C. 470 f) requires that a Federal agency with jurisdiction over a Federal, federally assisted, or federally licensed undertaking consider the effects of the agency's undertaking on buildings and facilities listed in or eligible for listing in the National Register of Historic Places and give the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking prior to approval of the undertaking.

- (ii) ADA Application. Where alterations are undertaken to a qualified historic building or facility that is subject to section 106 of the National Historic Preservation Act, the Federal agency with jurisdiction over the undertaking shall follow the section 106 process. If the State Historic Preservation Officer or Advisory Council on Historic Preservation agrees that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility, the alternative requirements in 4.1.7(3) may be used for the feature.
 - (b) Alternatives to Qualified Historic Buildings and Facilities Not Subject to Section 106 of the National Historic Preservation Act. Where alterations are undertaken to a qualified historic building or facility that is not subject to section 106 of the National Historic Preservation Act, if the entity undertaking the alterations believes that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility and that the alternative requirements in 4.1.7(3) should be used for the feature, the entity should consult with the State Historic Preservation Officer. If the State Historic Preservation Officer agrees that compliance with the accessibility requirements for accessible routes (exterior and interior), ramps, entrances or toilets would threaten or destroy the historical significance of the building or facility, the alternative requirements in 4.1.7(3) may be used.
 - (c) Consultation With Interested Persons. Interested persons should be invited to participate in the consultation process, including State or local accessibility officials, individuals with disabilities, and organizations representing individuals with disabilities.
 - (d) Certified Local Government Historic Preservation Programs. Where the State Historic Preservation Officer has delegated the consultation responsibility for purposes of this section to a local government historic preservation program that has been certified in accordance with section 101(c) of the National Historic Preservation Act of 1966 (16 U.S.C. 470a (c)) and implementing regulations (36 C.F.R. 61.5), the responsibility may be carried out by the appropriate local government body or official.
- (3) Historic Preservation: Minimum Requirements:
- (a) At least one accessible route complying with 4.3 from a site access point to an accessible entrance shall be provided.

EXCEPTION: A ramp with a slope no greater than 1:6 for a run not to exceed 2 ft (610 mm) may be used as part of an accessible route to an entrance.
 - (b) At least one accessible entrance complying with 4.14 which is used by the public shall be provided.

EXCEPTION: If it is determined that no entrance used by the public can comply with 4.14, then access at any entrance not used by the general public but open (unlocked) with directional signage at the primary entrance may be used. The accessible entrance shall also have a notification system. Where security is a problem, remote monitoring may be used.

- (c) If toilets are provided, then at least one toilet facility complying with 4.22 and 4.1.6 shall be provided along an accessible route that complies with 4.3. Such toilet facility may be unisex in design.
- (d) Accessible routes from an accessible entrance to all publicly used spaces on at least the level of the accessible entrance shall be provided. Access shall be provided to all levels of a building or facility in compliance with 4.1 whenever practical.
- (e) Displays and written information, documents, etc., should be located where they can be seen by a seated person. Exhibits and signage displayed horizontally (e.g., open books), should be no higher than 44 in (1120 mm) above the floor surface.

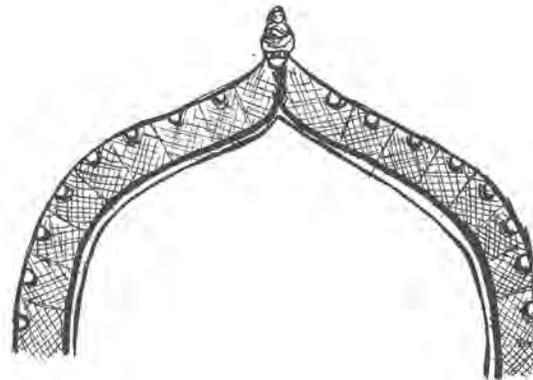
B. Illustrated Architectural Elements

Although not specifically referenced in the VRO Design Guidelines, there are many other architectural elements that are frequently discussed during the VRB review process. Various elements, though not conclusive, are illustrated below:

