



## Town of Brunswick, Maine

### PLANNING BOARD

85 UNION STREET, BRUNSWICK, ME 04011

**PLANNING BOARD AGENDA  
BRUNSWICK TOWN HALL  
85 UNION STREET  
COUNCIL CHAMBERS  
TUESDAY, JANUARY 14, 2020, 7:00 P.M.**

1. **Workshop:** The Planning Board will hold a workshop at the request of Sitelines, PA to consider modifying the Shoreland Protection Overlay boundaries on Old Portland Road. The subject lots (Map 17, Lot 1; Map U34, Lots 15 and 19) are located within the **GM3 (Growth Mixed Use 3) Zoning District** and the **SPO-SP (Shoreland Protection Overlay – Stream Protection) Subdistrict**.
2. **Case #19-051 – Zoning Ordinance Amendment, Lighting:** The Planning Board will hold a **PUBLIC HEARING** to review and provide a recommendation to the Town Council on a Zoning Ordinance Text Amendment to section 4.10 Lighting of the 2017 Brunswick Zoning Ordinance.
3. **Case #19-052 – Zoning Ordinance Amendment, Use Table:** The Planning Board will hold a **PUBLIC HEARING** to review and provide a recommendation to the Town Council on a Zoning Ordinance Text Amendment to section 3.2 Growth Area Permitted Use Table of the 2017 Brunswick Zoning Ordinance.
4. **Other Business**
5. **Approval of Minutes**
6. **Adjourn**

*This agenda is mailed to owners of property within 200 feet of proposed development sites and 300 feet for Conditional Use or Special Use Permits. Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521. This meeting will be televised.*

1/2/20

## STAFF REVIEW COMMITTEE NOTES

**Staff present:** Ryan Barnes, Town Engineer; Matt Panfil, Director of Planning and Development; Dennis Wilson, Town Arborist. Non-voting Staff: Jared Woolston, Planner; Julie Erdman, Planning Technician; Laurel Margerum, Administrative Floater.

**Applicants Present:** Curt Neufeld, Sitelines, PA

**Public Present:** None

1. **Workshop:** The Staff Review Committee will hold a workshop at the request of Sitelines, PA to consider modifying the Shoreland Protection Overlay boundaries on Old Portland Road. The subject lots (Map 17, Lot 1; Map U34, Lots 15 and 19) are located within the **GM3 (Growth Mixed Use 3) Zoning District** and the **SPO-SP (Shoreland Protection Overlay – Stream Protection) Subdistrict**.

**Curt Neufeld:** I'm here today on behalf of the applicant, Paul Douglas, regarding this parcel of land on the northerly end of Old Portland Road that is currently undeveloped. At some point in history there was a wetland delineation done that showed a lot of the parcel encumbered by wetlands. In conjunction with that, the Town had mapped it with the Shoreland Protection Overlay, which basically rendered the parcel undevelopable under the current ordinance. The applicant hired Tim Forester with Atlantic Environmental to go out and revisit the wetlands and he found that while the overall shape was similar, there were definitely some areas that were upland and not wetland. We met with staff and discussed the idea of changing the Shoreland Overlay based on the new delineation and the identification that these were all forested wetlands and not coastal wetlands. We walked the site with Jared and Tim and looked at streams and determined that there were some streams which are now shown on the plan with the appropriate 75' setback. If staff and the Planning Board are agreeable, we are looking to amend the Shoreland Overlay Zone on that parcel to open up some areas for use. We're looking for feedback and we would like to get Planning Board support to take it to the Town Council to amend the official map.

