4/29/20

STAFF REVIEW COMMITTEE NOTES

Staff present: Jay Astle, Public Works Director; Jeff Emerson, Deputy Fire Chief; Ryan Barnes, Town Engineer; Matt Panfil, Director of Planning and Development; TC Schofield, Brunswick-Topsham Water District; Rob Pontau, Brunswick Sewer District; Dennis Wilson, Town Arborist. Non-voting Staff: Jared Woolston, Planner.
Applicants Present: Tim Forrester, Atlantic Environmental Engineering; Craig Sweet, Terradyne Consultants; Joe Marden, Sitelines; Michael Dispersia, GJoris, LLC; Joe Cooper, 43 Bibber Parkway
Public Present: Stephen Drapeau, Daniel Meggison

1. **Case #20-016 McCue Dock, 14 Bull Rock Rd:** The Staff Review Committee will review and make a recommendation to the Planning Board on a **Sketch/Final Plan Major Development Review** application submitted by Atlantic Environmental, LLC on behalf of Robert and Barbara McCue to install a permanent pier and seasonal ramp and float to access coastal wetlands. The subject lot (Map 46, Lot 69) is within the **RP1 (Rural Protection 1) Zoning District and contains the SPO-RP (Shoreland Protection Overlay – Resource Protection) Subdistrict.**

Jared Woolston: This project is also in our new Rural Protection Stormwater Management Overlay but because it is less than 500 square feet this would be exempt. Obviously it's a water dependent use activity so it would pass muster with shoreland zoning and would be allowed in that overlay as well.

Tim Forrester: This application is for a pier, ramp and float that have already been approved by the DEP and the Army Corps of Engineers. The proposed project is for a 4'x6' landing that would step down onto a 4'x12' long run of stairs, and that would land on a 6'x24' foot pier. The pier will be supported by 10 pilings made from 8"x8" timbers set on helix anchors that are wound down into the marsh. Then we have a 3'x40' aluminum ramp to a 10'x20' float. The float will be equipped with float stops to elevate it off the bottom. There is salt marsh on the upper intertidal zone. The pier will maintain a minimum of one to one width over the salt marsh and the mud flats in the area. Soft shell clams are harvested here but both the state and federal agencies didn't have an issue with the float being there on a seasonal basis and being elevated off of the bottom. It is a ways away from the channel itself so navigation doesn't seem to be an issue. During the off season, the ramp can be stored on the pier and then the float can be pulled out and stored upland on the applicant's lot.

Jared Woolston: I would just point out that the standards for this are pretty clear. In the shoreland zoning section, you've detailed all of Chapter 2.14 in your packet. Section 2.14D is supposed to be for the Marine Resources Officer or designee but you provided some information that I think is very helpful for the Planning Board's review process. I want to send this to Dan Devereaux to get some kind of review correspondence on minimizing adverse effects. My hunch is that he'd probably be satisfied with what DMR said, but without consulting with him, I really don't know. The other thing that I was curious about is soils out there. There are a bunch of pilings and you're asking for a waiver for soils work, which is probably appropriate. We just had a case, on the west bank of the New Meadows that was an unmapped unstable coastal bluff, and through the review process we found it really should have been mapped. These are pretty bad soils for getting too close to things. I was just wondering if you could tell us a little bit about soil conditions and the shoreline and support that waiver a little better.

Tim Forrester: The request for that level of intensity of review for a functioning water dependent use just seemed more than really necessary. If you look on page 16 of the application, there's an image that shows looking

back towards the upland and there's a little bit of a drop there. It's well vegetated with a lot of trees, a little bit of a shrub layer. We didn't see signs of undercut severe erosion. If that had been present, I would have been more concerned about the soil types at the site but we didn't see that in the proposed location. The installation of the upper landing and the stairs traversing over the edge of the bank would have a significant impact as related to soil types.

Jared Woolston: Okay. As far as cutting vegetation in the upland, I didn't see much about that. Is there already a clearing through the shrubs that you talked about that you can put the approach in?

Tim Forrester: Yes, it's already been selectively cut in the past to open up the view sheds in there. I'm sure it was all done in compliance to shoreland zoning standards but there are no additional trees that need to be cut.

Jared Woolston: If you don't mind letting them know that the understory really isn't supposed to be cut. It looks kind of thin, but I haven't been out there.

Matt Panfil: No comments.

Jay Astle: No comments.

Jeff Emerson: No comments.

Ryan Barnes: No comments.

TC Schofield: No comments.

Rob Pontau: No comments.

Dennis Wilson: No comments.

Tim Forrester: I will take it upon myself to reach out to Dan and try to get some written comments from him and get those to Jared as quickly as I can.

2. **Case #20-017 Jordan Crossing Subdivision:** The Staff Review Committee will review and make a recommendation to the Planning Board on a **Sketch Plan Major Development Review** application submitted by Terradyn Consultants on behalf of Jordan Crossing LLC for the development of sixteen (16) single family dwelling units at 0 Jordan Avenue. The subject lot (Map U04, Lot 13) is within the **GM5 (Growth Mixed Use 5) Zoning District and contains the SPO-SP (Shoreland Protection Overlay - Stream Protection) Subdistrict**, **SPO-RP (Shoreland Protection Overlay – Resource Protection) Subdistrict and the APO3 (Aquifer Protection Overlay 3).**

Jared Woolston: For the benefit of the public, this is a Sketch Plan review which is sort of an inexpensive way for a developer to get in front of the Staff Review Committee and Planning Board and ask some more technical questions anticipating that they would be coming back for Final Plan review. Today we are going through the Sketch Plan making sure that they meet the very basic dimensional and density requirements and giving whatever technical feedback we can give for when they return with a final plan.

Craig Sweet: I'm here from Terradyne Consultants representing Jordan Crossing LLC. We are proposing a 16 lot subdivision off of Jordan Avenue. It's going include about 700 feet of roadway. Three of the lots will be accessed

off of Jordan Ave with the rest of them accessed off a new minor road. There's already existing water in the street and we are proposing to extend the sewer from Laurie Drive up to the site. We've gone through the net density calculations and 16 lots fit well within the guidelines outlined. All of the work will be out of the Shoreland Protection zone, which is mostly in the steep slopes to the back - we'll be avoiding that as much as possible. Our initial plan for the future for storm water is going to be roof drip edges on the homes with an under drain soil filter to collect along the roadway any excess storm water.

Jared Woolston: Are you going to do the stormwater design for each one of the lots upfront?

Craig Sweet: Yes. The developer has given us a general size house. They're all going to vary a little bit, but we're going to design it for the largest house he's planning on. Some of the lots will still drain through the roadway and go to that soil filter so whatever we can't get with that, we're going to hopefully get with the soil filter.

Jared Woolston: Can you go through your net site area and density calculations with us?

Craig Sweet: Yes, the total parcel is five and a half acres with roughly an acre of steep slopes. Down below, towards the rear of the lot, it's all wetland down there – about an acre of water body. Then there's going to be about an acre of public street and drive. This gives us a net site area of about three acres. The maximum density in that zone is six units per acre, which would give us about 18 units and we're proposing 16 on the site.

Jared Woolston: Okay. The table was a little bit confusing; you lumped wetlands and water body into the same number?

Craig Sweet: Yes, sorry.

Jared Woolston: The other table you provided is the dimensional standards but without measuring each one of the lots I found it a little difficult to know if they met the dimensional requirements. If you could provide a note on each lot with the dimensions that would be helpful. Then as far as density goes; 7,000 square feet is your, is your minimum lot area. In the zoning ordinance, the state law has a 20,000 square foot minimum if it's on septic, but this one is going to hook into public sewer, is that right?

Craig Sweet: Correct. We're proposing to extend it from the Laurie Drive intersection and I've had some initial conversations with the Sewer District and they seemed fine with it.

Jared Woolston: As far as the Aquifer Protection Overlay, you have looked at those standards to see that it passes muster?

Craig Sweet: Yes.

Jared Woolston: My last question is on the dimensional requirements, does each of the lots have at least 7,000 square feet or are you going for some kind of open space subdivision with a smaller lot?

Craig Sweet: No, they each have at least 7,000 square feet.

Jared Woolston: As far as the layout goes, when you get to final plan, the board's going to have to look at how efficiently you use the land in terms of the disturbance. A lot of this lot is already cleared, except when you get down into the floodplain. For your development, the way you see it now, are you planning much additional clearing or is it mostly in the grassed area?

Craig Sweet: It's mostly within the grass; there'll be a little bit more clearing at the top of the slope, but the majority of the development is going to be within the meadow.

Jared Woolston: It looks like there's a drainage pipe right next to the building footprint for lot seven. Is that existing or is that something that you are proposing?

Craig Sweet: That is existing but I don't know what it connects to; that's something for further investigation.

Jared Woolston: Is your shoreland zoning field verified or are you going off the map?

Craig Sweet: It is off the map. We will verify everything for Final Plan.

Jared Woolston: For lot seven, I can't tell exactly if it's cutting a channel or what's going on in there. If it turns out that it's in the Shoreland zone a little bit and that channel is a tributary stream, it's going to be a 75 foot setback in the shoreland zone. That tributary stream only applies within the shoreland zone. That would affect where the building could be located. The other one that I was wondering about is lot six, it looks like it's on a hill. Lots six and seven were the two that I was thinking when you come back for final plan, I want to see what the grading would look like.

Craig Sweet: We haven't gotten there a hundred percent yet, but we're looking at doing some daylight basements there. I'm not trying to fill or grade those too much but kind of keep that hill.

Jared Woolston: When you get to final plan there's some language in there that tries to minimize your impact on those things. We're finding through the new ordinance that there are still a lot of development review standards that apply to each individual lot. I think it's a good thing that you worked on storm water management for each one of the lots. When you get to the final plan, I think it'd be good to look at certain things line anticipated grading and things like that. If it's a bit more prescribed development review process, I think that would be a probably good thing for future landowners.

Craig Sweet: The developer plans to sell the houses individually and build them out as he as he goes. So we'll be grading it out for them and that will all be proposed in the final plan.

Jared Woolston: Why are there so many curb cuts? Why was the road considered to be the best option here? Why was single family development thought to be the best use of the land over duplexes or multi-unit apartments or something that would have a smaller footprint? Maybe you could give us some idea of what the market is doing right now and if that's driving your decision to use the land this way.

Craig Sweet: Yes, so the developer was hoping to do single family homes. I think the market is better for them but I'm not too sure on that. We laid out the road the way we did to maximize the amount of lots and homes we could get on the site. We played with a couple of different options but this was the best way to get as many lots which fit the standards as possible. We tried to combine lots one and two with a common drive to minimize curb cuts.

Jared Woolston: Okay. As far as multiunit or duplexes, that just wasn't a consideration?

Craig Sweet: I know he did consider multifamily but this is ultimately what I think he feels will sell best for them.