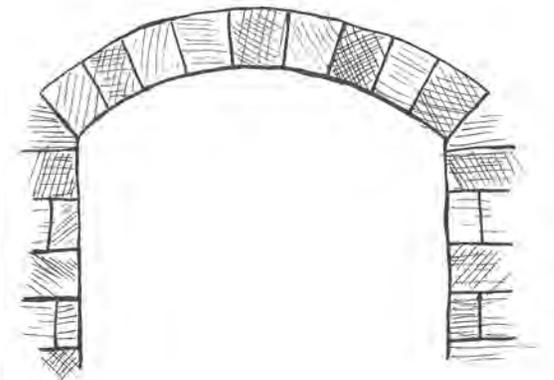
Arches



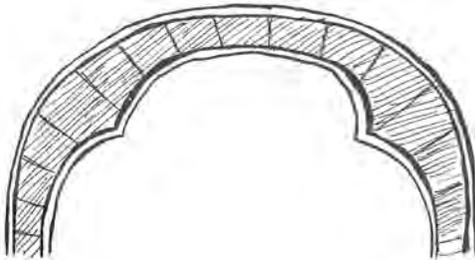
Gothic



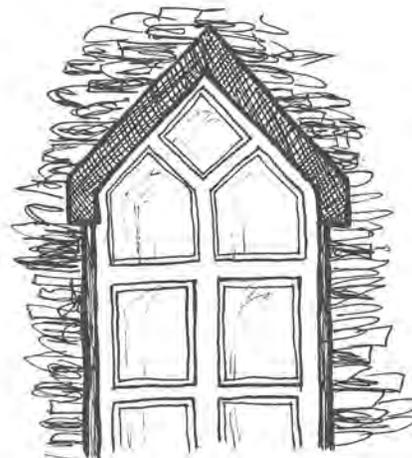
Ogee



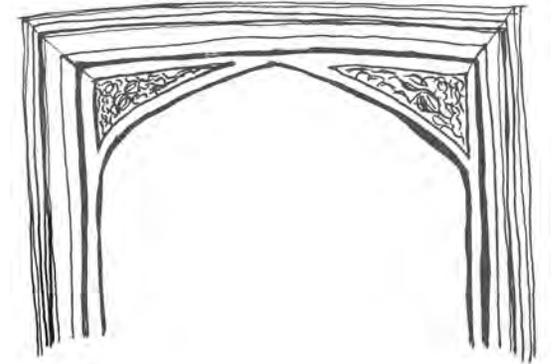
Segmented



Trefoil

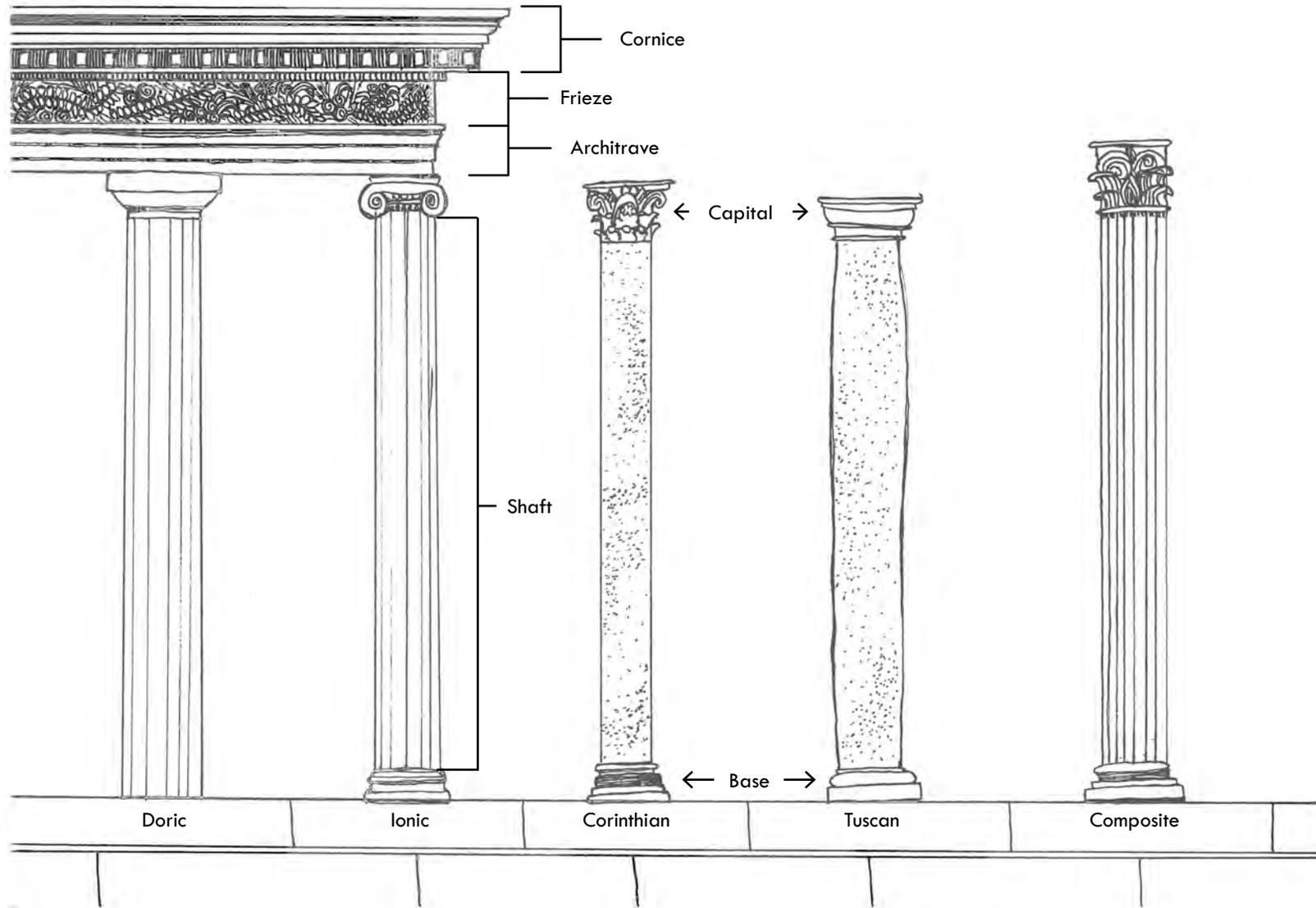


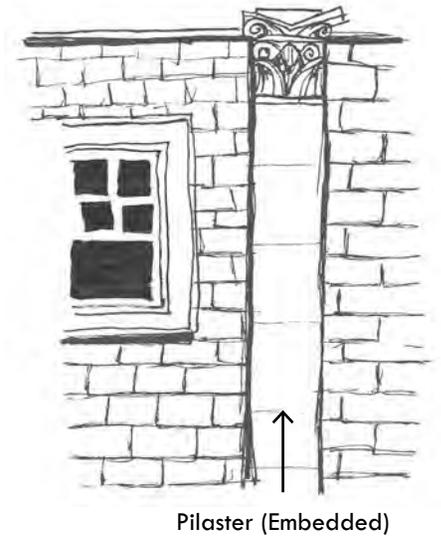
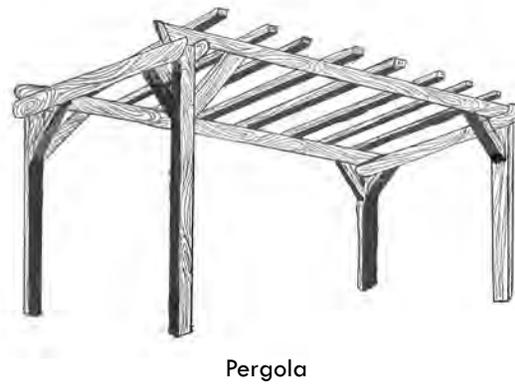
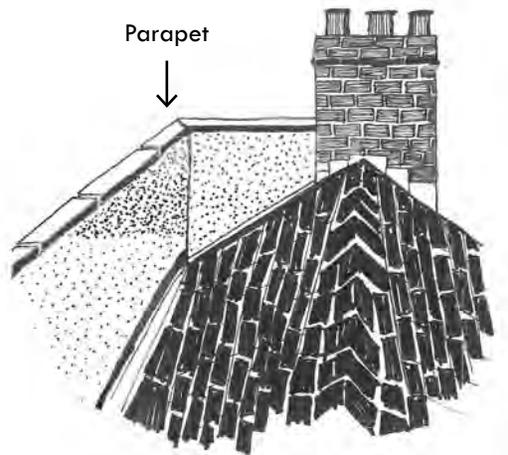
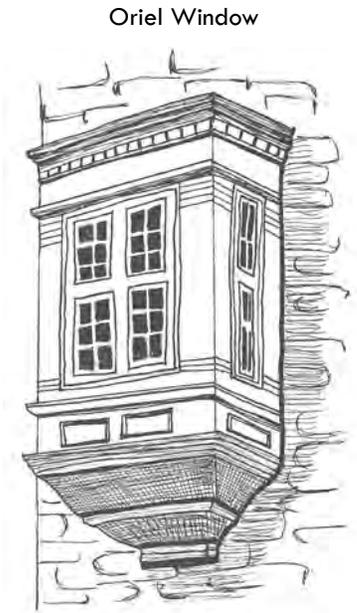
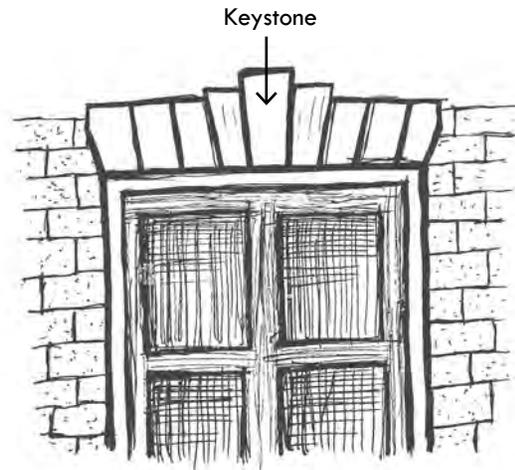
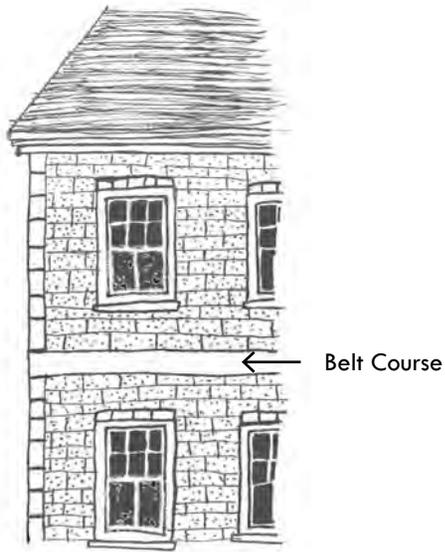
Triangular



Tudor

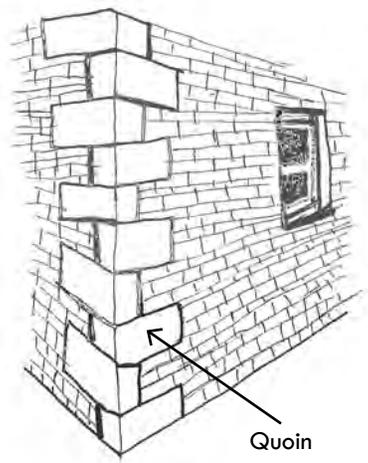
Columns







Porte Cochere



Quoin

C. Illustrated Design Concepts

Articulation: A method or manner of jointing that makes the united parts clear, distinct, and precise in relation to each other.¹

Building Hierarchy: Traditional multi-story buildings are composed of three (3) elements: base, middle, and top. As a building transitions between the elements changes in materials, colors, massing, and scale often occur.

Fenestration: The design, proportioning, and disposition of windows and other exterior openings for a building.²

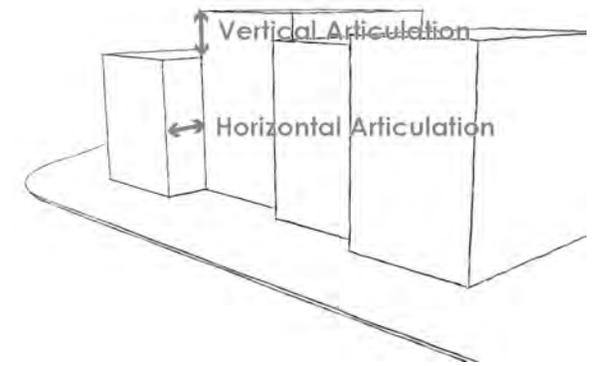
Incremental Demolition: The act of removing historic elements of a building over time, the aggregate of which is loss of character and substance that results in a building that has lost its historic integrity.

Infill Development: Development that occurs on vacant or underused lots in otherwise built-up sites or areas.³

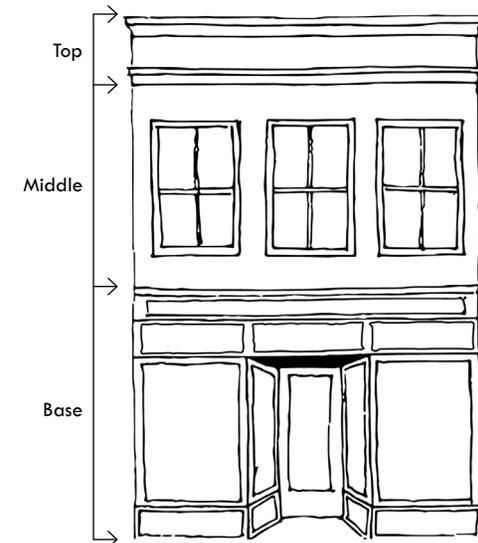
Massing: The organization of a building's overall volume.⁴ Often referred to as "bulk."

Rhythm: Movement characterized by a patterned repetition or alteration of formal elements or motifs in the same or a modified form.⁵

Scale: A qualitative measure of the relative height and massing of buildings and spaces. A building might disruptively dominate others to the detriment of its context, and its proportions might be such as to render it "out of scale" and uncomfortable to the human eye.⁶



A single building, or an entire block, may express various forms of articulation.



*Traditional multi-story buildings, especially mixed-use buildings follow a **hierarchy** that establishes a visually distinct based, middle, and top. The symmetrical window and transom **fenestration** creates a sense of architectural **rhythm**.*

¹ Ching, Francis D.K. *A Visual Dictionary of Architecture*. John Wiley & Sons, Inc., 1995, p. 52.

² Ibid, p. 24.

³ Sendich, Emina. *Planning and Urban Design Standards*. John Wiley & Sons, Inc., 2006, p. 457

⁴ Ching, Francis D.K. *A Visual Dictionary of Architecture*. John Wiley & Sons, Inc., 1995

⁵ Ibid, p. 55

⁶ Curl, James Stevens. *A Dictionary of Architecture and Landscape Architecture*. 2nd ed., Oxford University Press, 2006

vulnerable vermont

How Are Our Historic Buildings Changing?

THE STUDY: Changes are evidently being made to historic buildings by property owners in Vermont, and in considerable numbers. These changes generally go unnoticed and unacknowledged. As they accumulate, they alter a valuable record of the past. Eventually, they may erase the visible heritage of an entire community.