**Jared Woolston:** As Curt said, the current SPO boundary makes this land pretty much undevelopable. The Stream Protection Subdistrict puts a setback on any new buildings - you can do little trails and things, but that's about it. Almost the entire piece is covered in SPO. What they're talking about doing is basically condensing that humongous SPO blob into this little Y shape. This is a mixed use zoning district so what would probably come later if the zone is changed is a lot more traffic and new opportunities for future development if they choose to go that direction. That maybe something to consider; it would go from not being able to do anything with it to an opportunity for fairly high density uses. As Curt said, I walked the property with Tim Forester and basically these lines through here on the map where it's real tight, there's a stream in there; where it Ys off and it's also pretty tight, there's another stream in there. For the remainder of the property there are no streams. There are some linear wetlands but that's really all they are. For Shoreland zoning, the map is first adopted by the Town, then goes to the State; the State approves it and then it's legally enforceable by the Town. We have to enforce what's on the map. The State gives us some latitude within about 100 feet or so to make some on-the-ground calls; in fact, our ordinance talks about doing field determinations for streams. Once you start talking about going several hundred feet away from what's actually on the ground, this beg some other questions about what's on your map and you tend to lose a little bit of that State support that you rely on if these things ever go in the direction of noncompliance or enforcement. Staff advice was to try and get a field determination from the applicant that would help us refine this map and make it so that what's defined in the text of our ordinance is reflected accurately on

our Shoreland zoning map. As far as wetlands go, the Town Zoning Ordinance has a couple of definitions for wetlands. There's one that's reflective of the national standard - the Army Corp standard for wetlands. That would be jurisdictional for the Corp and for the Maine DEP; also when it gets to development review, there's some language in our development review standard that talks about minimizing your impacts and that kind of thing. Shoreland zoning specifically excludes forested wetlands; these are wetlands with a prevalence of trees. If it's a forested wetland, it could still be protected the way I just described it, but it wouldn't necessarily be Shoreland zoned. The Shoreland Zone wetlands that we want to get at are your big emergent wetlands, the scrub shrub wetlands, anything that's got a prevalence of vegetation that's not forested. That was another thing that we asked Tim Forester to look at - if there are any freshwater wetlands as defined for Shoreland zoning. When we talk about emergent wetlands, it's not just like a small pond, it has to be a 10 acre pond - a 10 acre emergent wetland. There are some linear wetlands out here that have some shrubby vegetation but it doesn't add up to 10 acres so those don't qualify. They would still need to be delineated on a future development plan for others to look at but not necessarily a Shoreland zoning map. I won't speak for Jeff, he has enforcement authority as the Code Officer, but this delineation that's on this map looks like what I saw in the field. I do want to point out that we did some other due diligence things because it's a fairly significant ask to revise the zoning map. I checked the stream habitat viewer which is a state map. There are no mapped streams out here. The property is in an urban impaired stream watershed; the unnamed tributary to the Androscoggin River. The national wetlands inventory is usually painted with a fairly broad brush but it is informative. It does show a small stream just about where Tim has it mapped. The last thing I looked at was the Maine DOT's public map just to see if there were any culverts or potential impoundments that are cutting off watershed flow that could help it cut a channel. There are no large culverts through here and in the field we didn't find any crossing Route 1. There is basically a big old pile of fill under Route 1. That is the long way of saying we've done the research and, at least from the staff perspective, we're pretty satisfied with this.

**Curt Neufeld:** Just to piggyback on what Jared was saying; this only opens the door for potential site plan or other approvals. Any potential projects would obviously have to come back and get the appropriate permits from the Town, State, DEP and DOT. Certainly this changes the nature of the land and for the owners. I don't think that they would be looking to impact the wetlands; they are expensive and tough to get approved through the DEP under NRPA. With the parcel's close proximity to the interstate and Pleasant Street this change would open up some opportunities.

**Matt Panfil:** What's the size of this lot?

**Curt Neufeld:** We didn't have to fill out a standard application form so I don't know offhand.

**Jared Woolston:** It looks like 18 acres plus another 10.

**Matt Panfil:** When we get to Planning Board, I think it is important to be able to explain the difference between the forested wetlands the freshwater wetlands in the Shoreland Protection Overlay. It took me a second to fully understand what was going on, but once I did I thought that it's a logical request.

**Curt Neufeld:** With that in mind, if there are any graphics that you think would help at the Planning Board meeting to step them through it, let me know.

**Matt Panfil:** Maybe if we included screenshots of some of the maps that Jared has had up during this meeting to make sure we aren't missing anything.