Jared Woolston: To build on that question - if this is really all the market's doing right now, single family dwelling units, there are some options in the zoning ordinance for open space to sort of cluster things in so that you use the land a little bit more efficiently. I think that you'd find you didn't have to have quite as much infrastructure and you wouldn't have it sprawled out quite as much. When you get to the Final Plan stage, we're also going to ask you to minimize the development's impact from Jordan Ave. I could see landscaping being a big part of the Planning Board's request, for the entire frontage of Jordan Ave and clustering things in might make that a little bit more palatable when it gets to that stage. Either way, if your dimensional and density standards pass muster you'll probably get approved for sketch plan, but I think the efficiency of the use of this land is going to come up when you get the final plan.

Craig Sweet: We'll definitely consider that.

Matt Panfil: No comments.

Jay Astle: I assume at some point that this would be a public road. A little bit of insight about what looks to be a turnaround - I'm going to have a hard time plowing it. Craig, you said you tried a couple of different variations of this, but to me a more rounded horseshoe would be easier for us to maintain for five months out of the year. My second observation is will there be any consideration about sidewalks either within this development or connecting to the existing sidewalk on Jordan Avenue that goes as far as Laurie Drive? Knowing that there's a new school that's going to be coming online and it's likely that there'll be a heavy pedestrian component there. I think collectively we should contemplate that as well as inside the development itself.

Craig Sweet: We haven't looked at sidewalk yet but we can look into that.

Ryan Barnes: The right of way you're showing appears to scale up to be 40 feet and it's a 50 foot right of way that is required so that's obviously a change that may impact some of your building envelopes. As Jay mentioned, our preference would be for it to either be a horseshoe that meets our radius requirements or to be what I would call a traditional hammerhead. We do have a new ordinance that was adopted that includes the sketch of the hammerhead and I'll send that to you shortly. For lots eight and nine if you were to go with the layout as you have it drawn they wouldn't be able to be laid out the way they are. You would basically have to extend beyond the intersection that you're drawing and then do a typical hammerhead and it's going to potentially have some pretty significant impacts. Our biggest concern is that we can't have our trucks backing into intersections and you can't use the intersection as part of your turnaround. It is an unsafe maneuver and it puts us in too high of a risk for liability. I agree with Jay's comment regarding the possible sidewalk extension. I think that's something that maybe Bike Ped should look into, especially since the sewer extension is happening - you're already doing offsite roadway improvement there. A lot of these are more for the final design, but just things to keep in mind. You're going to have to provide lighting at the intersections, especially since there are two of them. Any stormwater ponds or any stormwater infrastructure that isn't just conveyance like: Filterra units, underground soil filters, ponds; all of those things would have to be maintained by an association. That's not something the Town would maintain. Also, I always like to mention that if it's going to be a public road, the developer will be required to supply an inspection escrow to make sure that we can hire the appropriate people to do all of the inspections that will be required. Write a performance guarantee. This is something we've had issues with on past projects and with the new ordinance, we are enforcing it heavily. No road will be accepted for public use that doesn't have those in place so that we can inspect and verify them as they go. It would be nice if we could try to combine any work within the street to be single point at the intersection so that they're all one continuous trench patch.

Recognizing that lots 13, 1 and 2 hopefully combined in their driveway we will have additional water and sewer connections, but it would be nice to try to minimize the number of patches we put on this road.

Craig Sweet: Thank you. We'll definitely consider those things.

TC Schofield: I'm going to say the opposite of what Ryan just said - the lot with frontage on Jordan Ave can take service off of the Jordan Ave main. That doesn't mean they need to, they could take service from the main extension that goes on to the lot. That's a way to minimize the cuts on Jordan Ave. From our perspective, there is at least an option to take service from that. I'll leave it up to Jeff Emerson as to whether a hydrant will be required on the site or not. If it is, it should be a new one tapped off the Jordan Ave main and on Jordan Avenue; or if it should be further into the development we'll just keep an eye on that and make sure the design accommodates it. Aquifer Protection wise they are good as long as they're meeting the ordinance. I was kind of curious about lot 11, the entire house is being proposed in the overlay. Is there any way that the eventual homeowner acn notified that that's the case, whether that's through the Town or through the developer? It seems like there are some restrictions on what the homeowners can do and I don't know if they would be notified that those restrictions apply to them.

Jared Woolston: The Planning Board in the past has asked for certain things like a copy of the plan to be attached to the deed. If you want to make a recommendation that lot 11 in particular has some kind of disclaimer for those future lot owners then I think the Planning Board could take that into consideration.

TC Schofield: Yes, I think that may apply to lots 9, 10 and 11. I don't know if we'd want to go all the way down the edge of Jordan Ave where it's such a small piece of the lot. I think that would be the recommendation. Then as far as the entire Jordan Avenue frontage that contains the overlay - if they do any kind of ditching or infiltration through there that's another thing that we'd have to look at when they come back for Final Plan review.

Jeff Emerson: I think we are going to need a hydrant in the development. It looks like maybe between lots 8 and 16 would be the logical choice but I think that is going to depend on the final design plans. With access to the water supply that we have on Jordan Avenue, we'd actually need to bring that in to make a significant difference, so we'd be looking at something within the development.

Craig Sweet: Jeff, could we consider between lots 8 and 7? Between 8 and 16 puts it in a tough spot for us.

Jeff Emerson: Yes, it was just a general area. If we can try to avoid putting them right in some of the corners of a tight radius it saves the likelihood of our plow trucks damaging them. That would do it for requirements because it's in town. I always encourage the use of residential sprinkler systems but it is not a requirement here. Thank you.

Rob Pontau: I've talked to Craig about the sewer design. It's going to be tough, but I think they can make it work. Once the town accepts the roadway, we will take over the main line so no problem there. Craig, I don’t know if you've looked at the grades more and if a pump station will be needed or if you're going to be able to get it all with gravity.

Craig Sweet: I think we're going to try to do gravity; that's probably the easiest option in terms of long term maintenance.

Rob Pontau: Okay. That line has plenty of capacity. The line on Jordan Avenue is in good shape so no issues there. As each lot connects, they'll have to pay the entrance fee and go through the permit process but overall I think it's going to work out.

Dennis Wilson: Will the future owners take care of the landscaping around the foundations of the building or will do landscaping as you build?

Craig Sweet: I think that they're going to do some landscaping with the roadway and then they're going to do the landscaping as they do each lot but I'm not a hundred percent sure on that right now.

Dennis Wilson: On the landscape plan, I would like to see like a list of recommended plants that they're going to use around foundations. Then on the streetscape, the trees on Jordan Ave as Jared had mentioned, would probably have to be pretty heavy. Obviously I'd like to see what it looks like around the new road as well. I ask you use the town tree ordinance for your guide for species and everything too.

Jared Woolston: I'd like to hear from the public now.

Stephen Drapeau: Just one very quick question. I can appreciate that there will be future opportunities for public comment. At the current stage, how does the public obtain a copy of all the proposed plans that have been submitted thus far?

Jared Woolston: I don't know if they have been submitted in paper form, but the digital plans that I have are the same ones that are on the department's website if you go to the Staff Review Committee page.

Daniel Meggison: What concerns me are the vernal pools that are down back and the wildlife that lives down there. I don't know if anyone is aware of the turtles that come up every spring and lay their eggs in that field. There are some good sized turtles laying eggs there. This was very short notice for us to try to pull some stuff together and not all the neighbors got notices – only two of us got notices in the mail.

Matt Panfil: We are looking into why a couple of folks didn't get them but we only have the tax record addresses to go off of. We're not actually required to mail notices for Staff Review but we do out of courtesy.

Daniel Meggison: Sure, and I know my wife has already cemented her comments via email to the review board. I just want to make sure the wildlife is taken into consideration. These are also very small lots and from what I understand, they do meet the town code so that took a little steam out of my stack.

Jared Woolston: The Town goes with the State's vernal pool standards for what's in NRPA. Now would be the time to check those things to see if there are significant vernal pools. Per the town zoning ordinance, if you find a potential vernal pool and it turns out that it's significant, the pool and the 250 foot critical terrestrial habitat that's around the pool comes out of your density, so that's real important to know. For this one, in a sketch plan, we're looking at gross density. We're looking at your basic lot boundaries and we're trying to see if it meets density. When you get to the final plan stage, you'll have to do your really detailed net density calculation.

Daniel Meggison: There is one gentleman that has been doing surveys out there. I don't have his name and address or who he belongs to but he comes out and checks those Vernal pools every spring and fall. My father-in-law, John Merriman might know because he's talked to him in the past, but somebody has been doing some studying on those for the last 10 years at least.

Jared Woolston: If you get that stuff together, send it into the office and we'll take a look and share it with the applicant.

Stephen Drapeau: Jared, you had mentioned that you were familiar with this particular lot. You've driven by it on occasion. This particular zone specifies 7,000 square feet per single family home. My question is will there be an opportunity to express a conformity or non-conformity in regards to the existing homes that are in the Jordan Avenue area? The builders are trying to maximize the lot potential and I'm not too sure that it quite balances with the neighborhood.

Jared Woolston: The zoning ordinance gets at design in a bunch of different ways. We have some specific design standards for the Village Review Overlay, some Design Standards for the Cooks Corner area, even some design guidelines around the old Navy base, but in other parts of town we're looking for architectural consistency - we look for compatibility. It's a very basic standard. Planning Board is generally sort of hands off as far as the design goes. I would direct you to look at the zoning ordinance for architectural compatibility and see what you have in there and if you've got any concerns.

3. **Case #20-008 Marijuana Retail Store, 4 Business Parkway:** The Staff Review Committee will review and make a recommendation to the Planning Board on a **Final Plan Major Development Review** application submitted by Sitelines, PA on behalf of GJoris LLC to construct a 3,100 square foot Marijuana Store at 4 Business Parkway. The subject lot (Map 17, Lot 66) is within the **GI (Growth Industrial) Zoning District.**

Joe Marden: The existing site is vacant; there's some clearing on the front of the property off Business Parkway but the remainder of the lot is pretty well wooded. There are wetlands in the Southeast corner of the property, we had that delineated in February, and within that a vernal pool or potential vernal pool was located. They are still completing the vernal pool survey but we are treating it as a significant vernal pool and we are not disturbing within the 250 foot buffer of that vernal pool. This site plan is a little bit different than what was shown to you during sketch plan. Before we had the building turned somewhat sideways on the Eastern side of the property. After looking at it further, the applicant decided to rotate the building so the front door is facing Business Parkway and the parking is in front of the store instead of on the side of it. There will be one entrance off of Business Parkway. The building is going to be about 3,100 square feet and it's going to be a retail marijuana adult use store. I know we talked about this last time, but there is going to be a fairly large parking lot. For the initial build, we're proposing 66 parking spaces with the potential to expand for an additional 18 spaces in the future if warranted. In terms of utilities, there are water and sewer extensions to the property and we will be coming off those and extending a gas service and underground power to the building. You can kind of see the treeline that extends around the property. Greenwood Road is over here and there are some residential abutters on this side, but you can see we are providing a wide, a visual forest buffer between Greenwood Road and the development. In terms of stormwater management, due to the existing grades and the grade of the ditch line, we're proposing to sheet flow the runoff off the pavement into ditches that are extended on the North and South side of the project and these will drain into the ditches that ultimately drain on business Parkway to a storm water pond at the end. One item that I should probably talk about right now is that this property was part of the expansion of the industrial park. At that time, there was a site law amendment that was done and this site was pre-allocated for impervious area and for wetland impacts. We were well below the impervious area allocation and we're not proposing to impact any wetlands so we're good on both those fronts. Stormwater wise, there will be a culvert underneath the driveway to get drainage from the ditch line on the North to the South. That's really all from the stormwater perspective. On the landscape plan we've provided some planting bed areas at the front of the site.