During 1989-1990, the University of Vermont Historic Preservation Program, in cooperation with the Vermont Division for Historic Preservation, undertook a study, **Vulnerable Vermont: A Study of Change to Historic Buildings in Three Vermont Communities**, to measure the pace and impact of change made to historic buildings over the past fifteen years in three very different northwestern Vermont communities. The communities studied were the Rutland Town Historic District, an urban neighborhood near Burlington's waterfront, Stowe, an enclave town which is rapidly becoming suburban, and Plover, a rural community.

This poster presents one of the interesting findings of the project.

Graduate students visited each study community to compare the general appearance of buildings with photographs and data of the same buildings gathered by the Division over a decade ago. The students also interviewed property owners about changes made to their buildings.

1975: Historic envelope is roughly built from 1875.

1979: Original windows and doors replaced.

1982: Porch added, chimney removed.

1988: Windows, door trim, and shutters removed, and wide vinyls added.

1990: Foundation excavated over, and windows changed to increase floor space to store.

IS THE VERMONT YOU KNOW FOREVER?
By measuring the rate of change to historic buildings in the study communities, some significant trends were discovered about the way Vermont might evolve in its "richest century."

BY THE YEAR 2004
In major towns, some may be left in Stonehenge Village.

BY THE YEAR 2049
All historic areas may be replaced with new houses in the history books of the history books.

BY THE YEAR 2088
No historic houses may be left in Plover.

Small Changes Can Add Up To Big Changes In Only Fifteen Years
Most property owners interviewed in the study noticed the large-scale changes made to their communities—changes demolished for parking lots, subdivisions built on fields at the edge of town. For less obvious, but of equal impact in the long run, were the gradual changes made to places—optimum built here, original windows replaced there. As each of the computer diagrams above, necessarily small changes to buildings can lead to broader alterations in the appearance of Vermont's landscape.

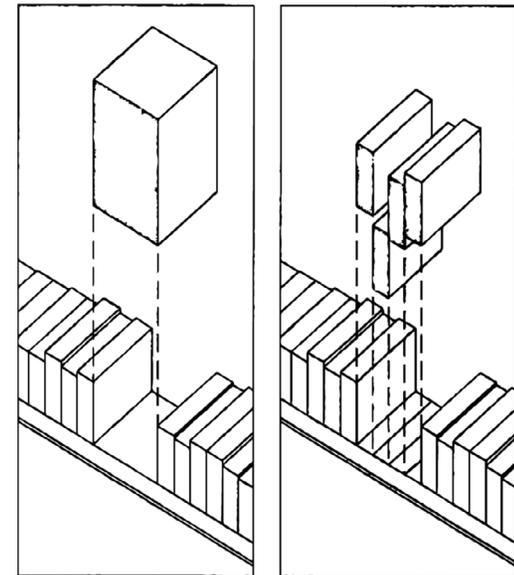
Could This Happen To Buildings In Your Community?
While the study revealed a number of existing trends, it also uncovered alternatives available to building owners. Here are a few examples:
Windows
Windows were frequently replaced on buildings in the three communities studied. Instead of replacing them with vinyl, original windows remained. In some cases, owners replaced and caulked the original sash to make them energy efficient. If repair was not possible, they found replacement windows to match the original.
Porches
While many owners in the study replaced their decorative porches with concrete steps and plain unpaneled lumber railings, others took the trouble to repair early porches and maintain their original porches. Many used one of several products such as epoxy resin which can eventually cause porches to rot. Others replaced faded original features with matching paint.

Buildings, Farms, Villages, and Cities Are Part Of The Environment Too!
Probably the most important overall message learned from this study is that buildings, streets, neighborhoods, farms, villages, towns, and cities are as much a part of Vermont's environment as forests, wetlands and so on. The decisions made by the individual citizen concerning buildings have a direct and immediate effect on preserving the larger environment.

STATISTICAL SUMMARY
The following bar chart illustrates how many buildings were changed over 1980, and the types of changes made.

Category	Percentage
Overall Change:	
Added	45%
Removed	45%
Replaced	10%
Changes to:	
Roofs	25%
Windows	45%
Doors	45%
Porches	45%
Paint	45%
Other	45%

This poster was produced by graduate students and faculty of the University of Vermont, Historic Preservation Program, Department of History, in cooperation with the staff of the Vermont Division for Historic Preservation, Agency of Development and Community Affairs, Montpelier, Vermont Office. For additional copies of this poster, the study report, or for information on preservation of buildings and communities, contact the Division. For information on window, wetlands, and community conservation and research services, contact the Historic Preservation Program.



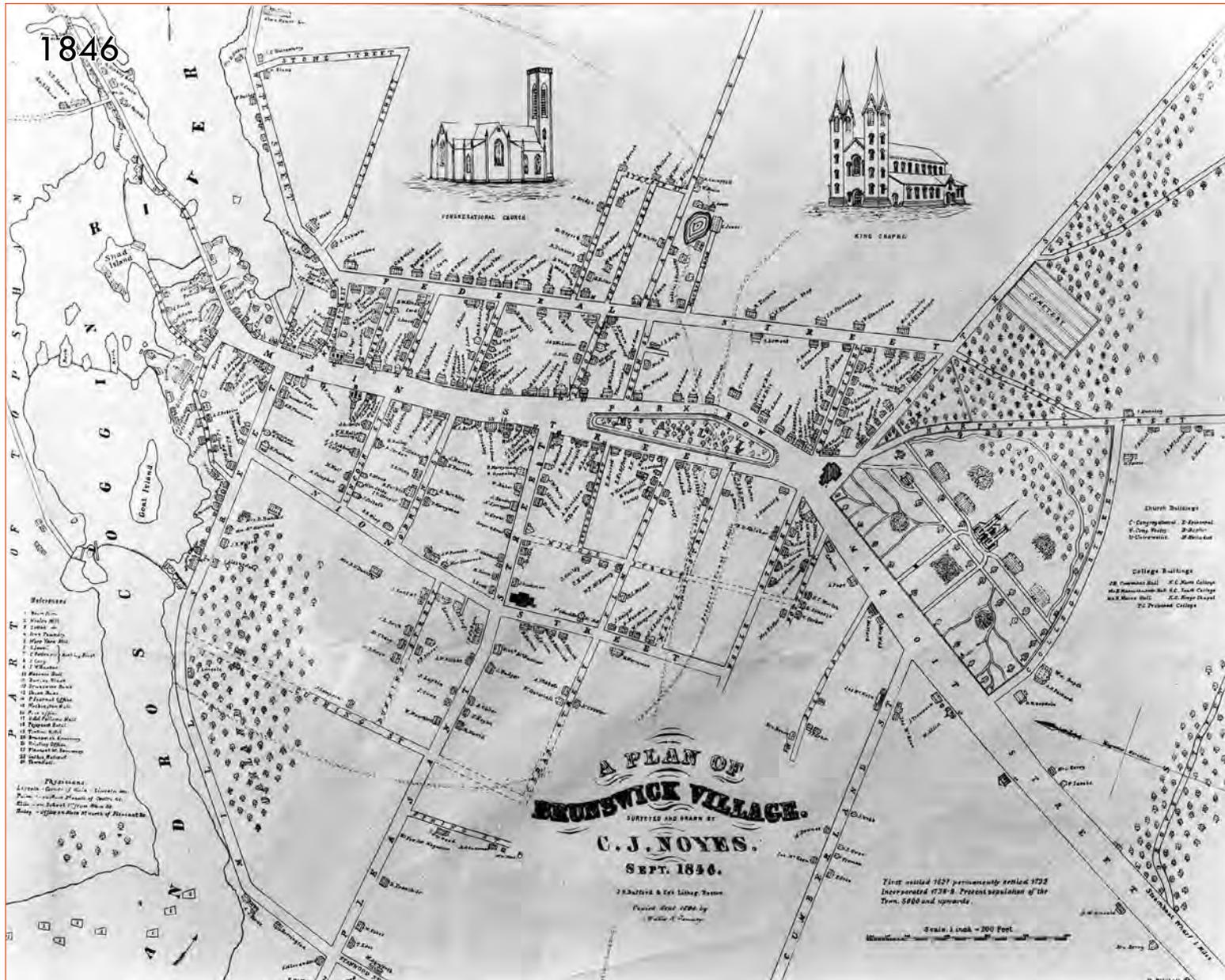
Infill development should be compatible with the massing of the surrounding context. The building on the left is out of scale with its surrounding context in comparison to the buildings on the right.

Image Source: See Footnote 3, page 96.

This poster¹ documents the process of incremental demolition.

¹ Image Source: "Vulnerable Vermont: How Are Our Historic Buildings Changing?" University of Vermont Historic Preservation Program and the Vermont Division of Historic Preservation. "Historic Preservation," <http://accd.vermont.gov/historic-preservation>.

D. Historic Maps



1887



BRUNSWICK.

MAINE
1887.