**Jared Woolston:** I thought the pictures were good. It would have been nice to see some of the non-forested wetland pieces delineated in these middle pockets, but I don't know that they went through and did that.

**Curt Neufeld:** I don't think so. Do you think would be helpful to have Tim at the meeting?

**Jared Woolston:** For technical stuff, yes. I can help a little bit, but you should be advocating for your clients.

**Curt Neufeld:** I thought your presentation was fair but since it's all about natural resources...

**Jared Woolston:** I think he just called them forested wetlands, but they definitely have non-forested inclusions. It was clearly less than 10 acres so for Shoreland zoning it doesn't matter, but it would be interesting to have that called out.

**Matt Panfil:** Are there any vernal pools on site?

**Curt Neufeld:** He looked at that. There is actually a separate letter regarding that in your packet.

**Jared Woolston:** I think they said they sent that letter to the State, which is what matters. They got the DEP to say that it is all right. Once it's deemed not significant it is a done deal.

**Ryan Barnes:** Do you know what the total amount of wetland area is?

**Curt Neufeld:** I do not.

**Ryan Barnes:** I was just curious. You said it was 19 acres but they're showing a lot more than that upland so I think the site is bigger than 19.

**Curt Neufeld:** That is for both of them combined.

**Ryan Barnes:** Okay. I'd like to know the total area and the "buildable area" potential. There are a lot of small pocketed wetlands that I think with a tier one or a tier two permit would be somewhat easy to develop. I'm seeing 21 acres of upland which is a pretty substantial area, but because of the scale it doesn't look substantial. Just for reference, Old Portland Road is fully DOT jurisdiction.

**Dennis Wilson:** What was your stream set back again?

**Curt Neufeld:** 75 feet.

**Dennis Wilson:** That's something you probably want to have written on your plan too.

**Ryan Barnes:** I think you would want to show the current SPO versus the proposed so Planning Board can see the difference, as well as a pre and post wetland map.

**Curt Neufeld:** Okay. Are you going to try to get any comments back from Jeff?

**Jared Woolston:** Jeff had done quite a bit of research on the construction of this road and what that did to change things out there. He'd done a lot of work so I can try to get some comments from him. He didn't raise any red flags in the office so I don't know if that's enough just to keep it moving, but I'll see if I can get something in writing.

**Curt Neufeld:** Sounds good. This is a workshop, but you're still sending it to the Planning Board for the January 14<sup>th</sup> meeting...

**Matt Panfil:** It looks like the 28th should be the public hearing with the Planning Board. Town Council would probably be the 18<sup>th</sup> which is the Tuesday after Presidents' Day. Then the Town Council public hearing and vote would be March 2<sup>nd</sup> hopefully.

Meeting Adjourned

JAE

## Julie Erdman

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**From:** Jared Woolston  
**Sent:** Friday, January 10, 2020 2:35 PM  
**To:** Julie Erdman  
**Cc:** Matt Panfil  
**Subject:** workshop packet  
**Attachments:** SKM\_C754e20011010060.pdf

Julie,

Please include these two (2) separate items and the attachment pertaining to the forested wetland SPO item in the workshop packet.

### SPO

1. Attached is a 1953 picture of the farm field that used to be in the shoreland zone from Jeff. This indicates what is now a forested wetland grew out of a wet meadow over 10 acres in size thus qualifying for shoreland zoning then but not as it is today (i.e. forested).

### Subdivision Recording

2. Our ordinance states in Section 5.2.9.P(2) Recording, "If the applicant fails to record the Subdivision plan within 90 days after Subdivision approval by the Planning Board, the approval shall expire." I recall advising to remove this part of the draft ordinance when we were going through the ZORC process but I can't find my notes to back up my memory! The way I read it, the town is preempted from requiring a plan to be recorded until day 91 after planning board approval pursuant to 30-A M.R.S. §4408 <http://legislature.maine.gov/statutes/30-A/title30-Asec4408.html> Subdivision approval therefore expires in 5 years from the date of approval per subsection 5.2.9.Q.3.b.i

- a. Jeff Hutchinson, CEO advised the following on 1/9/2020:

- i. I certainly agree with your interpretation of Subsection 5.2.9.P.(2) such that it is in direct conflict with State Subdivision Law, of which the Town's ordinance refers to for local regulation. I also agree that the referenced subsection of the ordinance should be deleted however; I do believe it would be important to keep/add language to the ordinance regarding the requirement (as stated in State Law) of Recording an approved subdivision plan prior to the marketing and sale of lots, and the issuance of Building permits. This would serve as a reminder to developers to make sure the recording takes place. Perhaps this language could be incorporated in Subsection Q.3.b.