These mostly consist of catmint, boxwood and grass and then we do have some trees located throughout the property. The landscaped islands are planted with grasses; we purposely did not plant trees within that area because the applicant wanted a good visual from the building out through the parking spaces for security purposes. For the lighting plan there will be light poles located around the perimeter of the parking lot. I think they range from three to five foot candles. I actually just noticed here that one of the lights - the light pole in the loading area - is a 5k light. We can switch it out for 3,000 kelvin. That's just an oversight. One other thing I wanted to address was the architecture. These are the elevations from the architect. The exact material is still being decided but it will be a skinny white tile. They'll have an overhead door so that when they bring materials to the building, they can drive into the building and offload safely inside the building.

Jared Woolston: The order on the agenda is not my favorite. I would prefer if we did conditional use first, but that's not what we got but we'll take that up next. So for this one, we're really just going to focus on the development review standards for a site plan. The idea for this one I guess is that we would put a conditional approval on the conditional use permit just because that's how they sort of fall on the planning agenda. I'd still like to hear from the committee, some feedback on some of those development review standards that will be duplicative, adverse impacts, traffic and parking, landscaping and pedestrian access into the site and to points of interest. Those are kind of like the areas that I'd really like to cover for this one.

Matt Panfil: Most of my comments are going to pertain to the conditional use permit more so than the site development.

Jay Astle: You said that with the storm water, you're going to shoot it off from the 66 space parking lot to the existing ditch line. If you did move forward at some point with the expansion of the parking lot, would that be your intent as well to take all that water and throw it that way?

Joe Marden: Yes, that's correct. That extra parking lot would drain to the west side of the property and there's a ditch that's been extended up there. I think the intent for now is that area wouldn't be disturbed, then if it is deemed necessary due to demand than they would clear it and grade it and extend that ditch line to make it work.

Ryan Barnes: The additional 18 parking spaces, would that be approved as part of this project or would that require additional review? My concern is that if we approve it based on how the plan is drawn and the traffic movement permit information provided by Diane and approved by Steve Landry, and then the parking lot is expanded, that would be because of increasing traffic. Based on Steve's letter I'd be concerned that would mean that they would then be in violation of their TMP. I'm just curious to how that would work.

Rob Pontau: I don't have any issues. Pretty straightforward on this one - simple connection, service, sewers, there is plenty of capacity. I just want to make sure they're not flushing product, that's all.

Jeff Emerson: I don't have anything.

Dennis Wilson: You're clearing the property pretty decently, but you're only putting three trees back. I don't think that's enough. I think you definitely need to add more trees, especially along the Business Parkway. We talked about that at sketch plan – three is not enough for this footprint, especially when you're taking out that much. The shrubs and plants are acceptable. A second note, on your islands if you're planning on using salt in the wintertime your boxwood won't survive. They'll die from the salt exposure.

Jared Woolston: Joe, I think you've heard the comments from Ryan and you were about to say something and then had to leave, I don't know if you want to return to that.

Joe Marden: Sure, the traffic generation numbers that Diane did were based on the square footage of the building. The ITE manual doesn't have a ton of data on these retail marijuana facilities. They're kind of a new species, especially in this part of the country. There's not a ton of traffic data on them, but she did use what was available. I don't think the question is traffic to the site. I think the question is how much traffic can be moved in and out. This store is a little different than typical retail stores where they have to get checked in before they come in. There's going to be a restriction on how many people can be in the store at once. During peak hours there could be periods where there is a line that forms outside in the turnover time from people going to the store, getting their stuff coming back out and leaving. It isn't a typical retail store like this where it's going to be five or 10 minutes. I think you're probably looking at longer than that, especially with the newness of this. People will probably want to spend time in the store and look at different options for purchasing. I don't think the anticipated traffic demand to the site is naturally going to increase. It's just of how it's going to operate and how it's going to function during peak times.

Ryan Barnes: It's kind of hard. If we say it's 85 in and during the PM peak hour they expand the parking lot and we go out there and it's 300 in, does that mean that we're stuck with it? That was my concern. I mean you put in a parking lot that size of the typical retail facility because you're going to have much more than 85 trips in the peak hour. I understand that it's a new thing and they're not quite sure how it's going to work, but it seems to be operating on a lot of speculation on the traffic side. It just seems like it's leaving us in a situation where we may end up with a lot more traffic than is really allowed out there without additional review.

Joe Marden: One of the questions the Planning Board had at sketch plan was regarding what would trigger the additional 18 parking spaces. One of the things we had said was if you want to have something in place to do that, then we would say upon approval of the Planning Director and maybe there could be some language in there regarding traffic at that time too to see if it is resulting in significantly more trips than that could be reevaluated.

Jared Woolston: There was a long discussion at Planning Board about how to deal with this anticipated overflow parking. My takeaway from the Planning Board is if you need the additional parking, they didn't really want the staff just to approve it. They wanted it to come back. I think I'm along the same lines as Ryan with his comments. If you end up with way more traffic out there than what you have anticipated, I think the Town ought to have the ability to ask that operations be curtailed if not stopped and I'm not sure exactly the proper way to do that. It ought to be an equitable and transparent process. Maybe that's something that the staff need to talk about a little bit and kind of get back to you with some guidance before we get to Planning Board.

Joe Marden: I would like some examples of when this has been done with other projects. This is the best we can do with the data that we have. Diane's a professional traffic engineer. She took a look at this and gave us numbers.

Ryan Barnes: Did she count any existing facilities?

Joe Marden: There are no existing facilities in Maine and she didn't believe that anywhere else would be relative to Maine operations, especially this this size facility. I think this has to be figured out before we move forward with final approval. My client won't want to move forward with this project if the Town may shut him down or curtail his operations once he is up and running and has invested a lot of money. I don't really see getting any better data than the stuff that Diane has come up with.

Ryan Barnes: I recall at the sketch meeting the applicant had suggested they would get some numbers from Massachusetts. I wonder what happened with that.

Joe Marden: One of the things that we saw was there's a lot of newspaper articles about inadequate parking. When these first opened in Massachusetts, they would go into a little kiosk portion of a building and they would allocate like six parking spaces to them. They were overflowing on other people's properties and there were a lot of complaints. There's no real hard data out there. I do have a couple of those articles that I could send along.

Jared Woolston: I got that email that was forwarded from Steve Landry about this that the project was okay with their permit. I just wonder if you go over the limit they set, how does the DOT deal with that?

Joe Marden: I'm not totally sure on that. I'd have to check. I think they base their permits off the best numbers I can come up with and as long as nothing changes regarding the business then if it goes over then it does.

Jared Woolston: With any other government permit you've got a cap - here's what we approved and if you go over that then you're out of compliance. I think we're looking at exactly the same thing that DOT is looking at as far as a limit on trips. You asked me where else has this been done and that is probably the best place we could look is at those DOT trip permits. What is the result of an exceedance and how do they monitor that? That is where my head is at, but we'll have that staff discussion and you know, get back to you as, as quick as we can with some guidance.

Joe Marden: Okay, and I will check with Diane to see what she has to say on that.

Ryan Barnes: I think the best example I know of is that DOT was unhappy with the use of coffee shop for the Dunkin Donuts because of how heavy a generator they are in the state. They actually required a study be done to determine what the true trip generation was and it more than doubled the trip generation for the site quickly. Most things are covered by the ITE trip manual, but if they don't know they typically do counts to know what they would be. I don't know how they would do it in a situation like this where it's going to be the first.

Jared Woolston: For me, as far as giving the Planning Board a recommendation, there's kind of a gap in our application right now that I think ought to be closed up before we get the Planning Board.

4. **Case #20-019 Marijuana Retail Store Conditional Use Permit, 4 Business Parkway:** The Staff Review Committee will review and make a recommendation to the Planning Board on a on a **Conditional Use Permit** application submitted by Sitelines, PA on behalf of GJoris LLC to construct a 3,100 square foot Marijuana Store at 4 Business Parkway. The subject lot (Map 17, Lot 66) is within the **GI (Growth Industrial) Zoning District.**

Joe Marden: The standards apply to 300 feet within the use, which I would consider the building; you can see two dashed lines within 300 feet of the building. There's really not much impact to any businesses there. When we measure 300 feet from the property line you get mostly the existing businesses on Business Parkway but you also get some residential properties on green Greenwood Road. Jared had mentioned the primary concern with the the residential properties on Greenwood is traffic. Looking at this from the perspective of how many trips will be generated in front of the residential properties on Greenwood Road, my analysis is that any trips coming from the South will come in from the South and they'll mostly come down Greenwood Road from the North and turn to enter into the industrial park prior to getting in front of any of those residential properties. Again, coming from the North or the Northeast, which would be the Topsham or Bath areas, they'd mostly come down Route One and turn

onto Church Road and then take the first entrance in the Industrial Park. I did put this into Google Maps and that's the way it was taking me. The applicant is anticipating quite a bit of out of town trips because there are a number of communities that surround Brunswick that have not approved the retail use.

Jared Woolston: I wonder if you want to talk about your analysis of how this is consistent with the Comp Plan.

Joe Marden: The Comprehensive Plan doesn't really talk about marijuana uses. This was discussed at length by the Marijuana Task Force that looked at where to place these uses. After extensive discussions and meetings they decided to permit these as a conditional use within the growth industrial zones. The Comprehensive Plan says the industrial areas include lands appropriate for industrial and other types of more intensive non-residential excluding large retail uses. Then furthermore, the comprehensive plan explains the environmental and visual quality of the area is improved with expansion and redevelopment. One thing you can say about this project is that it is going to look significantly better than the other mostly industrial style buildings within the park. From that point, I would say we meet the comprehensive plan. The other component regarding the other types of more intensive non-residential uses excluding large retail uses, I would not consider this a large retail use; I would consider those to be more big box store types of things.

Matt Panfil: My biggest concern is meeting the criteria on the Conditional Use Permit, specifically number two. The proposed use will not create significantly more traffic by patrons, residents or suppliers than the uses and structures currently within 300 feet of the proposed structure that generates the most vehicular traffic. I'll just say the way the task force identified an industrial area as the place for retail marijuana; I don't think this part was fully thought through - retail in general. To me, it's going to generate more traffic than an industrial use. The key question then becomes what is significantly more. We have a traffic movement permit that allows for this amount of traffic, but there's a difference between allowing for that amount of traffic and calling the increase to that amount of traffic significant or not. It's hard for me to say that the project meets the criteria to for Conditional Use Permit approval and to me it speaks to a larger issue, unfortunately; can adult use retail marijuana be accommodated anywhere within a growth industrial zoning district? If not, I think then it's a question for the Town Council of what do we do? The Town Council can say we just don't want retail use or they could consider more retail oriented districts in which it could go, which was actually something the Planning Board recommended. It is up to the applicant to argue as successfully as possible to the Planning Board what significantly more means. The biggest thing that doesn't add up to me is we're saying a normal retail building would have needed eight to twelve parking spaces, something like that. This project requires 66 with the opportunity for eighteen more. To me that is saying we expect more traffic.