- 1. MUNICIPAL HALL
- 2. CHURCH
- 3. HOTEL
- 4. BANK
- 5. POST OFFICE
- 6. CITY HALL
- 7. COURT HOUSE
- 8. SCHOOL
- 9. CHURCH
- 10. CHURCH
- 11. CHURCH
- 12. CHURCH
- 13. CHURCH
- 14. CHURCH
- 15. CHURCH
- 16. CHURCH
- 17. CHURCH
- 18. CHURCH
- 19. CHURCH
- 20. CHURCH
- 21. CHURCH
- 22. CHURCH
- 23. CHURCH
- 24. CHURCH
- 25. CHURCH
- 26. CHURCH
- 27. CHURCH
- 28. CHURCH
- 29. CHURCH
- 30. CHURCH
- 31. CHURCH
- 32. CHURCH
- 33. CHURCH
- 34. CHURCH
- 35. CHURCH
- 36. CHURCH
- 37. CHURCH
- 38. CHURCH
- 39. CHURCH
- 40. CHURCH
- 41. CHURCH
- 42. CHURCH
- 43. CHURCH
- 44. CHURCH
- 45. CHURCH
- 46. CHURCH
- 47. CHURCH
- 48. CHURCH
- 49. CHURCH
- 50. CHURCH
- 51. CHURCH
- 52. CHURCH
- 53. CHURCH
- 54. CHURCH
- 55. CHURCH
- 56. CHURCH
- 57. CHURCH
- 58. CHURCH
- 59. CHURCH
- 60. CHURCH
- 61. CHURCH
- 62. CHURCH
- 63. CHURCH
- 64. CHURCH
- 65. CHURCH
- 66. CHURCH
- 67. CHURCH
- 68. CHURCH
- 69. CHURCH
- 70. CHURCH
- 71. CHURCH
- 72. CHURCH
- 73. CHURCH
- 74. CHURCH
- 75. CHURCH
- 76. CHURCH
- 77. CHURCH
- 78. CHURCH
- 79. CHURCH
- 80. CHURCH
- 81. CHURCH
- 82. CHURCH
- 83. CHURCH
- 84. CHURCH
- 85. CHURCH
- 86. CHURCH
- 87. CHURCH
- 88. CHURCH
- 89. CHURCH
- 90. CHURCH
- 91. CHURCH
- 92. CHURCH
- 93. CHURCH
- 94. CHURCH
- 95. CHURCH
- 96. CHURCH
- 97. CHURCH
- 98. CHURCH
- 99. CHURCH
- 100. CHURCH

E. Properties within the Village Review Overlay District on the National Register of Historic Properties

1. [63 Federal Street - Harriet Beecher Stowe House](#)
2. [75 Federal Street - Parker Cleaveland House](#)
3. [11 Lincoln Street - Richardson House](#)
4. [217 Maine Street - First Parish Church](#)
5. [27 Pleasant Street - St. Paul's Episcopal Church](#)
6. [Brunswick Commercial Historic District](#)
7. [Federal Street Historic District](#)
8. [Lincoln Street Historic District](#)

ITEM 101
BACKUP



MEMORANDUM

TO: Town Council
FROM: Appointments Committee
SUBJECT: Report for July 6th Appointments
DATE: 6/22/2020

All Councilors were present through last night's interviews, and every scheduled applicant was able to appear before us. We would like to make the following unanimous recommendations:

- Melissa Archbell – Reappointment to Recreation Commission for a three-year term expiring on July 1 of 2023.
- Sandy Stott – Reappointment to the Conservation Commission for a three-year term to expire on May 1 of 2023
- Robert Moore - Appointment to the Conservation Commission for a three-year term to expire on May 1 of 2023
- Steve Podgajny – Reappointment to the Davis Fund Committee for a three-year term to expire on June 30, 2023
- David Knight – Reappointment to the Davis Fund Committee for a three-year term to expire on June 30, 2023
- Steve Weems - Reappointment to the Recycling and Sustainability Committee for a term to expire on June 1, 2023.

(There was an additional application from James St. Pierre for the Davis Fund. His application will be included in your packet.)

Elin Gould

From: noreply@civicplus.com
Sent: Monday, June 15, 2020 2:10 PM
To: Fran Smith; Elin Gould
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select the Board, Commission, Recreation Commission
or Committee applying for

If Other, what committee OR if specific membership type
*Fill this in if the Committee you are applying for is not listed OR if the Committee
you applied for has different membership types (e.i. Alternate, Full) type here*

First Name	Melissa
Last Name	Archbell
Address1	9 Cushnoc Lane
Address2	<i>Field not completed.</i>
City	Brunswick
State	Maine
Zip	04011
Home Phone Number	2074062161
Cell Phone Number	7576159630
Work Phone Number	2077251200
Occupation	Civil Engineer
Email Address	melissa.c.archbell@gmail.com
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	Yes

If yes, which	Recreation Commission
Please list civic organizations to which you belong	None
Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:	I am a civil engineer, wife to a coach, parent of two small children, and a Brunswick resident. The recreational opportunities in Brunswick are something that is important to me and my experience on the Recreation Commission has only made me more interested in the subject matter.
Upload Resume (Optional)	<i>Field not completed.</i>
1. Do you have any questions about what the Board/Commission/Committee does or on its charge?	No
2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?	I have a bachelor of science in engineering and experience in site design which is useful in looking at some of the recreation projects and plans.
3. Why would you like to be on the Board/Commission/Committee?	I find the subject matter very interesting, I respect the work of the recreation department, and I would like to stay educated and involved in local matters.
4. Are you aware of the time involved and would you be able to attend most of the meetings?	Yes
5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?	I work for a local firm called Sitelines. On occasion, the company will have residential projects that require the payment of a Town of Brunswick recreation impact fee, but I don't think it is a conflict of interest. I believe I would need to recuse myself if there were a specific Sitelines project before the recreation commission
6. Do you have anything you would like to add	Thank you for the opportunity!

Email not displaying correctly? [View it in your browser.](#)

James A. St. Pierre

17 Colonial Drive • Brunswick • ME 04011 • 207-576-3655 c • 207-406-2355 h

Fran Smith, Town Clerk
Town of Brunswick
85 Union Street
Brunswick, ME 04011

Dear Ms. Smith:

Please accept my application for appointment to the Davis Fund Committee. Also provided are a completed application form and resume.

Thank you,

James (Jym) St. Pierre

Town of Brunswick
Application for
Appointment to Board/ Commission/ Committee

For Office Use Only
_____ Date App.
Received
_____ Date App. Entered

Full Name: James St. Pierre Date 6/3/2020

Street Address: 17 Colonial Dr, Brunswick, ME 04011 Home Phone # 207-406-2355

Cell/mobile Phone #: 207-576-3566 E-mail Address: jym@restore.org I live in Council Dist. #: 7

I wish to be considered for appointment to the:

Davis Fund Committee
(NAME OF BOARD/COMMISSION/COMMITTEE)

Check one or both:

FULL MEMBERSHIP STATUS:

TERM BEGINS: 6/30/2020

and/or

ASSOC/ALT MEMBERSHIP STATUS:

TERM EXPIRES: 6/30/2023

Do you or any relative currently serve on any Town Board/Commission/Committee? No If so, please state name of Board/Commission/Committee, the number of years of service, and the relationship to this applicant:

of Years _____ Date term exp. _____ Relationship _____

Your occupation: Conservation

Employer: RESTORE

Work Telephone #: 207-576-3655

List any civic organizations to which you belong: Brunswick-Topsham Land Trust (Advisory Board), Pejepscot History Center (Volunteer), Maine State Music Theater (Usher), Village Improvement Association (Member), Bowdoin College (Community Host), Midcoast Senior College (Speaker).

Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission: 44 years working for public agencies and public interest nonprofit organizations in Maine, including over 30 years directing nonprofits.

Have you previously served on a Town board/commission/committee? No If so, please list the board/commission/committee and years of service: I have not served on Town boards in Brunswick, but I have attended meetings of the Town Commons Committee for several years as well as recent sessions for the Comprehensive Plan Update and the Bicycle/Pedestrian Improvement Plan. In 2019, I created an exhibit celebrating the 300th anniversary of the Brunswick Town Commons. In 2020, I worked with the Brunswick Economic & Community Development Dept and local groups to prepare for a celebration of Maine's Bicentennial. I created a slide show and history presentation for the planned Community Bean Supper. In 2016 (updated in 2018), I initiated the popular Brunswick Outdoors brochure published by the Brunswick-Topsham Land Trust and Brunswick Recreation Department. In my previous Town of Readfield I served on many committees, including the Planning Board, Board of Appeals, Conservation Commission, Comprehensive Planning Committee, Park & Open Space Planning Committee, and Landowner Cooperation & Assistance Committee.

James St. Pierre
SIGNATURE

PLEASE COMPLETE THE QUESTIONS ON THE BACK OF THIS APPLICATION.

Applicants may submit a cover letter and resume with the application form.

Applications should be returned to the TOWN CLERK'S OFFICE, 85 Union Street, Brunswick, Me 04011.

You will be contacted to set up an interview with the Appointment Committee.

It is the intent of the Town to televise proceedings of Boards/Commissions/Committees

PLEASE NOTE: This completion of this application allows a person to be considered for a Town Board/Commission/Committee, but does not guarantee placement on a Board/Commission/Committee.

APPLICANT – PLEASE COMPLETE THE QUESTIONS BELOW

Board/Commission/Committee Applying For: Davis Fund Committee

Term Length: 3 years

1. Do you have any questions about what the Board/Commission/Committee does or on its charge?

No. I understand that the Davis Fund Committee is charged with the responsibility of recommending projects to the Town Council, which the committee feels most clearly fit the terms of a bequest made to the town by Samuel Gross Davis in memory of his father, Nathaniel Davis.

2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?

I have four decades of experience founding and directing nonprofits, including executive board positions on several statewide organizations in Maine. I have studied the history of Brunswick area and given numerous presentations about that.

3. Why would you like to be on the Board/Commission/Committee?

To be of service to my community.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes.

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

None known. If necessary, I would recuse myself from voting on proposals from committees or organizations where there could be a conflict of interest.

6. Do you have anything you would like to add?

I have a deep interest in the history and future of Brunswick and the region. During the past year, the Brunswick Town Commons exhibit I created has been displayed throughout the community, including at Pejepscot History Center, Curtis Memorial Library, Brunswick Visitor Center, Brunswick High School, Brunswick Recreation Center, Brunswick Naval Museum, and Brunswick Town Hall. It would be a privilege to serve on the Davis Fund Committee.