Jared Woolston, AICP  
Town Planner  
Town of Brunswick  
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Brunswick, ME 04011

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November 19, 2019

3914

Mr. Jared Woolston  
Town Planner  
Town of Brunswick  
85 Union Street  
Brunswick, ME 04011  
<via email>

**RE: Request for Shoreland Protection Overlay Change  
Old Portland Road  
Tax Map 17, Lot 1 and Tax Map U34, Lots 15 and 19**

Dear Jared:

On behalf of Paul Douglas and Ann Huffsmith, trustees for the Russell and Janet Douglas Survivor's Trust, Sitelines is requesting the Town of Brunswick revise the Shoreland Protection Overlay (SPO) boundaries on Tax Map 17, Lot1 and Tax Map U34 Lots 15 and 19. Almost the entirety of the two parcels is mapped as being within a the SPO. The SPO is based on a wetland delineation from several years ago that did not consider large areas of uplands with the overall perimeter. A new wetland delineation was completed by Atlantic Environmental (Tim Forrester) that identified the upland areas and other differences in the shape and extent of the wetland areas. A comparison of the previous and recent delineations is enclosed for reference.

In addition to the refined wetland boundaries, the wetlands have been identified as 'forested' wetlands. Section 2.3.3 of the Zoning Ordinance states a SPO district consists of:

All land areas within 250 feet, horizontal distance, of the normal high-water line of any river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; and all land areas within 75 feet, horizontal distance of the edge of a tributary stream (*amended 8/6/18*).

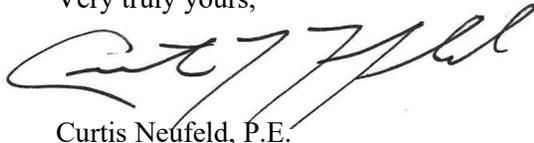
The wetland areas identified on the applicant's parcels do not meet the above definition and the SPO is not appropriate. There is stream traversing the parcel, and the SPO Stream Protection Sub-District (SPO-SP), including all areas within 75-feet from the edge of the stream is applicable and should be identified on the Zoning Map where appropriate.

This information was submitted for review by staff and it is our understanding that staff concur the wetlands and associated SPO are not consistent with section 2.3.3. The potential for significant vernal pools within the parcels was also evaluated and none were found.

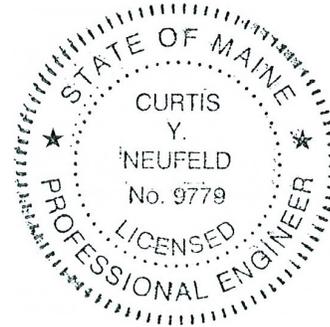
We request this matter be brought to the Town of Brunswick Planning Board for consideration and recommendation to the Town Council to amend the SPO as depicted on the Zoning Map and GIS database to reflect the field verified conditions. This amendment will allow areas ranging from 0.5 acres to three (3) or more acres of land to be available for appropriate development within the zone.

We look forward to meeting with the Town Planning Board at their December 10, 2019 meeting to discuss this request as a workshop item. Should you have any questions regarding this proposal, please contact me.

Very truly yours,



Curtis Neufeld, P.E.  
Vice President



Enclosure

cc: Paul Douglas, The Russell and Janet Douglas Survivor's Trust  
Matt Panfil, Director of Planning and Development  
Tim Forrester, Atlantic Environmental

Request for Shoreland Overlay Amendment  
Tax Map 17, Lot 1 and Tax Map U34. Lot 19

**Attachment A**  
**2019 Wetland Delineation and Vernal Pool Survey**

A copy of the vernal pool survey and wetland mapping are enclosed.