Joe Marden: It could just be a difference of interpretation. I feel like significantly would be something that fell outside of the permanent trips for that industrial park. Again, that could just be a difference of interpretation and the question about the parking spaces and what's required based on the ordinance. I think you're right, some are eight to 12 spaces. In this building they're probably going to have 12 to 14 employees, so right there you take up 12 to 14 parking spaces. Again, those aren't trips that are coming in and leaving. They're going there and staying for the majority of the time the businesses open. We're down to two things: the number of parking spaces, which doesn't necessarily fall within the conditional use standards, and also the traffic generation. I don't know if there's more information that can be disseminated from Diane Morabito that would help you with this. I'm looking for direction from you as to what additional information we can provide.

Matt Panfil: I don't know what else would make me comfortable unless those numbers were to somehow go down, but the planning board may have a difference of opinion and I think you do make a good argument.

Jared Woolston: I want to circle back to the 2008 Comprehensive Plan and in fact it does have some specific language about what's going on around Church Road but it kind of made me remember a little bit about the review process and determining if this is appropriate here. Obviously the council wasn't going off of trip generation - they didn't have that information. We keep calling this a retail use, which is false - this isn't just a retail use. My recollection is that marijuana retail was considered something fundamentally different than retail. If you look at the Comp Plan, it says a limited range of non-residential uses including light industrial, service and office uses but not including retail or consumer oriented activities. Service and Office uses are not appropriate in the Church Road area. I think what we're finding is it might not be very consistent with the logic of allowing uses that are similar in land use intensity to light industrial. If you're looking for some kind of guidance to get through trip generation and adverse impacts consistently see with the comprehensive plan, I would compare whatever Diane has to what's envisioned as an appropriate land use activity in the comp plan. Really the only vision for uses out there would be light industrial.

Ryan Barnes: The comments I had previously are pretty much the same for this relating to the traffic. I mean most of the stuff that I was able to dig up in other States related to medical marijuana dispensaries and not to retail. For medical marijuana dispensaries, the numbers are about half of what the permit would require or somewhere in that ballpark but obviously that's mostly by appointment business. It is patients coming in with prescriptions so it's more like a pharmacy. I have to leave for another meeting now but I have reviewed 43 Bibber Parkway as well and I have not comments.

Jay Astle: No comments.

Jeff Emerson: No comments.

Rob Pontau: Same comments as last time.

Dennis Wilson: Same comments for landscaping. I'm off to another appointment as well, so I have no more comments or questions on the remaining project either.

5. **Case #20-009 Marijuana Cultivation Facility, 43 Bibber Pkwy:** The Staff Review Committee will review and make a recommendation to the Planning Board on a **Final Plan Major Development Review** application submitted by Sitelines, PA on behalf of Bibber Properties LLC to convert a portion of the existing building at 43 Bibber Parkway into a Marijuana Cultivation Facility. The subject lot (Map 17, Lot 59) is within the **GI (Growth Industrial) Zoning District** and contains the following overlays: **SPO-SP (Shoreland Protection Overlay – Stream Protection Subdistrict and the SPO-RP (Shoreland Protection Overlay – Resource Protection Subdistrict)**.

6. **Case #20-020 Marijuana Cultivation Facility Conditional Use Permit, 43 Bibber Pkwy:** The Staff Review Committee will review and make a recommendation to the Planning Board on a on a **Conditional Use Permit** application submitted by Sitelines, PA on behalf of Bibber Properties LLC to convert a portion of the existing building at 43 Bibber Parkway into a Marijuana Cultivation Facility. The subject lot (Map 17, Lot 59) is within the **GI (Growth Industrial) Zoning District** and contains the following overlays: **SPO-SP (Shoreland Protection Overlay – Stream Protection Subdistrict and the SPO-RP (Shoreland Protection Overlay – Resource Protection Subdistrict)**.

Joe Marden: This project is located at 43 Bibber Parkway - at the end of the Parkway on the left. There's a large existing warehouse building and the applicant is proposing to convert a portion of that building to marijuana cultivation, which luckily has a low use traffic generator. They're going to be adding a couple of new doors onto

the facility for access and they'll need to provide some ADA parking and access to the doors. There is ADA parking on the site. The way the lease language is written, there is no access internally from the existing parking spaces to the new area that's proposed to be a marijuana cultivation facility. We have added a new ADA parking spot with a sidewalk that meets ADA standards to the door. They are extending a sidewalk to the rear of the building. There could potentially be two tenant spaces within this area or one tenant could take both spaces. For the site changes that's pretty much it. For the conditional use, the change from industrial manufacturing to marijuana cultivation facility is pretty minimal. I can't think of anything utilities wise. There is no tenant for this right now; I'll be working with them to try to fill that space. We have requested that the ability to serve letters for the water and sewer be held back until the building permit process just because different tenants could fit out the building differently and have different requirements. There is a pretty large service that that goes to the building - I think it's either six or eight inch - so matter what they should be able to serve the project.

Jared Woolston: Matt, are you okay with taking these two at the same time?

Matt Panfil: Yes. I have no comments for either.

Jay Astle: No comments.

Rob Pontau: My only comment would be to make sure that they do get those permits. I don't think there'll be an issue with serving the properties, but what I've found in the past is that oftentimes these buildings will get fitted out and then I find out later that they owe us an entrance charge. I don't know how we make sure that is done, whether it is through the Codes Office or what, but I just want to make sure we do get those. There may not be an entrance charge if it's less than what the previous use was.

Joe Marden: With the tenant unknown and with not knowing what type of fixtures they're going to have there, it's kind of impossible to get an ability serve letter at this point. I would defer to Codes. Any renovations to the interior of the building would require a building permit and then the ability to serve letter would be required at that time. If there's another avenue to require that ability to serve letter then I'm fine with that.

Rob Pontau: I think what we could do is do an ability to serve for the cultivation facility that's being proposed and then if there are more building permits in the future, we can address them at that time.

Jeff Emerson: We've got some concerns in the building. We want to be involved with code compliance moving forward of both existing features and proposed features. That is a better comment for outside this meeting, but I didn't want to leave it unaddressed.

Joe Cooper: If anyone wants to contact me personally, please do. I'm not really good at zoom, but if there's something existing that I should be aware of, I would certainly want to engage with that now. Joe Marden has all my contact info.

Jared Woolston: Maybe you can connect with Jeff Emerson if there's something that needs to be looked at. We'll try to talk Carl Adams, our Building Inspector, into helping out but he's spread pretty thin these days.

Meeting Adjourned

JAE

DEVELOPMENT REVIEW APPLICATION

1. Development Review application type (refer to **Appendix D**):

   - [ ] **Minor Development Review**
   - [x] Major Development Review: **Sketch Plan**
   - [x] Major Development Review: **Final Plan**
   - [ ] Major Development Review: **Streamlined Final Plan**

2. Project Name: Blyberg Shoreline Stabilization

3. Project Applicant
   Name: Carol Blyberg Trust c/o Peter Blyberg
   Address: 9 Larrabee Farm Road
   Brunswick, ME 04011
   Phone Number: see Authorized Rep. Phone Number
   Email: Peter@blyberg.net

4. Project Owner (if different than applicant)
   Name: _____
   Address: _____
   _____
   Phone Number: _____
   Email: _____

5. Authorized Representative
   Name: Atlantic Environmental, LLC c/o Tim Forrester
   Address: 135 River Road
   Woolwich, ME 04579
   Phone Number: (207) 837 - 2199
   Email: tim@atlanticenviromaine.com

6. List of Design Consultants. Indicate the registration number, address and phone number, email for any additional project engineers, surveyors, architects, landscape architects or planners:

   1. _____
   2. _____
   3. _____

7. Physical location of property: 15 Monument Lane

8. Lot Size: 0.32 acres

9. Zoning District: RP-1

10. Overlay Zoning District(s): SPO-RP (2 acre 20% Steep Slope), SPO-RP (Bluff - Highly Unstable, SPO-RP (FEMA 100 Flood [Tidal - River], SPO - FPO - Special Flood Hazard Area

11. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If not, who owns the property subject to this application?

The Applicant (Peter Blyberg) is a trustee of the Carol Blyberg Trust who is the owner of property located at 15 Monument Lane. The Applicant is intending to construct the proposed project in coordination with the abutting property owned by Katherine Butler (Lot #8, Map #MP-1)

12. Assessor's Tax Map MP-1 Lot Number 9 of subject property.

13. Brief description of proposed use/subdivision: The property is a residential property.

14. Describe specific physical improvements to be done: The Applicant proposes to stabilize the shoreline with riprap and plantings. Specifically, the riprap will extend along approximately thirty-five (35) feet of their shoreline. The proposed riprap will extend three (3) feet below the HAT and constructed with a 1H: 1V slope. Plantings will be placed along the face of the slope and at the top of the bank. The lower six (6) feet of the existing access stairs will be replaced with stone.

Owner Signature:

Applicant Signature (*if different*):

Timothy A. Forster

DEVELOPMENT REVIEW APPLICATION REQUIREMENTS

The submission requirements contained in **Appendix D** of the Brunswick Zoning Ordinance (attached in checklist format for each application category) shall apply to all Minor Development, Major Development, and Streamlined Major Development Review unless a waiver is granted. Proposed development applications shall be submitted to the Director of Planning and Development.

For each item listed in Appendix D the applicant shall either submit the requested information or request a waiver from the information requirement pursuant to Subsection 5.2.9.M of the Zoning Ordinance.

FLOOD HAZARD DEVELOPMENT PERMIT
FOR MINOR DEVELOPMENT
BRUNSWICK, MAINE

(For Development not considered a Substantial Improvement)

This Flood Hazard Development Permit allows minor development as provided in Chapter 5.2.5 of the Brunswick Zoning Ordinance, for development in a Special Flood Hazard Area as defined in said ordinance. Development authorized by this permit must be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, be constructed with materials resistant to flood damage and be constructed by methods and practices that minimize flood damage. This permit is issued based on documentation that the information provided in the Flood Hazard Development Permit Application is in compliance with the Floodplain Management Ordinance.

Tax Map # MP-1 Lot # 9

Project Description: The Applicant proposes to stabilize the shoreline with riprap and plantings

In addition, the lower six (6) feet of access stairs will be replaced with stone.

The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked, all work shall cease until the permit is re-issued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the Town of Brunswick;
- The permittee hereby gives consent to the Code Enforcement Official to enter and inspect activity covered under the provisions of Brunswick Zoning Ordinance; and,
- The permit form will be posed in a conspicuous place on the premises in plain view.