PLEASE REVIEW THE TOWN OF BRUNSWICK BOARDS, COMMISSIONS, AND COMMITTEES APPOINTMENT POLICY PRIOR TO SUBMITTING THIS APPLICATION. YOU MAY VIEW THE POLICY AT <http://www.brunswickme.org/departments/town-clerk/boards-committees/> OR OBTAIN A COPY FROM THE TOWN CLERK'S OFFICE

JAMES “JYM” ST. PIERRE BRIEF BIO

After earning degrees in philosophy (BA) and natural resources (MPS) from the University of Maine, Jym worked for:

- **Maine State Planning Office**
- **Maine Department of Conservation**
- **The Wilderness Society**
- **Northern Forest Alliance**
- **Sierra Club**
- **RESTORE: The North Woods**

Since 1995, Jym has been Maine Director of RESTORE: The North Woods, a conservation organization that works on state, regional, and national issues. He has been the chief advocate for creation of new national park in the Maine Woods. Since 2009, he has also been Editor of the Maine Environmental News website where he has posted links to more than 70,000 articles, announcements, and alerts.

In addition, he has served in a wide variety of public interest positions, including:

- **Maine Conservation Voters (Co-founding Director; Advisory Board)**
- **Kennebec Land Trust (Founding President; Advisory Board)**
- **Brunswick-Topsham Land Trust (Advisory Council)**
- **Natural Resources Council of Maine (Board Officer)**
- **The Nature Conservancy Maine Chapter (Board Trustee)**
- **Friends of Baxter State Park (Board Officer)**
- **Citizens to Protect the Allagash (Founding Chair)**
- **Maine Forest Biodiversity Project (Steering Committee)**
- **Maine Association of Conservation Commissions (Board Director)**
- **Maine Environmental News website (Editor)**
- **Maine Development Foundation's Leadership Maine Program**
- **Maine Public Lands Policy Advisory Committee**
- **Allagash Wilderness Waterway Advisory Council**

At the local level, he has served on a:

- **Comprehensive Planning Committee (Chair)**
- **Planning Board (Vice Chair)**
- **Board of Appeals**
- **Conservation Commission**
- **Landowner Cooperation and Assistance Committee**

Jym is also an award-winning photographer. His series Maine Landsc[r]apes has been exhibited in several galleries around Maine. In his spare time, he does freelance photography for environmental organizations, explores conservation and historic areas, studies maps, and makes fun of pompous politicians. He has completed 36 arduous winter backpacking trips through Baxter State Park (skiing 1700+ miles); he has paddled hundreds of miles on Maine rivers; he has peddled at least that far on local roads; and he has visited dozens of parks in the U.S., Canada, Central America, South America, Asia and Europe.

A native of Auburn, Maine, Jym is especially embarrassed to have been the 1981 state champion of Maine Public Television's "So You Think You Know Maine" program. He now lives in Brunswick, Maine, where, in his twilight years, he collects books and dust.

Jym has two grown sons. One, a graduate of the College of the Atlantic, is a fine furniture maker and rock climber. The other is a black belt martial arts instructor and chicken farmer.

Rev 20200803

Elin Gould

From: noreply@civicplus.com
Sent: Tuesday, May 26, 2020 9:43 AM
To: Fran Smith; Elin Gould
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select the Board, Commission, or Committee applying for Conservation Commission

If Other, what committee OR if specific membership type
Fill this in if the Committee you are applying for is not listed OR if the Committee you applied for has different membership types (e.i. Alternate, Full) type here

First Name	Sandy
Last Name	Stott
Address1	4 Braemar Rd.
Address2	<i>Field not completed.</i>
City	Brunswick
State	Maine
Zip	04011
Home Phone Number	2077984709
Cell Phone Number	<i>Field not completed.</i>
Work Phone Number	<i>Field not completed.</i>
Occupation	Writer
Email Address	fsandystott@gmail.com
Are you currently serving on other Boards, Commissions, or Committees?	Yes
If yes, which	Conservation Commission
Have you served on a Board, Commission, or Committee before?	Yes

If yes, which	Conservation Commission
Please list civic organizations to which you belong	Brunswick-Topsham Land Trust, Appalachian Mountain Club
Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:	Former Academic Administrator and Teacher; current chair of Conservation Commission, Editor of AMC's Journal Appalachia,
Upload Resume (Optional)	<i>Field not completed.</i>
1. Do you have any questions about what the Board/Commission/Committee does or on its charge?	No
2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?	See Above
3. Why would you like to be on the Board/Commission/Committee?	To continue the Commission's ongoing work and help the planning effort for Mere Brook's improvement forward.
4. Are you aware of the time involved and would you be able to attend most of the meetings?	Yes
5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?	No
6. Do you have anything you would like to add	No

Email not displaying correctly? [View it in your browser.](#)

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Elin Gould

From: noreply@civicplus.com
Sent: Wednesday, June 3, 2020 4:31 PM
To: Fran Smith; Elin Gould
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select the Board, Commission, or Committee applying for Davis Fund Committee

If Other, what committee OR if specific membership type
Fill this in if the Committee you are applying for is not listed OR if the Committee you applied for has different membership types (e.i. Alternate, Full) type here

First Name	Stephen
Last Name	Podgajny
Address1	38 SPARWELL LANE
Address2	<i>Field not completed.</i>
City	BRUNSWICK
State	ME
Zip	04011
Home Phone Number	2075225356
Cell Phone Number	2075225356
Work Phone Number	<i>Field not completed.</i>
Occupation	Retired Library Director
Email Address	s_podgajny@yahoo.com
Are you currently serving on other Boards, Commissions, or Committees?	Yes
If yes, which	Good Will-Hnckley, currently Davis Fund,
Have you served on a Board, Commission, or Committee before?	Yes

If yes, which	Maine Humanities Council, Pejepscot Historical Society, Maine Charity Fund, many others, etc.
Please list civic organizations to which you belong	Brunswick Topsham Land Trust, Maine Coast Heritage Trust, Pejepscot History Center, others
Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:	Broad experince in grant making and grant seeking, program development ad organizational management
Upload Resume (Optional)	<i>Field not completed.</i>
1. Do you have any questions about what the Board/Commission/Committee does or on its charge?	No
2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?	40 years in Maine of exposure to and participation in arts, cultural and social service community organizations, fund raising and organaization management.
3. Why would you like to be on the Board/Commission/Committee?	Give back to my community and help build better quality of life
4. Are you aware of the time involved and would you be able to attend most of the meetings?	Yes
5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?	No
6. Do you have anything you would like to add	Would like to be reappointed for another term if past performance is acceptable

Email not displaying correctly? [View it in your browser.](#)

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Elin Gould

From: noreply@civicplus.com
Sent: Friday, June 5, 2020 5:50 PM
To: Fran Smith; Elin Gould
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select the Board, Commission, or Committee applying for Davis Fund Committee

If Other, what committee OR if specific membership type
Fill this in if the Committee you are applying for is not listed OR if the Committee you applied for has different membership types (e.i. Alternate, Full) type here

First Name	DAVID
Last Name	KNIGHT
Address1	22 PAGE STREET
Address2	<i>Field not completed.</i>
City	BRUNSWICK
State	ME
Zip	04011
Home Phone Number	2077984600
Cell Phone Number	2073195767
Work Phone Number	2077984600
Occupation	Retired
Email Address	knightdm@gwi.net
Are you currently serving on other Boards, Commissions, or Committees?	Yes
If yes, which	Davis Fund Committee
Have you served on a Board, Commission, or Committee before?	Yes

If yes, which	Nathaniel Davis Fund Committee
Please list civic organizations to which you belong	Association of Bowdoin Friends, People Plus, Brunswick Downtown Assn., Y Landing Committee, First Parish Church, Organizing Committee for the Veterans Plaza
Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:	Have been on numerous private foundation and non-profit boards, former Chair Davis Fund Committee, 45 years in professional fundraiser
Upload Resume (Optional)	<u>DCKONEPAGERmay 2017.doc</u>
1. Do you have any questions about what the Board/Commission/Committee does or on its charge?	No
2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?	See above
3. Why would you like to be on the Board/Commission/Committee?	Very much like to learn about and help benefit a host of non-profits are doing to benefit the citizens of Brunswick
4. Are you aware of the time involved and would you be able to attend most of the meetings?	Yes
5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?	No
6. Do you have anything you would like to add	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Elin Gould

From: noreply@civicplus.com
Sent: Friday, February 21, 2020 3:54 PM
To: Fran Smith; Elin Gould
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select the Board, Commission, or Committee applying for Conservation Commission

If Other, what committee OR if specific membership type
Fill this in if the Committee you are applying for is not listed OR if the Committee you applied for has different membership types (e.i. Alternate, Full) type here

First Name	Robert
Last Name	Moore
Address1	64 Moody Road
Address2	<i>Field not completed.</i>
City	Brunswick
State	ME
Zip	04011
Home Phone Number	<i>Field not completed.</i>
Cell Phone Number	18042130046
Work Phone Number	<i>Field not completed.</i>
Occupation	Director of Media and Information Systems (Creative and IT)
Email Address	RSMOORE@GMAIL.COM
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>

Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	(none of these are local.) The Red River Gorge Climbers Coalition, Sheltoewe Trace Association, Climbing Wall Association, the Friends of Muir Valley, The Backcountry Hunters and Anglers Mentorship Program, UMUMR Richmond, Shalom Farms, PCUSA
Please list civic organizations to which you belong	We are new to Maine so other than a local fish and game association and an outdoors club nothing local. National organizations are mainly outdoors/recreation advocacy - Access Fund, AMGA, AMC, BHA, SRA. I have served on the board of a historical neighborhood association, as well as civic programs like the Master Gardeners and extension education programs.
Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:	I have worked in 3 principal areas/had roles that are relevant. I co-founded and managed a teaching farm for children in underserved Richmond VA school systems, and developed curriculum with the local schools for science education based on the farm. I worked extensively in the Red River Gorge on a variety of conservation projects mainly related to climbers, bikers, and paddlers being in/abusing sensitive natural areas - principally through outreach and coordination with the Forest Service and other relevant bodies, as well as direct education onsite of the affected constituencies. I also worked extensively on the sustainability initiatives of the Presbyterian Church, USA's Equipping for Mission Involvement program, an international agency that placed professionals all over the world to effect change through education, advocacy, conservation, and community-building.
Upload Resume (Optional)	<i>Field not completed.</i>
1. Do you have any questions about what the Board/Commission/Committee does or on its charge?	64 Moody Road
2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?	In addition to a high degree of familiarity with conservation from an educational and outdoor recreation perspective, I have assisted (actual) scientists in gathering samples, constructed conservation barriers, steps, and other outdoor projects to mitigate the impact of humans on natural spaces, and served on trail and land planning committees for large areas with heavy traffic. I have coordinated and

led workdays, planning studies, impact reports, and fundraising for the same.