A

Wetland Delineation



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

~~June 14, 2019~~  
(Revised) December 11, 2019

Ms. Ann Huffsmith  
Old Portland Road  
Brunswick, ME 04011

Re: Wetland Delineation, 0 Portland Road, Brunswick, Maine and follow up site with the Town of Brunswick.

Dear Ms. Huffsmith,

At your request, Atlantic Environmental, LLC. (AE) completed a wetland delineation of three (3) parcels that total 30.4 acres and are identified as Lot #1 on Tax Map #17, and Lot #15 and Lot #19 on Tax Map #U34 in the Town of Brunswick, Maine. The wetland delineation was done in accordance with the U.S. Army Corps of Engineers, Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Regions (Version 2.0). The wetland delineation was performed on May 22, 2019 and May 31, 2019 and all wetlands were flagged with pink, numbered flagging and located with a Global Positioning System (GPS) Trimble® GEO 7X unit by AE staff. A subsequent site visit with Town of Brunswick was held on November 20, 2019.

#### **SITE DESCRIPTION**

The entire area is approximately thirty (30) acres in size and is located off Portland Road in the Town of Brunswick. The site is undeveloped and includes forested uplands, forested wetlands and a stream. According to the U.S. Department of Agriculture, *Soil Survey of Cumberland and Part of Oxford County, Maine*, there are several soil types mapped within the project areas. They include Belgrade very fine sandy loam – 0 – 8% slopes (BgB), a moderately well-drained soil, Biddeford mucky peat – 0 – 3% slopes, a very poorly drained soil, Lamoine silt loam – 3 – 8% slopes (BuB), a somewhat poorly drained soil, Lyman-Abram complex – 8 – 15% slopes, very rocky (HsC), a somewhat excessively drained soil, and Scantic silt loam – 0 – 3% slopes (Sn), a poorly drained soil.

#### **SITE VIST WITH JARED WOOLSTON, TOWN PLANNER, TOWN OF BRUNSWICK**

At the request of Jared Woolston, Town Planner for the Town of Brunswick, a site visit was conducted on Wednesday November 20, 2019. The focus of the site visit was to review the location of the stream channel as depicted on the Town's shoreland zoning map in comparison to the stream channel shown on AE's wetland delineation map. The subject parcels, as well as, the area between the

I-295 on/off ramps and the area north of the I-295 on ramp were walked. The Town's map indicated a stream channel extends from Old Portland Road northwest off the parcel. AE's map indicated a stream channel begins at Old Portland Road (in the same location as the Town's map) and extends north/northeast to the I-295 off ramp. As a result of that site visit, AE has revised its map to include an additional short channel that extends to the west off of the main channel that runs north. Additionally, the main stem of the channel does not extend all the way to the I-295 off ramp and has been shortened. This discrepancy is an over estimation of the length of the stream channel based on a review of aerial imagery. The wetland to the north of the stream channel is dominated by red maple, speckled alder, winterberry and sensitive fern (see Photograph Nine).

## **DESCRIPTION OF WETLANDS**

AE identified five (5) wetlands and the canopy and shrub layers in each of these wetlands are dominated by Red Maple (*Acer rubrum*) and Speckled Alder (*Alnus incana*). The herbaceous layer includes Sensitive Fern (*Onoclea sensibilis*), High Bush Blueberry (*Vaccinium corymbosum*), Interrupted Fern (*Osmunda claytoniana*), Japanese Honeysuckle (*Lonicera japonica*), Jewelweed (*Impatiens capensis*), and Horsetail (*Equisetum arvense*). The adjacent uplands are dominated by White Pine (*Pinus strobus*), Red Oak (*Quercus rubra*), and Bracken Fern (*Pteridium aquilinum*). The primary hydrology indicators are Saturation (A3) and Water Stained Leaves (B10). Soils within the wetland were identified as hydric within the upper ten (10) inches of the soil profile with a value or three (3) or less and a chroma of two (2) or less. Wetland One (W1) contains a stream channel.