Issued by: _____ Date: _____
(Signature of Codes Enforcement Official)

Permit # _____

ATLANTIC Environmental LLC
135 River Road • Woolwich, ME 04579
207-837-2199 •tim@atlanticenviromaine.com
www.atlanticenviromaine.com

May 1, 2020

To whom it may concern:

By this letter, I authorize Atlantic Environmental LLC to act on my behalf as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence related to the stabilization of the shoreline at 15 Monument Lane in Brunswick, Maine. This authorization includes attending meetings and site visits, appearing before all boards, commissions, and/or committees, and providing other services as required for completing the aforementioned tasks.

Thank you for the opportunity to work with you on this project. Should you have any additional questions, please do not hesitate to contact me at 207-837-2199 or via email at tim@atlanticenviromaine.com.

PETER A. BLYBERG
Print Name Trustee of the Carol G Blyberg Trust

Signature

16 May 2020
Date

Sincerely,
Atlantic Environmental LLC.

Timothy A. Forrester

Timothy A. Forrester, Owner

REQUIREMENTS FOR FINAL PLAN, STREAMLINED REVIEW & MINOR REVIEW APPLICATION SUBMITTAL Please mark box with one of the following: "W" (Waiver); "P" (Pending); "X" (Submitted) or "N/A" (Not applicable)		Final Plan	Streamlined	Minor
General	Application form and fee	X	--	--
	Name of development	X	--	--
	Existing zoning district and overlay designations	X	--	--
	Location map	X	--	--
	Names of current owner(s) of subject parcel and abutting parcels	X	--	--
	Names of engineer and surveyor; and professional registration numbers of those who prepared the plan	N/A	--	--
	Location of features, natural and artificial, such as water bodies, wetlands, streams, important habitats, vegetation, railroads, ditches and buildings	X	--	--
	Documentation of Right, Title and Interest	X	--	--
	Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which common areas will be owned, maintained, and protected	X X	-- --	-- --
	Draft performance guarantee or conditional agreement	W	--	--
Survey, Topography, & Existing Conditions	Scale, date, north point, and area	X	--	--
	A survey submitted (stamped for final plan submittal) by a professional surveyor with a current license by the State of Maine Board of Licensure for Professional Surveyors	W	--	--
	Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property identified as existing or proposed	X	--	--
	Existing easements associated with the development	N/A	--	--
	Location of existing utilities; water, sewer, electrical lines, and profiles of underground facilities	N/A	--	--
Survey, Topography, & Existing Conditions	Existing location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability	N/A	--	--
	Topography with contour intervals of not more than two (2) feet	N/A	--	--
	A Medium Intensity Soil Survey, available from the Cumberland County Soil and water Conservation District,. The Planning Board may require a Class A (high intensity) Soil Survey, prepared in accordance with the standards of the Maine Association of Professional Soil Scientists, if issues of water quality, wetlands or other natural constraints are noted.	W W	-- --	-- --
	Existing locations of sidewalks	N/A	--	--
	A delineation of wetlands, floodplains, important habitats, and other environmentally sensitive areas	X	--	--
	Approximate locations of dedicated public open space, areas protected by conservation easements and recreation areas	N/A	--	--

REQUIREMENTS FOR FINAL PLAN, STREAMLINED REVIEW & MINOR REVIEW APPLICATION SUBMITTAL Please mark box with one of the following: "W" (Waiver); "P" (Pending); "X" (Submitted) or "N/A" (Not applicable)		Final Plan	Streamlined	Minor
Infrastructure - Proposed	Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of one (1) inch = 50 feet and vertical scale of one (1) = five (5) feet, with all evaluations referred to in U.S.G.S. datum	N/A N/A	--	--
	Proposed easements associated with the development	N/A	--	--
	Kind, location, profile and cross-section of all proposed drainage facilities, both within and connections to the proposed development, and a storm-water management plan in accordance with Section	W	--	--
	Location of proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of private wells.	N/A	--	--
	Proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability	N/A	--	--
	Proposed locations, widths and profiles of sidewalks	N/A	--	--
	Locations and dimensions of proposed vehicular and bicycle parking areas, including proposed shared parking arrangement if applicable.	N/A	--	--
Infrastructure - Proposed	Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization	X	--	--
	Storm water management plan for the proposed project prepared by a professional engineer	W	--	--
	The size and proposed location of water supply and sewage disposal systems	N/A	--	--
	Where a septic system is to be used, evidence of soil suitability	N/A	--	--
	A statement from the General Manager of the Brunswick Sewer District as to conditions under which the Sewer District will provide public sewer and approval of the proposed sanitary sewer infrastructure	N/A	--	--
	A statement from the Fire Chief recommending the number, size and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken	N/A	--	--
	A statement from the General Manager of the Brunswick and Topsham Water District as to conditions under which public water will be provided and approval of the proposed water distribution infrastructure	N/A	--	--
Proposed Development Plan	Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site	N/A	--	--
	Reference to special conditions stipulated by the Review Authority	N/A	--	--
	Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation. Dedicated public open specs, areas protected by conservation easements, and existing and proposed open spaces or recreation areas and potential connectivity to adjoining open space.	N/A N/A	--	--
	When applicable, a table indicating the maximum number of lots permitted based upon the applicable dimensional requirements, the number of lots proposed, and the number of lots permitted to be further subdivided.	N/A	--	--
	Building envelopes showing acceptable locations for principal and accessory structures, setbacks and impervious coverage	N/A	--	--

REQUIREMENTS FOR FINAL PLAN, STREAMLINED REVIEW & MINOR REVIEW APPLICATION SUBMITTAL Please mark box with one of the following: "W" (Waiver); "P" (Pending); "X" (Submitted) or "N/A" (Not applicable)		Final Plan	Streamlined	Minor
Proposed Development Plan	Disclosure of any required permits or, if a permit has already been granted, a copy of that permit	X	--	--
	A statement from the General Manager of the Brunswick and Topsham Water District regarding the proposed development if located within an Aquifer Protection Zone	N/A	--	--
	A plan of all new construction, expansion and/or redevelopment of existing facilities, including type, size, footprint, floor layout, setback, elevation of first floor slab, storage and loading areas	X	--	--
	An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, signage and other features as may be required by specific design standards	X	--	--
	A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems	N/A	--	--
	A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, locations and purpose and type of vegetation	X	--	--
	Number of lots if a subdivision	N/A	--	--
	A plan showing all ten (10) inch caliper trees to be removed as a result of the development proposal	X	--	--
	All applicable materials necessary for the Review Authority to review the proposal in accordance with the criteria of Chapter 5.	X	--	--
	Any additional studies required by the Review Authority	X	--	--

DEVELOPMENT REVIEW APPLICATION

1. Development Review application type (refer to **Appendix D**):

	Minor Development Review
X	Major Development Review: **Sketch Plan**
X	Major Development Review: **Final Plan**
	Major Development Review: **Streamlined Final Plan**

2. Project Name: Butler Shoreline Stabilization

3. Project Applicant
   Name: Katherine Butler
   Address: 8 Bunganuc Landing
   Brunswick, ME 04011
   Phone Number: (207) 216 - 8022
   Email: butler@ge.com

4. Project Owner (if different than applicant)
   Name:
   Address:
   Phone Number:
   Email:

5. Authorized Representative
   Name: Atlantic Environmental, LLC c/o Tim Forrester
   Address: 135 River Road
   Woolwich, ME 04579
   Phone Number: (207) 837 - 2199
   Email: tim@atlanticenviromaine.com

6. List of Design Consultants. Indicate the registration number, address and phone number, email for any additional project engineers, surveyors, architects, landscape architects or planners:

   1.
   2.
   3.

7. Physical location of property: 19 Monument Lane

8. Lot Size: 0.23 acres

9. Zoning District: RP-1

10. Overlay Zoning District(s): SPO-RP (2 acre 20% Steep Slope), SPO-RP (Bluff - Highly Unstable, SPO-RP (FEMA 100 Flood [Tidal - River], SPO - FPO - Special Flood Hazard Area

11. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If not, who owns the property subject to this application?

The Applicant, Katherine Butler, owns the property located at 19 Monument Lane. The Applicant owns the abutting property identified as Lot #7, Map #MP-1. The Applicant is intending to construct the proposed project in coordination with the abutting property owned by the Carol Blyberg Trust (Lot #9, Map #MP-1)

12. Assessor's Tax Map MP-1 Lot Number 8 of subject property.

13. Brief description of proposed use/subdivision: The property is a residential property.

14. Describe specific physical improvements to be done: The Applicant proposes to stabilize the shoreline with riprap and plantings. Specifically, the riprap will extend along the entire shoreline and will be constructed with two approaches. In three areas, riprap will extend three (3) feet below the HAT and constructed with a 1H: 1V slope. In two areas, riprap will extend one (1) foot below the HAT and will consist of a single row of boulders. Plantings will be placed along the face of the slope and at the top of the bank. In addition, a french drain will be installed at the top of the slope to accommodate surface water runoff. The existing access stairs will be replaced in the same general location and with the same dimensions.

Owner Signature:

Applicant Signature (*if different*):

Timothy A. Forster

DEVELOPMENT REVIEW APPLICATION REQUIREMENTS

The submission requirements contained in **Appendix D** of the Brunswick Zoning Ordinance (attached in checklist format for each application category) shall apply to all Minor Development, Major Development, and Streamlined Major Development Review unless a waiver is granted. Proposed development applications shall be submitted to the Director of Planning and Development.

For each item listed in Appendix D the applicant shall either submit the requested information or request a waiver from the information requirement pursuant to Subsection 5.2.9.M of the Zoning Ordinance.

FLOOD HAZARD DEVELOPMENT PERMIT
FOR MINOR DEVELOPMENT
BRUNSWICK, MAINE

(For Development not considered a Substantial Improvement)

This Flood Hazard Development Permit allows minor development as provided in Chapter 5.2.5 of the Brunswick Zoning Ordinance, for development in a Special Flood Hazard Area as defined in said ordinance. Development authorized by this permit must be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, be constructed with materials resistant to flood damage and be constructed by methods and practices that minimize flood damage. This permit is issued based on documentation that the information provided in the Flood Hazard Development Permit Application is in compliance with the Floodplain Management Ordinance.

Tax Map # MP-1 Lot # 8

Project Description: The Applicant proposes to stabilize the shoreline with riprap, a french drain, and plantings. In addition, an existing set of access stairs will be reconstructed in the same location and dimensions.

The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked, all work shall cease until the permit is re-issued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the Town of Brunswick;
- The permittee hereby gives consent to the Code Enforcement Official to enter and inspect activity covered under the provisions of Brunswick Zoning Ordinance; and,
- The permit form will be posed in a conspicuous place on the premises in plain view.

Issued by: _____ Date: _____
(Signature of Codes Enforcement Official)

Permit # _____

ATLANTIC Environmental LLC
135 River Road • Woolwich, ME 04579
207-837-2199 •tim@atlanticenviromaine.com
www.atlanticenviromaine.com

May 1, 2020

To whom it may concern:

By this letter, I authorize Atlantic Environmental LLC to act on my behalf as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence related to the stabilization of the shoreline at 19 Monument Lane in Brunswick, Maine. This authorization includes attending meetings and site visits, appearing before all boards, commissions, and/or committees, and providing other services as required for completing the aforementioned tasks.