3. Why would you like to be on the Board/Commission/Committee?

I am in awe of the outdoors in Maine and the reverence in which Mainers hold the outdoors. My family (we have 2 boys) and I have been active consumers of every outdoor opportunity available locally, and I want to be a part of an ongoing, proactive, meaningful work to keep, preserve, expand, protect, and make use of these spaces for everyone in our community. The conserved spaces in a town or city are like the negative space in a painting - utterly essential to the aesthetic of a place - while going the further step of being an essential step as part of a broader movement to mitigate and address a changing climate, new environmental conditions, and new economic and environmental pressures being placed on our civic resources. I cannot think of a better investment to make in Brunswick for my children and the town itself.

4. Are you aware of the time involved and would you be able to attend most of the meetings?

Yes - I am a director in my company and other than travel, which is fairly infrequent, I set my own schedule entirely.

5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?

I'm not certain. I do/plan to hunt and fish locally, and I am in initial stages of conversation with other organizations around volunteering for land management projects, but in the sense of making money or a direct financial benefit I do not believe so.

6. Do you have anything you would like to add

Brunswick is a place that I wanted to live the moment I first laid eyes on it. We could have lived anywhere in the Midcoast and I worked hard to create options for us in Brunswick that would work for my family. It's the first place I've ever lived that I feel like could also be the last place I live, which is an unusual feeling for me. I want to contribute to our community's growth & beauty, and given my affinity for the outdoors, a deep body of experience with issues of conservation and the outdoors, this board seemed like the right fit for me. I will also be involved in the local land trusts and have already begun creating a plan with them for how my skills can assist them, but I think that civic participation has its own special needs and rewards. I like being involved where the rubber meets the road, so to speak. I hope I am able to contribute to this board's work - I've seen many of the results of the planning that this committee has been involved in and I find it to be worthwhile, well thought out, and obviously ongoing with ongoing needs. Thank you for your time and attention to my application.

Elin Gould

From: noreply@civicplus.com
Sent: Sunday, June 7, 2020 7:02 PM
To: Fran Smith; Elin Gould
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select the Board, Commission, or Committee applying for Recycling & Sustainability Committee

If Other, what committee OR if specific membership type
Fill this in if the Committee you are applying for is not listed OR if the Committee you applied for has different membership types (e.i. Alternate, Full) type here

First Name	Steven
Last Name	Weems
Address1	44 Thompson Street
Address2	<i>Field not completed.</i>
City	Brunswick
State	Maine
Zip	04011-2026
Home Phone Number	207-729-7624
Cell Phone Number	207-751-9437
Work Phone Number	207-751-9437
Occupation	Business and financial consultant; nonprofit association executive director.
Email Address	slweems@gmail.com
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>

Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	This is a reappointment application to the Brunswick Recycling & Sustainability Committee. Please refer to the attached PDF form of my original application for membership on this committee for more information.
Please list civic organizations to which you belong	<i>Field not completed.</i>
Note any prior experience knowledge, or abilities that you have which would contribute to the activities of the board/committee/commission:	<i>Field not completed.</i>
Upload Resume (Optional)	<u>Brunswick Recycling and Sustainability Committee Application June 2020.pdf</u>
1. Do you have any questions about what the Board/Commission/Committee does or on its charge?	<i>Field not completed.</i>
2. Do you have any practical experience or formal education that would be relevant to the Board/Commission/Committee?	<i>Field not completed.</i>
3. Why would you like to be on the Board/Commission/Committee?	<i>Field not completed.</i>
4. Are you aware of the time involved and would you be able to attend most of the meetings?	<i>Field not completed.</i>
5. Do you have any conflict of interest that might involve either a direct financial gain or other gain?	<i>Field not completed.</i>
6. Do you have anything you would like to add	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

CONSENT AGENDA - A BACK UP MATERIALS

Draft
BRUNSWICK TOWN COUNCIL
Minutes
June 15, 2020
Regular Meeting - 6:30 P.M.
Council Chambers
Town Hall
85 Union Street

All Votes to be Taken Via Roll Call

Councilors Present: W. David Watson, Stephen S. Walker, Dan Jenkins, Christopher Watkinson, John M. Perreault, Toby McGrath, James Mason, Kathy Wilson, and Dan Ankeles

Councilors Absent: None

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; Ken Brilliant, Fire Chief; Julia Henze, Finance Director; Tom Farrell, Parks and Recreation Director ; Sally Costello, Economic Development Director, Ryan Barnes, Town Engineer; and TV video crew

Chair John Perreault opened the meeting.

Adjustments to Agenda:

There was an executive session added at the end of the meeting regarding a personnel matter.

PUBLIC HEARING

81. The Town Council will hear public comments on an initial liquor license application, and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 6:34 p.m.)*

Full-Time Spirituous, Vinous & Malt

Whiskey Ginger, LLC
D/B/A: Bench
212 Maine Street

Jonathan Snell

Chair Perreault opened the public hearing.

Fran Smith, Town Clerk, introduced this item.

James Jerome, one of the business owners, spoke regarding this item.

Councilor Watkinson spoke regarding this item.

Chair Perreault closed the public hearing.

Chair Perreault moved, Councilor Wilson seconded, to approve a liquor license for Bench, 212 Maine Street. The motion carried with nine (9) yeas.

NEW BUSINESS

82. The Town Council will vote on one of two options for adoption of a text amendment to increase the maximum square foot building footprint established for Growth Mixed-Use 5 (GM5) Zoning District for corner lots, or to exempt the building footprint in GM5 for public safety facilities, and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 6:40 p.m.)*

Manager Eldridge introduced this item.

Councilor Watkinson, Councilor Wilson, Councilor Walker, and Councilor Mason spoke regarding this item.

Councilor Mason moved, Councilor Watson seconded, to adopt the public safety building use with a footprint of 30,000 square feet in in the Growth Mixed-Use (GMU5) Zoning District. The motion carried with nine (9) yeas.

(A copy of the adopted amendment will be attached to the official minutes.)

83. The Town Council will consider adopting the 2020-2021 School Budget Articles, and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 6:55 p.m.)*

REGION TEN TECHNICAL HIGH SCHOOL AND MERRYMEETING ADULT EDUCATION BUDGET ARTICLES

ARTICLE 1. Region Ten Technical High School Budget.

Chair Perreault moved, Councilor Wilson seconded, to approve the Region Ten Technical High School budget as proposed by the Cooperative Board of Region Ten in an amount not to exceed \$3,016,625 with Brunswick's assessment as part of the total appropriation to the Brunswick School Department being an amount not to exceed \$156,210 for operating expenditures and \$0 for debt service expenditures. The motion carried with nine (9) yeas.

ARTICLE 2. Region Ten Technical High School Capital Reserve Establishment.

Chair Perreault moved, Councilor Wilson seconded, to authorize the Cooperative Board of Maine Region 10 Technical High School ("Region 10") to transfer up to \$200,000 from undesignated fund balances to its Capital Reserve Fund and delegate authority to the Cooperative Board to expend that sum with other balances accumulated in that Fund from time to time on such specific items or types of capital improvements or equipment as the Cooperative Board has determined to be needed by Region 10. The motion carried with nine (9) yeas.

ARTICLE 3. Merrymeeting Adult Education Budget.

Chair Perreault moved, Councilor Wilson seconded, to approve the Merrymeeting Adult Education budget in an amount not to exceed \$987,802 with Brunswick's assessment as part of the total appropriation to the Brunswick School Department not to exceed \$122,533. The motion carried with nine (9) yeas.

PreK-12 ARTICLES

ARTICLE 4. Local Contribution Required under EPS to Receive Full State Dollars; and State Subsidy.

Chair Perreault moved, Councilor Wilson seconded, as part of the total appropriation to the Brunswick School Department, to appropriate the sum of \$30,822,296 toward the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act; and as part of the \$30,822,296 to raise the sum of \$18,422,314 as the Town's contribution toward the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688; and as part of the \$30,822,296 to accept state subsidy anticipated in the amount of \$12,399,982. The motion carried with nine (9) yeas.

ARTICLE 5. Non-State-Funded Debt Service.

Chair Perreault moved, Councilor Wilson seconded, as part of the total appropriation to the Brunswick School Department, to raise and appropriate the sum of \$1,613,221 for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12. The motion carried with nine (9) yeas.

ARTICLE 6. Additional Local Funds.

Chair Perreault moved, Councilor Wilson seconded, as part of the total appropriation to the Brunswick School Department, to raise and appropriate the sum of \$7,991,791 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$7,991,791. The motion carried with nine (9) yeas.

ARTICLE 7. Other Funds.

Chair Perreault moved, Councilor Wilson seconded, as part of the total appropriation to the Brunswick School Department, to accept funds from other sources as estimated below and to appropriate the amount of \$335,430. The motion carried with nine (9) yeas.

<u>Tuition and other charges</u>	<u>\$ 208,494</u>
<u>Miscellaneous</u>	<u>\$ 126,936</u>
	<u>\$ 335,430</u>

ARTICLE 8. Unexpended Balances.