### **Potential Vernal Pools**

AE looked for potentially significant vernal pools that are regulated under Chapter 335 of the Natural Resources Protection Act (NRPA) on April 22, May 22, and May 31, 2019. Based on our assessment, there was an area located off Portland Road in W1 that contained twenty-nine (29) spotted salamander egg masses and twelve (12) wood frog egg masses. However, this area was part of a manmade ditch/wetland area and does not meet the definition of a significant vernal pool as defined in Chapter 335 of the NRPA. Data sheets have been submitted to the Maine Department of Inland Fisheries and Wildlife (MDIFW). If MDIFW agrees with our assessment, the pool location will be recorded as non-significant.

MDIFW and the DEP have signed off that the pool is anthropogenic (manmade) and will not be subject to Significant Vernal Pool regulations.

## **STATE AND FEDERAL REGULATORY REVIEW -**

All wetlands are regulated by the Maine Department of Environmental Protection (DEP) under the Natural Resources Protection Act (NRPA) and by the U.S. Army Corps of Engineers (Corps) under the Programmatic General Permit (PGP). The DEP also defines specific types of wetlands as Wetlands of Special Significance (WOSS) if they meet the specific criteria of Section 4 of Chapter 310 of the NRPA. Based on AE's assessment of the wetlands, the wetlands that are adjacent to the stream meet the definition of a WOSS. There were no WOSS identified in W2 – W5. Under the NRPA, Section 480-Q, a one-time wetland impact less than 4,300 sq. ft. do not require a permit from the DEP. If the proposed project alters more than this amount, AE suggests that impacts to these wetlands and/or the associated

buffers should be reviewed by the U.S. Army Corps of Engineers and the Maine Department of Environmental Protection before any soil disturbance onsite.

### TOWN OF BRUNSWICK -

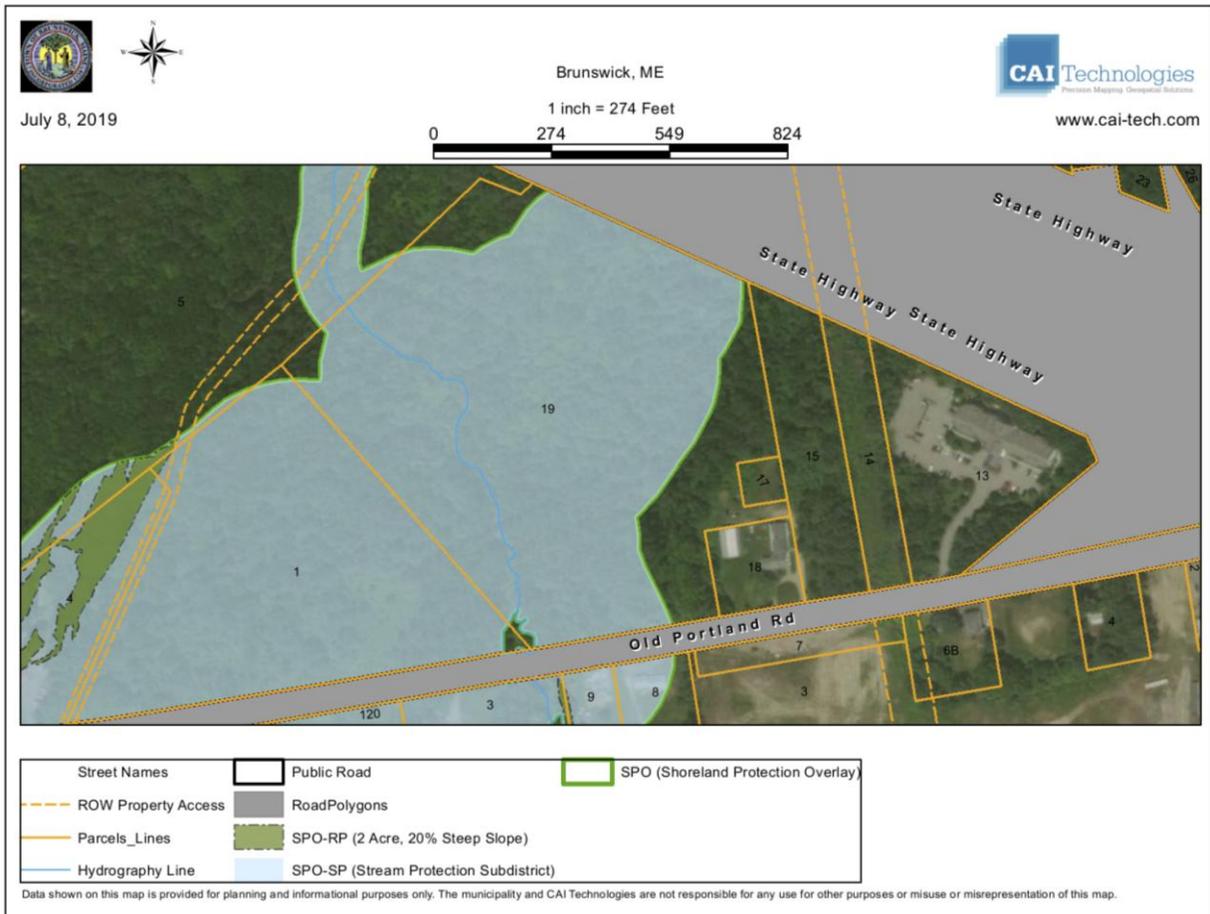
Based on the Town of Brunswick’s Zoning Map, The area is mapped as Growth Mixed-Use (GM3). In addition, the majority of the parcels are mapped in the Stream Protection Subdistrict of the Shoreland Protection Overlay Zone – see Figure One. All new principal and accessory structures shall be setback seventy-five (75) feet from the edge of a stream or tributary stream and one hundred and twenty-five (125) feet from the upland edge of a freshwater wetland. AE highly recommends that you contact the Town of Brunswick Planning Department to discuss any proposed development of these parcels.