Thank you for the opportunity to work with you on this project. Should you have any additional questions, please do not hesitate to contact me at 207-837-2199 or via email at tim@atlanticenviromaine.com.

Katherine E. Butler
Print Name

Katherine E. Butler
Signature

June 1, 2020
Date

Sincerely,
Atlantic Environmental LLC.

Timothy A. Forrester

Timothy A. Forrester, Owner

REQUIREMENTS FOR FINAL PLAN, STREAMLINED REVIEW & MINOR REVIEW APPLICATION SUBMITTAL Please mark box with one of the following: "W" (Waiver); "P" (Pending); "X" (Submitted) or "N/A" (Not applicable)		Final Plan	Streamlined	Minor
General	Application form and fee	X	--	--
	Name of development	X	--	--
	Existing zoning district and overlay designations	X	--	--
	Location map	X	--	--
	Names of current owner(s) of subject parcel and abutting parcels	X	--	--
	Names of engineer and surveyor; and professional registration numbers of those who prepared the plan	N/A	--	--
	Location of features, natural and artificial, such as water bodies, wetlands, streams, important habitats, vegetation, railroads, ditches and buildings	X	--	--
	Documentation of Right, Title and Interest	X	--	--
	Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which common areas will be owned, maintained, and protected	X X	-- --	-- --
	Draft performance guarantee or conditional agreement	W	--	--
Survey, Topography, & Existing Conditions	Scale, date, north point, and area	X	--	--
	A survey submitted (stamped for final plan submittal) by a professional surveyor with a current license by the State of Maine Board of Licensure for Professional Surveyors	W	--	--
	Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property identified as existing or proposed	X	--	--
	Existing easements associated with the development	N/A	--	--
	Location of existing utilities; water, sewer, electrical lines, and profiles of underground facilities	N/A	--	--
Survey, Topography, & Existing Conditions	Existing location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability	N/A	--	--
	Topography with contour intervals of not more than two (2) feet	N/A	--	--
	A Medium Intensity Soil Survey, available from the Cumberland County Soil and water Conservation District,. The Planning Board may require a Class A (high intensity) Soil Survey, prepared in accordance with the standards of the Maine Association of Professional Soil Scientists, if issues of water quality, wetlands or other natural constraints are noted.	W W	-- --	-- --
	Existing locations of sidewalks	N/A	--	--
	A delineation of wetlands, floodplains, important habitats, and other environmentally sensitive areas	X	--	--
	Approximate locations of dedicated public open space, areas protected by conservation easements and recreation areas	N/A	--	--

REQUIREMENTS FOR FINAL PLAN, STREAMLINED REVIEW & MINOR REVIEW APPLICATION SUBMITTAL Please mark box with one of the following: "W" (Waiver); "P" (Pending); "X" (Submitted) or "N/A" (Not applicable)		Final Plan	Streamlined	Minor
Infrastructure - Proposed	Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of one (1) inch = 50 feet and vertical scale of one (1) = five (5) feet, with all evaluations referred to in U.S.G.S. datum	N/A N/A	-- --	-- --
	Proposed easements associated with the development	N/A	--	--
	Kind, location, profile and cross-section of all proposed drainage facilities, both within and connections to the proposed development, and a storm-water management plan in accordance with Section	W	--	--
	Location of proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of private wells.	N/A	--	--
	Proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability	N/A	--	--
	Proposed locations, widths and profiles of sidewalks	N/A	--	--
	Locations and dimensions of proposed vehicular and bicycle parking areas, including proposed shared parking arrangement if applicable.	N/A	--	--
Infrastructure - Proposed	Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization	X	--	--
	Storm water management plan for the proposed project prepared by a professional engineer	W	--	--
	The size and proposed location of water supply and sewage disposal systems	N/A	--	--
	Where a septic system is to be used, evidence of soil suitability	N/A	--	--
	A statement from the General Manager of the Brunswick Sewer District as to conditions under which the Sewer District will provide public sewer and approval of the proposed sanitary sewer infrastructure	N/A	--	--
	A statement from the Fire Chief recommending the number, size and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken	N/A	--	--
	A statement from the General Manager of the Brunswick and Topsham Water District as to conditions under which public water will be provided and approval of the proposed water distribution infrastructure	N/A	--	--
Proposed Development Plan	Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site	N/A	--	--
	Reference to special conditions stipulated by the Review Authority	N/A	--	--
	Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation. Dedicated public open specs, areas protected by conservation easements, and existing and proposed open spaces or recreation areas and potential connectivity to adjoining open space.	N/A N/A	-- --	-- --
	When applicable, a table indicating the maximum number of lots permitted based upon the applicable dimensional requirements, the number of lots proposed, and the number of lots permitted to be further subdivided.	N/A	--	--
	Building envelopes showing acceptable locations for principal and accessory structures, setbacks and impervious coverage	N/A	--	--

REQUIREMENTS FOR FINAL PLAN, STREAMLINED REVIEW & MINOR REVIEW APPLICATION SUBMITTAL Please mark box with one of the following: "W" (Waiver); "P" (Pending); "X" (Submitted) or "N/A" (Not applicable)		Final Plan	Streamlined	Minor
Proposed Development Plan	Disclosure of any required permits or, if a permit has already been granted, a copy of that permit	X	--	--
	A statement from the General Manager of the Brunswick and Topsham Water District regarding the proposed development if located within an Aquifer Protection Zone	N/A	--	--
	A plan of all new construction, expansion and/or redevelopment of existing facilities, including type, size, footprint, floor layout, setback, elevation of first floor slab, storage and loading areas	X	--	--
	An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, signage and other features as may be required by specific design standards	X	--	--
	A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems	N/A	--	--
	A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, locations and purpose and type of vegetation	X	--	--
	Number of lots if a subdivision	N/A	--	--
	A plan showing all ten (10) inch caliper trees to be removed as a result of the development proposal	X	--	--
	All applicable materials necessary for the Review Authority to review the proposal in accordance with the criteria of Chapter 5.	X	--	--
	Any additional studies required by the Review Authority	X	--	--

PLANNING BOARD
Major Development Review
DRAFT Findings of Fact
Review Date: October 13, 2020

Project Name:	Cooks Corner Self Storage - Amendment
Project Location:	Old Bath Road
Tax Map:	Map 45, Lot 1A
Zoning District:	GM4
Case Number:	20-041
Applicant & Owner:	Old Bath Road SPE, LLC 44 Seaborne Drive Yarmouth, ME 04096
Authorized Representative:	Sitelines PA c/o Joseph Marden, PE, 119 Purinton Road, Suite A Brunswick, ME 04011

Staff reviewed the application and has determined it is complete.

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

PROJECT SUMMARY

Staff review is based on the Major Development Review application for, "Cooks Corner Self Storage - Amendment" dated September 1, 2020. The Town of Brunswick's Staff Review Committee (SRC) reviewed the development proposal on September 16, 2020. The SRC meeting notes are included in the Planning Board packet. The proposed activity includes the after-the-fact approval of existing outdoor storage areas and replanting plans for forested areas that were cleared by the applicant on Old Bath Road in Brunswick (Map 45, Lot 1A).

The following waivers were previously approved by the Planning Board in accordance with Section 410 of the Brunswick Zoning Ordinance:

1. Profile, cross section dimensions and curve radii of existing streets – *The application states that no changes are proposed to existing streets (Old Bath Road). Based on this supporting fact, the staff recommends approving the requested waiver.*
2. Cooks Corner Design Standards- *The applicant proposes to adhere to the Cooks Corner Design standards for the proposed building that fronts Old Bath Road. Upon staff recommendation, the applicant further revised the proposal to include a landscape plan to buffer the proposed buildings from*

vehicle approach line-of-site on Route 1, and provide clapboard siding to enhance the façade. All buildings will be constructed with pitched roofs that meet the intent of the design standards. During review, the applicant provided draft façade plans for compliance with subsection 4.11.2.F.2.a, and to the satisfaction of the Planning Board. The staff recommend approving the requested waiver, conditional that façade plans for all of the buildings facing Route 1 are provided to the satisfaction of the Director of Planning and Development. This recommended condition is restated in Section 4.11 Architectural Compatibility.

3. Location of trees >10" – *As depicted on the site plan, most of the proposed development area is a field. Forested land within direct proximity to the development site is primarily linear tree stands along the north, west, and south property boundaries. Based on these supporting facts, the staff recommends approving the requested waiver.**

* Staff note the location of cleared forested areas that are proposed to be replanted are depicted on the site plans. Staff advise accepting the previously approved waivers.

Review Standards from Section 4.2 of the Town of Brunswick Zoning Ordinance

4.1 Applicability of Property Development Standards
The subject property is located within the GM4 Zoning District. The site plan indicates the development complies with property development standards set forth in Chapter 4 of the Zoning Ordinance. *The Board finds that the provisions of Section 4.1 are satisfied.*

4.2 Dimensional and Density Standards
The applicant provided a table on the site plan which indicates the development complies with all dimensional standards of the GM4 Zoning District. Density standards are not applicable since the project does not contain a residential use. *The Board finds that the provisions of Section 4.2 are satisfied.*

4.3 Natural and Historic Areas

4.3.1 Mapping of Natural and Historic Areas Requirements. With the exception of wetlands depicted on the site plan, the applicant found no features important to the natural, scenic, and historic character of the Town or that add to the visual quality of the development.

4.3.2 Pollution. The proposed development requires local approval from the Maine Department of Environmental Protection (DEP) pursuant to the Stormwater Management Law (Stormwater Law). Based on the information provided, the proposed development will not result in undue water or air pollution.

4.3.3 Protection of Natural Vegetation. The proposed development is primarily within the location of an open field. The applicant cleared the forested land adjacent to Route 1 without Planning Board review and approval. Staff issued a Notice of Violation to the applicant requiring forest replanting plans to be approved by the Planning Board. Staff advised the applicant that the planting

plans are satisfactory provided more trees are included. Provided the re-planting plans are approved, the proposed development maximizes the preservation of natural landscape features, does not occur within or cause harm to land not suitable for development, and will not have an undue adverse effect on the area's scenic or natural beauty.

4.3.4 Protection of Significant Plant and Animal Habitat. The proposed development is not within the Wildlife Habitat Overlay, and no other mapped significant plant and animal habitats were identified during review. Therefore, the proposed development will not have an undue adverse effect on important plant and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife or Town of Brunswick, or on rare and irreplaceable natural areas, such as rare and exemplary natural communities and rare plant habitat as identified by the Maine Natural Areas Program.

4.3.5 Steep Slopes: The development site does not contain 5,000 square feet or more of contiguous slopes exceeding 25 percent. Therefore, Section 4.3.5. is not applicable.