Chair Perreault moved, Councilor Wilson seconded, as part of the total appropriation to the Brunswick School Department, to appropriate \$1,811,364 from the existing, or estimated, unexpended balances of the Brunswick School Department. Total to appropriate \$1,811,364. The motion carried with nine (9) yeas.

ARTICLE 9. Pre-kindergarten to Grade 12 total Budget.

Chair Perreault moved, Councilor Watkinson seconded, to authorize the Brunswick School Department to expend \$42,625,522 for the fiscal year beginning July 1, 2020 and ending June 30, 2021 from the school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes title 20-A section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools. The motion carried with nine (9) yeas.

ADULT EDUCATION AND SCHOOL NUTRITION

ARTICLE 10. Adult Education.

Chair Perreault moved, Councilor Wilson seconded, as part of the total appropriation to the Brunswick School Department: To raise and appropriate \$122,533 for adult education; with authorization to expend the herein appropriated \$122,533 and any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. The motion carried with nine (9) yeas.

ARTICLE 11. School Nutrition.

Chair Perreault moved, Councilor Wilson seconded, as part of the total appropriation to the Brunswick School Department: To raise and appropriate the sum of \$51,420 in support of the Brunswick School Nutrition Program. The motion carried with nine (9) yeas.

ARTICLE 12. Cost Center Allocation.

Chair Perreault moved, Councilor Wilson seconded, pursuant to 20-A M.R.S.A., to authorize allocation of the school budget, \$42,748,055 to the various cost centers as recommended by the Brunswick School Board June 10, 2020 as follows:

<u>Cost Center Summary</u>	<u>Amount Recommended by</u>
<u>Budget Category</u>	<u>School Board</u>
<u>Regular Instruction</u>	<u>\$ 18,353,823</u>
<u>Special Education</u>	<u>\$ 6,256,138</u>
<u>Career and Technical Education</u>	<u>\$ 156,210</u>
<u>Other Instruction</u>	<u>\$ 849,993</u>
<u>Student and staff support</u>	<u>\$ 3,801,356</u>
<u>System Administration</u>	<u>\$ 1,150,583</u>
<u>School Administration</u>	<u>\$ 1,865,197</u>
<u>Transportation and Buses</u>	<u>\$ 2,251,943</u>

<u>Facilities Maintenance</u>	<u>\$</u>	<u>5,036,435</u>	
<u>Debt Service and Other Commitments</u>	<u>\$</u>	<u>2,852,424</u>	
<u>Other- School Nutrition</u>	<u>\$</u>	<u>51,420</u>	
<u>Total to July 14 Public Referendum</u>	<u>\$</u>	<u>42,625,522</u>	

<u>Adult Education</u>	<u>\$</u>	<u>122,533</u>	<u>\$</u>
------------------------	-----------	----------------	-----------

Summary of Total Expenditures voted

<u>By School Board June 10, 2020</u>	<u>\$</u>	<u>42,748,055</u>	<u>\$</u>
--------------------------------------	-----------	-------------------	-----------

The motion carried with nine (9) yeas.

GRANTS, DONATIONS, AND OTHER REVENUES ARTICLE

ARTICLE 13. Grants, Donations, and other revenues.

Chair Perreault moved, Councilor Wilson seconded, to authorize the Brunswick School Department to make application for grants and other revenues as opportunities may become available, to appropriate such revenues to the purpose for which received, and to authorize the Brunswick School Department to accept and expend any grant awards, donations, or other revenues that may be received. The motion carried with nine (9) yeas.

ADDITIONAL TRANSFER AUTHORITY

ARTICLE 14. Authority to Transfer between Articles.

Chair Perreault moved, Councilor Wilson seconded, to authorize the Brunswick School Board to transfer amounts exceeding 5% of the total appropriation for any cost center to another cost center or among cost centers for the 2020-2021 fiscal year, provided that transfers shall not be permitted to increase the authorized total school budget. The motion carried with nine (9) yeas.

(A copy of the articles will be attached to the official minutes.)

84. The Town Council will consider a warrant for the School Budget Validation Referendum to be held on July 14, 2020, and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 7:23 p.m.)*

Chair Perreault moved, Councilor Wilson seconded, to approve the warrant for the School Budget Validation Referendum to be held on July 14, 2020.

(A copy of the warrant will be attached to the official minutes.)

85. The Town Council will consider adopting the “Resolution for the Capital Improvement Program For the Fiscal Years Ending June 30, 2021 – 2025,” and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 7:26 p.m.)*

Chair Perreault moved, Councilor Watkinson seconded, to adopt the “Resolution for the Capital Improvements Program For the Fiscal Years Ending June 30, 2021 – 2025.”
The motion carried with nine (9) yeas.

(A copy of the articles will be attached to the official minutes.)

- 86. The Town Council will consider adopting the “Budget Resolution for the July 1, 2020 – June 30, 2021 Fiscal Year,” and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 7:28 p.m.)***

Manager Eldridge introduced this item.

Chair Perreault moved, Councilor Wilson seconded, to adopt the “Budget Resolution for the July 1, 2020 – June 30, 2021 Fiscal Year.” The motion carried with nine (9) yeas.

(A copy of the resolution will be attached to the official minutes.)

- 87. The Town Council will consider adopting the “Supplemental Budget Resolution Appropriating \$641,000 from the Unassigned Balance of the General Fund to Fund Capital Projects”, and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 7:32 p.m.)***

Manager Eldridge introduced this item.

Chair Perreault moved, Councilor Watkinson seconded, the “Supplemental Budget Resolution Appropriating \$641,000 from the Unassigned Balance of the General Fund to Fund Capital Projects” The motion carried with nine (9) yeas.

(A copy of the resolution will be attached to the official minutes.)

- 88. The Town Council will consider adopting the “Supplemental Budget Resolution Appropriating Available Tax Increment Financing Revenues for the Purpose of Funding Qualified Capital Projects and Acquisitions”, and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 7:35 p.m.)***

Manager Eldridge introduced this item.

Councilor Watkinson moved, Councilor Mason seconded, to adopt the “Supplemental Budget Resolution Appropriating Available Tax Increment Financing Revenues for the Purpose of Funding Qualified Capital Projects and Acquisitions.” The motion carried with nine (9) yeas.

(A copy of the resolution will be attached to the official minutes.)

- 89. The Town Council will consider any other matters related to the adoption of the 2020-2021 Budget, and will take any appropriate action. (Town Manager Eldridge) *(This item was discussed at 7:41 p.m.)***

None

90. The Town Council will consider “A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$75,000 from Available Unassigned General Fund Revenues in Order to Replace a Catch Basin on Mill Street, and will take any appropriate action. (Town Manager Eldridge) (This item was discussed at 7:42 p.m.)

Manager Eldridge and Jay Astle, Public Works Director, introduced this item.

Ryan Barnes, Town Engineer, responded to a question from Councilor Walker.

Chair Perreault moved, Councilor Watson seconded, to approve “A Resolution Authorizing an Emergency Appropriation and Expenditure of up to \$75,000 from Available Unassigned General Fund Revenues in Order to Replace a Catch Basin on Mill Street”. The motion carried with nine (9) yeas.

(A copy of the resolution will be attached to the official minutes.)

91. The Town Council will consider adopting a Statement on Criminal Justice and Policing, and will take any appropriate action. (Chair Perreault and Councilor Mason) (This item was discussed at 7:50 p.m.)

Chair Perreault and Councilor Mason introduced this item.

Councilor Wilson, Councilor Walker, Councilor Jenkins, Councilor Ankeles , Councilor McGrath, Councilor Watkinson, Councilor Watson, Councilor Walker, and Councilor Mason spoke regarding this item.

Councilor Mason moved, Councilor Jenkins seconded, to adopt the Brunswick Town Council Statement on Criminal Justice and Policing. The motion carried with seven (7) yeas. Councilor Watson and Councilor Wilson were opposed.

(A copy of the statement will be attached to the official minutes.)

CONSENT AGENDA

- a) Approval of minutes from April 21, 2020, and June 1, 2020
- b) Annual tax abatement approval

Councilor Watson moved, Chair Perreault seconded, to approve the Consent Agenda. The motion carried with nine (9) yeas.

Executive session – To Discuss a Personnel Matter per 1 M.R.S.A. §405(6)(A).

Town Council Minutes

June 15, 2020

Page 8

Chair Watson moved, Councilor Perreault seconded, to go into executive session to discuss a personnel matter per 1 M.R.S.A. §405(6)(A) and to adjourn after its completion. The motion carried with nine (9) yeas.

The meeting adjourned at 10:23 p.m.

PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.

Frances M. Smith

Town Clerk

June 20, 2020

July 6, 2020

Date of Approval

Council Chair

**Draft
Brunswick Town Council
Special Meeting
Minutes
June 25, 2020
6:30 P.M.
Council Chambers, Town Hall
85 Union Street**

Councilors Present: W. David Watson, Stephen S. Walker, Toby McGrath, James Mason, Kathy Wilson, and Dan Ankeles

Councilors Absent: Chair Perreault, Councilor Jenkins, and Councilor Watkinson

Town Staff Present: John S. Eldridge, III, Town Manager; Fran Smith, Town Clerk; and TV video crew

Vice Chair James Mason opened the meeting.

Adjustments to Agenda: None

NEW BUSINESS ITEMS:

- 92. The Town Council will consider adopting “A Resolution Authorizing the Transfer of Funds Between Municipal Departments, Offices, and Agencies,” and will take any appropriate action. (Town Manager Eldridge)**

Manager Eldridge introduced this item.

Councilor Watson moved, Councilor Wilson seconded, to adopt “A Resolution Authorizing the Transfer of Funds Between Municipal Departments, Offices, and Agencies”. The motion carried with six (6) yeas.

(A copy of the resolution will be attached to the official minutes.)

- 93. The Town Council will consider adopting “A Resolution Authorizing the Over-expenditure of Certain Accounts for the Fiscal Year Ending June 30, 2020,” and will take any appropriate action. (Town Manager Eldridge)**

Manager Eldridge introduced this item.

Councilor Ankeles moved, Councilor Walker seconded, to adopt “A Resolution Authorizing the Overexpenditure of Certain Accounts for the Fiscal Year Ending June 30, 2020”. The motion carried with six (6) yeas.

(A copy of the resolution will be attached to the official minutes.)

- 94. The Town Council will consider adopting “A Resolution Authorizing the Encumbrance and Carry-Forward of Funds Appropriated in 2019-20 for the**

Town Council Minutes

June 25, 2020

Page 2

Purpose of Updating the Town’s Comprehensive Plan”, and will take any appropriate action. (Town Manager Eldridge)

Manager Eldridge introduced this item.

Councilor Watson moved, Councilor Wilson seconded, to adopt “A Resolution Authorizing the Encumbrance and Carry-Forward of Funds Appropriated in 2019-20 for the Purpose of Updating the Town’s Comprehensive Plan”. The motion carried with six (6) yeas.

(A copy of the resolution will be attached to the official minutes.)

95. The Town Council will consider any other action necessary to close the 2019-20 fiscal year, and will take any appropriate action. (Town Manager Eldridge)

None

Councilor Watson moved, Councilor Wilson seconded, to adjourn the meeting. The motion carried with six (6) yeas.

The meeting adjourned at 6:42 p.m.

PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.

*Frances M. Smith
Town Clerk
June 26, 2020*

July 5, 2020
Date of Approval

Council Chair

CONSENT AGENDA - B BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN ENGINEER

MEMORANDUM

TO: John Eldridge, Town Manager
FROM: Ryan Barnes, Town Engineer
DATE: June 17, 2020
SUBJECT: Utility Location Permit Application, Permit # ULP-20-02
Central Maine Power
Utility Pole Installation – School Street

Attached, for presentation to the Town Council is an application for a Utility Location Permit received from Central Maine Power.

Central Maine Power seeks authorization to install one (1) new utility pole (pole 2H), 50' east of utility pole 2 and 80' west of utility pole 3 on School Street.

Brunswick Public Works Department has no objection to these above ground utility lines as proposed, providing it is approved subject to the following conditions:

1. The final location governed by the utility location permit is subject to adjustment, as determined necessary by the Town Engineer, to provide adequate clearance from any underground facilities located by field verification by each utility.
2. All work is subject to compliance with the Town's Street Opening and road restoration requirements.

Town of Brunswick
Public Works Department

Application for Utility Location Permit

DATE 6-4-2020

Permit Number: ULP-20-02
(to be provided by Town)

The Central Maine Power and Consolidated Comm.
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and
operate Electric
(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided.): CMP NOT# 10300644903

Name of Street: School Street

Starting Point: Pole 2 School Street End Point: Pole 2H School Street

Minimum Depth of Cover _____ (if applicable) Maximum PSI _____ (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

The text of this application will will not be published*: Publish Date: _____

Name of Newspaper: _____

Signature of Utility: Herbert Stevens

Print Name and Title: HERBERT STEVENS - FIELD PLANNER SUPERVISOR

*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.

Form 4501

Notification: 10300644803

CENTRAL MAINE POWER COMPANY

Work Order: 801000287008

APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: Brunswick, Maine

To the: [] City [x] Town [] County of: Cumberland, Maine

[x] Central Maine Power hereby applies for permission to:

- [x] Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.
[] Construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, outcrops, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.

[x] Central Maine Power Company and FairPoint New England

jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

- 1. Starting Point: pole 2
2. Road (State & CMP): School Street
3. Direction: East
4. Distance: 50 feet
5. Number of Poles: 1

- [x] Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.
[] Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

Any person, firm, or corporation to be adversely affected by this proposed location shall file a written objection with the State Department of Transportation, City, Town or County stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

[] Public Notice of this application has been given by publishing the text of the same [x] Not Published

To: []

On: []

CENTRAL MAINE POWER COMPANY

Consolidated Communications

FairPoint New England

By: Wayne Polvin

Date: Apr 28, 2020

By: Jessica Theriault Date: 4/29/2020
Jessica Theriault - Right of Way

Form 4502

Notification: 10300644903

CENTRAL MAINE POWER COMPANY

Work Order: 801000287006

SKETCH TO ACCOMPANY APPLICATION FOR POLE OR UNDERGROUND LOCATIONS

Page of

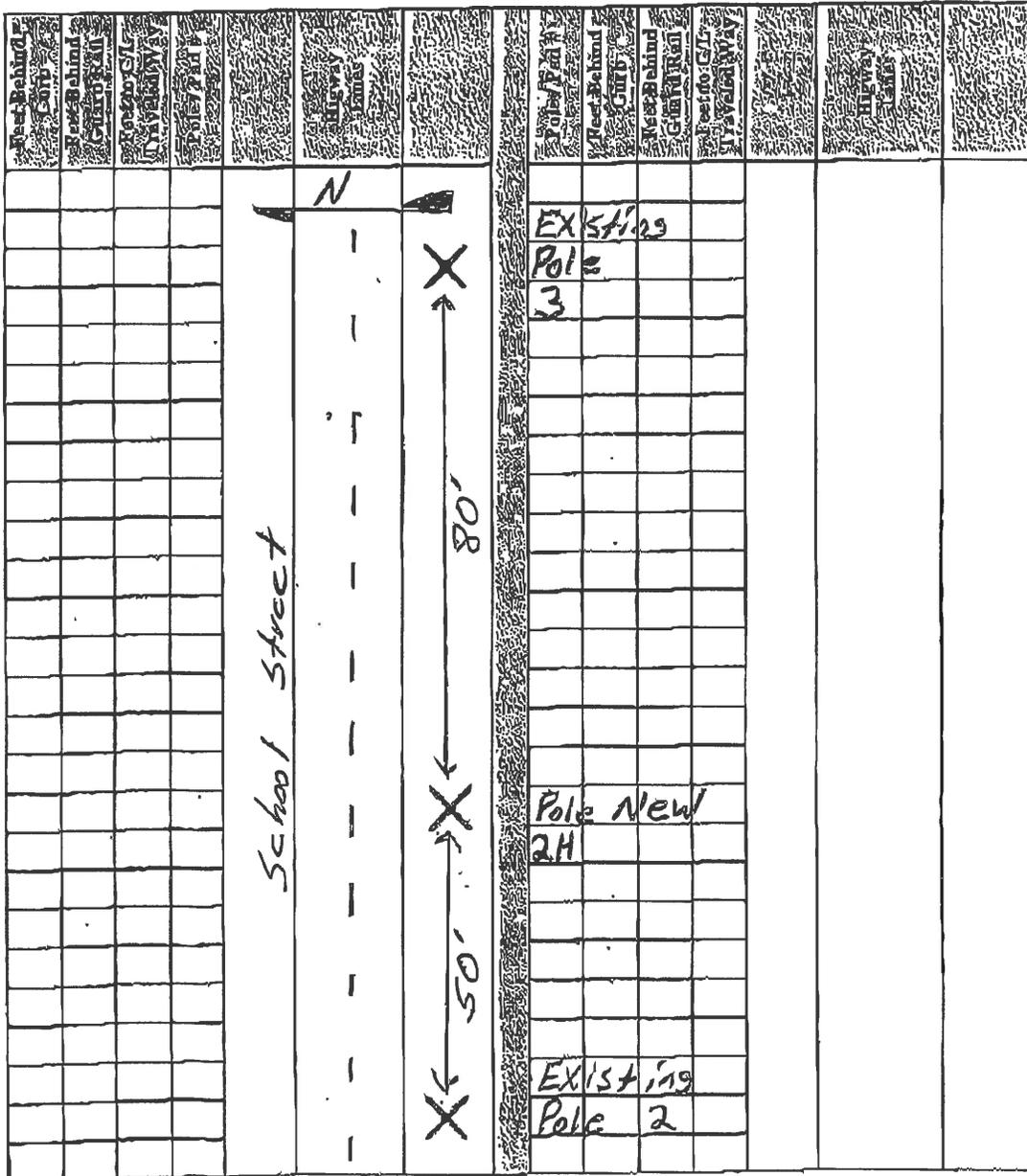
City/Town: Brunswick

Date: Apr 28, 2020

Street: School Street

By: Wayne Potvin

Facilities to consist of wood poles and appurtenances with a minimum clearance of wire and cables not less than 21 feet over the public highway, and/or underground facilities to consist of buried cables, conduits, transformers and manholes for operation at 7200 volts to ground single phase. Construction to be suitable for future operation at a voltage not to exceed 22KV to ground single phase. Right-of-way limits indicated are based on the best field information available. Poles/Pads are staked. For further information call: Wayne Potvin at Central Maine Power Company tel: 207-242-9754 . Pole/Pad spans shown are approximate.



Form 4503

Notification: 10300644903

Work Order: 801000287008

LOCATION PERMIT

Upon the Application of Center Maine Power Company and FairPoint New England

dated Apr 28, 2020, asking for permission, in accordance with law, to construct and maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances over, under, along or across certain highways and public roads in the location described in said application, permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location, said facilities and appurtenances in the City / Town of Brunswick

approximately located as follows:

- 1. Starting Point: pole 2
2. Road (State & CMP): School Street
3. Direction: East
4. Distance: 50 feet
5. Number of Poles: 1

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduit and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By: _____

By: _____

By: _____

By: _____

By: _____

Municipal Officers

Office of the _____

Received and Recorded in Book _____, Page _____

Attest: _____

Clerk