4.3.6 Erosion and Sedimentation. The proposed development is designed in accordance with the Maine Department of Environmental Protection's Best Management Practices (BMPs) to avoid causing unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results. An erosion and sedimentation control plan is provided.

4.3.7 Groundwater. The stormwater management plan is designed to meet the Maine DEP's BMP standards which avoid and minimize impacts to groundwater. Provided the Stormwater Law permit is approved by the Maine DEP, the development will not, alone or in conjunction with existing activities, have an undue adverse effect on the quality or quantity of groundwater.

4.3.8 Surface waters, Wetlands, and Marine Resources. The plans and reports for wetlands and stormwater management that were evaluated during review were prepared by qualified professionals. Wetlands were disturbed by the applicant without Planning Board approval. The applicant has restored wetland grades to address the NOV issued by staff. Staff advise the side slopes of the regraded wetland drainage channel should be relaxed to reduce erosion and encourage natural plant recruitment on exposed soils. Provided grades are relaxed to minimize erosion potential, the proposed development will have no undue adverse effect on wetlands, waterbodies, and their shorelines within the watershed of the development site.

4.3.9 Historic and Archeological Resources. No historic or archeological resources were identified within the project area. Therefore, the proposed development will have no undue adverse effect on any historic or archeological resources.

The Board finds that the provisions of Section 4.3 are conditionally satisfied upon approval of the Stormwater Management Law permit by the Maine DEP, replanting plan approval by the Planning Board, and grading upland side slopes adjacent to the restored wetland drainage area for erosion and sedimentation control to staff satisfaction.

4.4 Flood Hazard Areas
The proposed development is not located in a Flood Protection Overlay (FPO) District or Flood Hazard Area. *The Board finds the risk of flooding for the proposed development is sufficiently minimized.*

4.5 Basic Municipal Services
4.5.1. Sewage Disposal. This standard is not applicable to the proposed amendment.
4.5.2. Water Supply and Quality. This standard is not applicable to the proposed amendment.
4.5.3 Solid Waste Disposal. This standard is not applicable to the proposed amendment.
4.5.4. Stormwater Management. The proposed development will increase impervious surface on the development site to accommodate outdoor storage areas for customers. The proposed development incorporates stormwater management measures to minimize runoff volume and rate, as well as pollutant and nutrient loadings, from the site. The proposed activity requires a Stormwater permit, other than a stormwater Permit by Rule (PBR) in accordance with Rules adopted pursuant to Title 38, M.R.S., Section 420-D, as amended, and is therefore deemed to have met the requirements of this subsection upon Maine DEP approval of the permit. *The Board finds that the provisions of Section 4.5 are conditionally satisfied upon Maine DEP approval of the Stormwater permit.*

4.6 Landscaping Requirements
Staff advised the applicant to densely plant the forested areas that to buffer the existing self-storage buildings that do not meet the Cooks Corner Design Standards. Staff note the Planning Board approved a waiver to the design standards only for the sides of the buildings that would not be visible from a public street. The proposed re-planting plans are provided. Further, the applicant has installed some plants in anticipation of Planning Board review and to address the staff request for forest restoration where clearing was not approved by the Planning Board.

In accordance with the specific standards of Section 4.6.1-4.6.6., the proposed development enhances structures, parking areas and other site improvements, and minimizes the developments effect on abutting properties. Existing vegetation and grades (topography) were removed by the applicant. However, at staff request, the applicant installed all living stumps (hard wood trees that sprouted new growth) and restored grades wherever practicable. Staff advise the Planning Board that grades are to staff satisfaction for all areas except the land area between the snow storage location and wetland swale depicted on the site plans. Provided this area is replanted to Planning Board satisfaction, staff would advise approving existing grade conditions.
The Board finds that the provisions of Section 4.7 are satisfied.

4.7 Residential Recreation Requirements

The proposed development is not a residential use. Therefore, residential recreation requirements are not applicable. *The Board finds that the provisions of Section 4.6 is not applicable.*

4.8 Circulation and Access
The SRC reviewed the proposed entrance, parking lot layout, pedestrian and bicycle access, and internal travel way and advised the development will not cause unreasonable congestion or unsafe conditions on highways or public roads, either existing or proposed, and the traffic associated with the development shall maintain the existing Level of Service on any public road within 200 feet of any existing or proposed curb-cut. *The Board finds that the provisions of Section 4.8 are satisfied.*

4.9 Parking and Loading
The SRC reviewed the plans and advised the proposed development continues to provide adequate off-street parking and loading/unloading areas for motor vehicles and bicycles. T*he Board finds that the provisions of Section 4.9 are satisfied.*

4.10 Lighting
No new lighting is proposed. This standard is not applicable to the proposed development. *The Board finds that the provisions of Section 4.10 are satisfied.*

4.11 Architectural Compatibility
Each building was constructed with a roof line that meets the Cooks Corner Design Standards. Some, but not all, building facades will be constructed with wood clapboard siding to meet the design standards. During review, the applicant proposed a revision to the façade plans for compliance with subsection 4.11.2.F.2.a, and to the satisfaction of the Planning Board. A requested partial waiver from Cooks Corner Design Standards was approved by the Planning Board as noted above. The proposed development was determined to be compatible with its architectural surroundings in terms of its size, mass, and design and sufficiently complies with the Cooks Corner Design Standards. *The Board finds that the provisions of Section 4.11 are satisfied.*

4.12 Neighborhood Protection Standards
The proposed development is designed to be compatible with existing neighboring residential dwellings with an opaque buffer planting north of the proposed entrance. As a result of SRC comments, the applicant revised the normal hours of operation limited to 7:00am – 11pm in conformance with the 4.12 compatibility standards.

Staff advised the applicant to replace all plantings at the entrance that were dead or dying with new plantings. The applicant replaced all plantings to staff satisfaction. *The Board finds that the proposed development is compatible with existing neighborhood residential dwellings and the provisions of Section 4.12 are satisfied.*

4.13 Signs

The proposed amendment does not propose a new sign. This standard of development review does not apply. *The Board finds that the provisions of Section 4.13 are not applicable to the proposed project.*

4.14 Performance Standards
The proposed development is a self-storage facility with normal operating hours in conformance with Neighborhood Protection Standards in Section 4.12. As proposed, the development will not exceed Section 4.14 standards. *The Board finds that the provisions of Section 4.14 are satisfied.*

4.15 Site Feature Maintenance
The proposed development contains new site features such as landscaping, outdoor lighting, parking area, and an anticipated sign (as noted in Section 4.13). In accordance with Section 4.15 standards, this finding serves to advise the applicant that site features constructed or installed as required by this development approval must be maintained in good repair, and replaced if damaged or destroyed, or in the case of living materials, if they die or are effectively destroyed after installation. *The Board finds that the provisions of Section 4.15 are satisfied.*

4.16 Financial and Technical Capacity
The applicant has purchased several plantings and performed considerable regrading to the satisfaction of staff. To the extent this standard applies to the proposed amendment, financial and technical capacity is adequately demonstrated. *The Board finds that the provisions of Section 4.16 are satisfied.*

4.17 Administrative Adjustments / Alternative Equivalent Compliance
No administrative adjustment is proposed by the applicant at this time. *The Board finds that the provisions of Section 4.17 are not applicable.*

DRAFT MOTIONS
CASE #20-041

Motion 2: That the requested waiver for profiles and curve radii of existing streets, locating trees over 10 inches, and partial waiver from Cooks Corner Design Standards is approved.

Motion 3: That the Final Plan is approved with the following conditions:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.

2. That the Stormwater Management Law permit shall be approved by the Maine DEP, replanting plans in the forested area shall be implemented as approved by the Planning Board, and side slopes adjacent to the restored wetland drainage area shall be graded for erosion and sedimentation control all to the satisfaction of the Director of Planning and Development.

PLANNING BOARD
Major Development Review
DRAFT Findings of Fact
Review Date: October 13, 2020

Project Name:	Marijuana Store (Adult Use) – Conditional Use Permit
Address:	4 Business Parkway
Case Number:	20-019
Tax Map:	Map 17, Lot 66
Zoning:	Growth Industry (GI)
Applicant	GJoris, LLC
& Owner:	135 Maine St., Ste. 129 Brunswick, ME 04011
Authorized	Sitelines PA
Representative:	c/o Joseph J, Marden, P.E. 119 Purinton Rd., Ste. A Brunswick, ME 04011

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

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

PROJECT SUMMARY
Staff review is based on the Major Development Review application for, "Marijuana Store – Adult Use" dated April 21, 2020. The proposed development is a 3,100 square foot building and a parking lot with 64 new parking spaces. The applicant anticipates the construction of an additional eighteen parking spaces as shown on site the site plan to be added in the future. The anticipated 18 space parking lot is not proposed at this time.

The SRC first considered the proposed site plan on April 29, 2020 and most recently on September 30, 2020. The SRC notes are provided in the Planning Board's packet.

The applicant requests the following waivers in accordance with Section 5.2.9.M of the Brunswick Zoning Ordinance:

1. Location and profiles of existing utilities and the location, size, provide, and cross section of sanitary sewers – *The applicant will coordinate with the Sewer and Water Districts regarding utility plans for use. No construction activities are proposed. Based on the available information, the staff recommends approving the requested waiver.*

Subsection 3.2. "Growth Area Permitted Use Table" The applicant applied for a Conditional Use Permit for the proposed Marijuana Store.

Supplementary Use Standards for Marijuana Uses from Subsection 3.4.1.W. of the Town of Brunswick Zoning Ordinance

Subsection 3.4.1.W(1) Indoor Use. The proposed marijuana use will be conducted indoors.

Subsection 3.4.1.W(2) Separation Requirement. The Brunswick Codes Enforcement Officer (CEO) is currently not available to provide the Planning Board with technical review advice for the proposed development. However, email correspondence from the former CEO is provided which interprets the definition of a public or private "school" and advises no preexisting school is located within 500 feet from the proposed use. *The Board finds that the provisions of Section 3.4.1 are satisfied.*

Review Standards from Section 4.2 of the Town of Brunswick Zoning Ordinance

4.1 Applicability of Property Development Standards

The subject property is located within the GI Zoning District. The proposed construction activity is consistent with the property development standards. *The Board finds that the provisions of Section 4.1 are satisfied.*

4.2 Dimensional and Density Standards

The proposed development is within the dimensional limits of the GI Zoning District. Density is not applicable to the proposed non-residential use activity. *The Board finds that the provisions of Section 4.2 are satisfied.*

4.3 Natural and Historic Areas

4.3.1 Mapping of Natural and Historic Areas Requirements. The proposed development will disturb the protected 250-foot buffer associated with a potential significant vernal pool (SVP) within wetlands depicted on the site plan. The site plan application indicates the proposed disturbance will comply with the Natural Resources Protection Act (NRPA) permit by rule standards for activities adjacent to protected natural resources and within the 250-foot SVP habitat. Based on the information provided, the applicant will avoid any associated features important to the natural, scenic, and historic character of the Town or that add to the visual quality of the development to the greatest extent practicable.

4.3.2 Pollution. Based on the information provided, the proposed development will not result in undue water or air pollution.

4.3.3 Protection of Natural Vegetation. Some vegetation is proposed to be removed during the construction of the proposed development. A 50-foot wooded buffer will be protected within the subject parcel. As noted in subsection 4.3.1., the proposed development will disturb areas adjacent to a potential significant vernal pool. A significant vernal pool and the 250-foot critical terrestrial habitat buffer is significant wildlife habitat. The site plan application indicates the proposed disturbance will require a Natural Resources Protection Act (NRPA) permit. The subject lot is within an

industrial park. Based on the information provided, the proposed development was not found to occur within or cause harm to land not suitable for development and will not have an undue adverse effect on the area's scenic or natural beauty.

4.3.4 Protection of Significant Plant and Animal Habitat. The proposed development is not within the Wildlife Habitat Overlay, and no other mapped significant plant and animal habitats were identified during review. The application indicates a potential significant vernal pool is located within the wetlands that are mapped on the site plans. Provided the applicant obtains a NRPA permit as required by Maine Department of Environmental Protection (DEP) Rules, the proposed development will not have an undue adverse effect on important plant and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife or Town of Brunswick, or on rare and irreplaceable natural areas, such as rare and exemplary natural communities and rare plant habitat as identified by the Maine Natural Areas Program.

4.3.5 Steep Slopes: No steep slopes were identified on the subject parcel.

4.3.6 Erosion and Sedimentation. An acceptable erosion and sedimentation control plan is provided to address this standard of the zoning ordinance.

4.3.7 Groundwater. The proposed use development site received a Site Location of Development Law license which required a stormwater management plan that protected groundwater in accordance with Maine Department of Environmental Protection (DEP) standards. The development will not, alone or in conjunction with existing activities, have an undue adverse effect on the quality or quantity of groundwater.

4.3.8 Surface waters, Wetlands, and Marine Resources. The applicant identified a potential significant vernal pool (PSVP) on the subject parcel and is treating it as a significant vernal pool in accordance with State rules in lieu of a survey. The applicant will obtain a Natural Resources Protection Act (NRPA) permit by rule (PBR) for impacts within 250 feet from the PSVP. Based on the information provided, the proposed development will have no undue adverse effect on wetlands, waterbodies, and their shorelines within the watershed of the development site.

4.3.9 Historic and Archeological Resources. The application indicates no historic or archeological resources are known within the vicinity of the project. Based on the available information, the proposed development will have no undue adverse effect on any historic or archeological resources.

The Board finds that the provisions of Section 4.3 are satisfied conditioned on Maine Department of Environmental (DEP) approval of the Natural Resources Protection Act (NRPA) permit for activities within 250 feet of a vernal pool.

4.4 Flood Hazard Areas

The proposed development is not located in a Flood Protection Overlay (FPO) District or Flood Hazard Area. *The Board finds subsection 4.4 do not apply to proposed use activity*.

4.5 Basic Municipal Services

The applicant provided evidence that basic municipal services can be provided for the development. Solid waste impact fees are no longer required for any development. *The Board finds that the provisions of Section 4.5 are satisfied.*

4.6 Landscaping

Landscaping plans were provided in the application. Based on the review from the Town Arborist, landscaping plans must be revised to comply with town standards. This standard of the zoning ordinance will be accepted upon receipt of revised landscaping plans that enhance the proposed structures, parking areas, and other site improvements and minimizes the development's effect on abutting properties. Existing topography and vegetation are maintained wherever practicable. *The Board finds that the provisions of Section 4.6 are satisfied upon the approval of revised landscaping plans by the Town Arborist.*

4.7 Residential Recreation Requirements

The proposed development is not a residential use. *The Board finds that the provisions of Section 4.7 do not apply to proposed use activity*.

4.8 Circulation and Access

The SRC reviewed the proposed site layout and the information available in the Conditional Use Permit. The Town Engineer advised the circulation and access plans are acceptable. The applicant provided a traffic analysis for the conditional use permit which supports acceptance of the standards in subsection 4.8. The applicant requests a waiver for the sidewalk requirement for parking lots over 30 spaces because no sidewalks exist in other parts of the industrial park. The proposed development is not anticipated to cause unreasonable congestion or unsafe conditions provided the conditional use permit is approved. *The Board finds that the provisions of Section 4.8 are satisfied provided the conditional use permit is approved and the sidewalk requirement is waived.*

4.9 Parking and Loading

A new parking lot is proposed that exceeds the parking stall requirement. Staff note the Conditional Use Permit require similar review for adverse impacts due to circulation and access. The applicant requests a waiver for the sidewalk requirement for parking lots over 30 spaces. Brunswick's parking standards will be met for the proposed use activity within the existing parking lot. T*he Board finds that the provisions of Section 4.9 are satisfied provided the Conditional Use permit is approved and the sidewalk requirement is waived.*

4.10 Lighting

A lighting plan is provided to demonstrate compliance with this standard of the zoning ordinance. Any exterior lighting for security will meet the business license standards. *The Board finds that the provisions of Section 4.10 are satisfied.*

4.11 Architectural Compatibility

Elevations and plans for the proposed building are proposed. The proposed building design is compatible with other buildings within the industrial park in terms of size, mass, and design. *The Board finds that the provisions of Section 4.11 is satisfied*.

4.12 Neighborhood Protection Standards
Neighborhood protection standards apply to the residences in adjacent Growth Residential districts within 300 feet from the property. The applicant proposes to maintain the existing vegetated buffer that divides the GI district and the GR district up to a buffer width of 150 feet as depicted on the site plans. *The Board finds that the neighborhood protection standards in Section 4.12 are satisfied.*

4.13 Signs
A ground mounted sign will be proposed with a sign permit post approval of the site plans. The sign location depicted on the site plans is acceptable. The dimensional standards for the anticipated sign will be reviewed by staff as part of the sign permit process. *The Board finds that the provisions of Section 4.13 is satisfied.*

4.14 Performance Standards
No exceedance in Section 4.14 standards is proposed. *The Board finds that the provisions of Section 4.14 are satisfied.*

4.15 Site Feature Maintenance
The Planning Board advises the applicant that site features constructed or installed as required by a development approval must be maintained in good repair, and replaced if damaged or destroyed, or in the case of living materials, if they die or are effectively destroyed after installation. *The Board finds that the provisions of Section 4.15 are satisfied.*

4.16 Financial and Technical Capacity
Engineering and architectural plans were prepared for the applicant by technical consultants. A letter from Dufour Tax Group LLC is provided document that the applicant's financial capacity is acceptable. Staff did not research Dufour Tax Group LLC to determine if this is acceptable third-party evidence of financial capacity. Provided this letter is determined to be acceptable by the Planning Board, the application demonstrates adequate financial and technical capacity to meet the standards of the proposed development. *The Board finds that the provisions of Section 4.16 are satisfied.*

4.17 Administrative Adjustments / Alternative Equivalent Compliance
No administrative adjustment is proposed by the applicant at this time. *The Board finds that the provisions of Section 4.17 are not applicable.*

Review Criteria 5.2.9.O. The Review Authority may approve a Development Review application only after determining

(1) The proposed use activity does not have prior development permits or approvals. The industrial park was approved by the Maine Department of

Environmental Protection (DEP) with limits on new development. This proposal is within those permitted limits; *This standard of Subsection 5.2.9 is satisfied.*

(2) The proposed use complies with applicable standards in Chapter 2 (Zoning Districts), Chapter 3 (Property Use Standards), and Chapter 4 (Property Development Standards); *The proposed use activity complies with Chapter 2. The proposed use requires a Conditional Use Permit and compliance with Subsection 3.4.1.W. The applicant submitted a conditional use permit under separate cover. Findings for subsection 3.4.1.W are provided in the below section entitled "Supplementary Use Standards for Marijuana Uses from Subsection 3.4.1.W of The Brunswick Zoning Ordinance." Findings for Chapter 4 are provided in the below section entitled, "Review Standards from Section 4.2 of the Town of Brunswick Zoning Ordinance." Staff note the conditional use permit is required for compliance with Chapter 3.*

(3) Complies with all other applicable standards in the Ordinance, Town Ordinances, and State and federal laws. *Based on the information provided, the applicant intends to comply with all applicable laws for the proposed use activity.*

The Board finds that the provisions of Section 5.2.9.O are conditionally satisfied upon issuance of a Conditional Use Permit for the proposed use.

DRAFT MOTIONS
CASE #20-008

Motion 2: That the requested waiver is approved.

Motion 3: That the Final Plan is approved with the following conditions:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification shall require a review and approval in accordance with the Brunswick Zoning Ordinance.

2. That prior to occupancy, the Conditional Use Permit for the proposed use shall be approved by the Planning Board.

3. That prior to the start of construction, the Maine Department of Environmental (DEP) shall approve a Natural Resources Protection Act (NRPA) permit for activities within 250 feet of a vernal pool and documentation of that approval shall be provided to the Director of Planning and Development.

~~2.~~4. That prior to occupancy, the landscaping plans shall be revised to enhance structures, parking areas and other site improvements, and shall minimize the development's effect on abutting properties to the satisfaction of the Town Arborist and the Director of Planning and Development.

From:	Greg Hastings
To:	Matt Panfil
Cc:	Thomas Dunham
Subject:	Fwd: Brunswick Planning Board meeting on 10/13-4 Business Parkway proposed retail cannabis store development
Date:	Wednesday, October 7, 2020 4:15:03 PM

Matt,
Tom Dunham and I have consulted with a traffic engineer and we had him review the Applicant's cannabis retail store application for a Conditional Use Permit at 4 Business Parkway. It appears that the Applicant has not demonstrated compliance with the following Site Plan standard:

> *F.* ***Specific Standards: Traffic and Street Impact***
>
> > *(1) New development shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of existing or proposed highways or public roads. Traffic generated by the development shall maintain the Level of Service within 200 feet of any existing or proposed curb cut.*

The Applicant has not submitted any information comparing the level of service before and after construction of the facility, therefore, the Board does not have sufficient information to make an affirmative finding that the Application complies with the Standard noted above.
As you know, Tom and I have pointed out that the number of proposed parking spaces (64-82 parking spots) being sought by the Applicant does not pass the straight face test when you realize that each space can turn over 4-5 times every hour. The Applicant and his consultants have previously stated that the proposed development is going to be a "regional" store that will generate sales from outside the Brunswick area and from vacationers traveling into Maine. The business plan calls for a convenient location on and off I-295 and Route 1 in order to attract vacationers who are headed by Brunswick. This store is designed and projected to generate a lot of traffic and the number of parking spaces supports this observation.
Would you please have the Applicant address the deficiency in its submittal? Tom and I are not opposed to the development of a cannabis retail store in Brunswick; however, we believe that the Business Parkway location in Brunswick Industrial Park is the wrong place to develop such a high-traffic store.
If Tom and I lose our appeal to get the developer to build the cannabis store somewhere else, what protections can the Planning Board impose on the Applicant in order to keep our property at 3 Business Parkway protected from all of the traffic and visitors to the retail store?
Please let Tom or me know if you have any questions or comments regarding this matter.
Greg

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