In addition to the zoning requirements, the Town of Brunswick regulates Freshwater Wetlands as, “a freshwater swamp, marsh, bog, or similar area other than a forested wetland which is:

A. Of ten or more contiguous acres; or of less than ten contiguous acres and adjacent to a surface water body, excluding any river or stream, such that in a natural state, the combined surface area is in excess of ten acres; and

B. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and that under normal circumstances does support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

All five wetlands are forested wetlands less the 10 acres in size and therefore do not meet the Town’s definition as a freshwater wetlands.



**Figure One. Town of Brunswick Zoning Map for subject parcels. Note blue area delineating Stream Protection Subdistrict of the Shoreland Zoning Overlay Zone.**

The Town also regulates streams and associated wetlands as-

Stream: A channel between defined banks created by the action of surface water and has two (2) or more of the following characteristics.

A. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year under normal seasonal rainfall conditions.

B. The channel bed is primarily composed of mineral material such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.

C. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.

D. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these wetlands are present, the normal high water line of the stream is measured from the upland / wetland transition of bordering wetlands subject to periodic stream water flooding or saturation, or where changes in wetland vegetation, soil characteristics, or topography clearly demonstrate wetland hydrology not associated with associated with periodic flood flows.

Natural and artificial impoundments at the source and along the course of the stream are considered to be part of the stream. Stream does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.

Based on our field assessment, portions of the area mapped in W1 contain a stream as defined by the DEP and the Town. The Town does require a setback from the edge of the associated wetland of that stream. AE suggests you contact the Town of Brunswick Planning Department prior to any soil disturbance onsite.

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](mailto:tim@atlanticenviromaine.com).

Sincerely,  
Atlantic Environmental LLC.



Timothy A. Forrester, Owner  
PWS #1933



**Photograph One. View of Wetland One showing portion of delineated wetland. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.**



**Photograph Two. Additional View of Wetland One. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.**



**Photograph Three. Partial View of Area containing egg masses – note Portland Road in background. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.**



**Photograph Four. Wetland Area showing egg masses. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.**



**Photograph Five. View of Wetland Two. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.**



**Photograph Six. View of Wetland Three. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.**



Photograph Seven. View of Wetland Four. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.

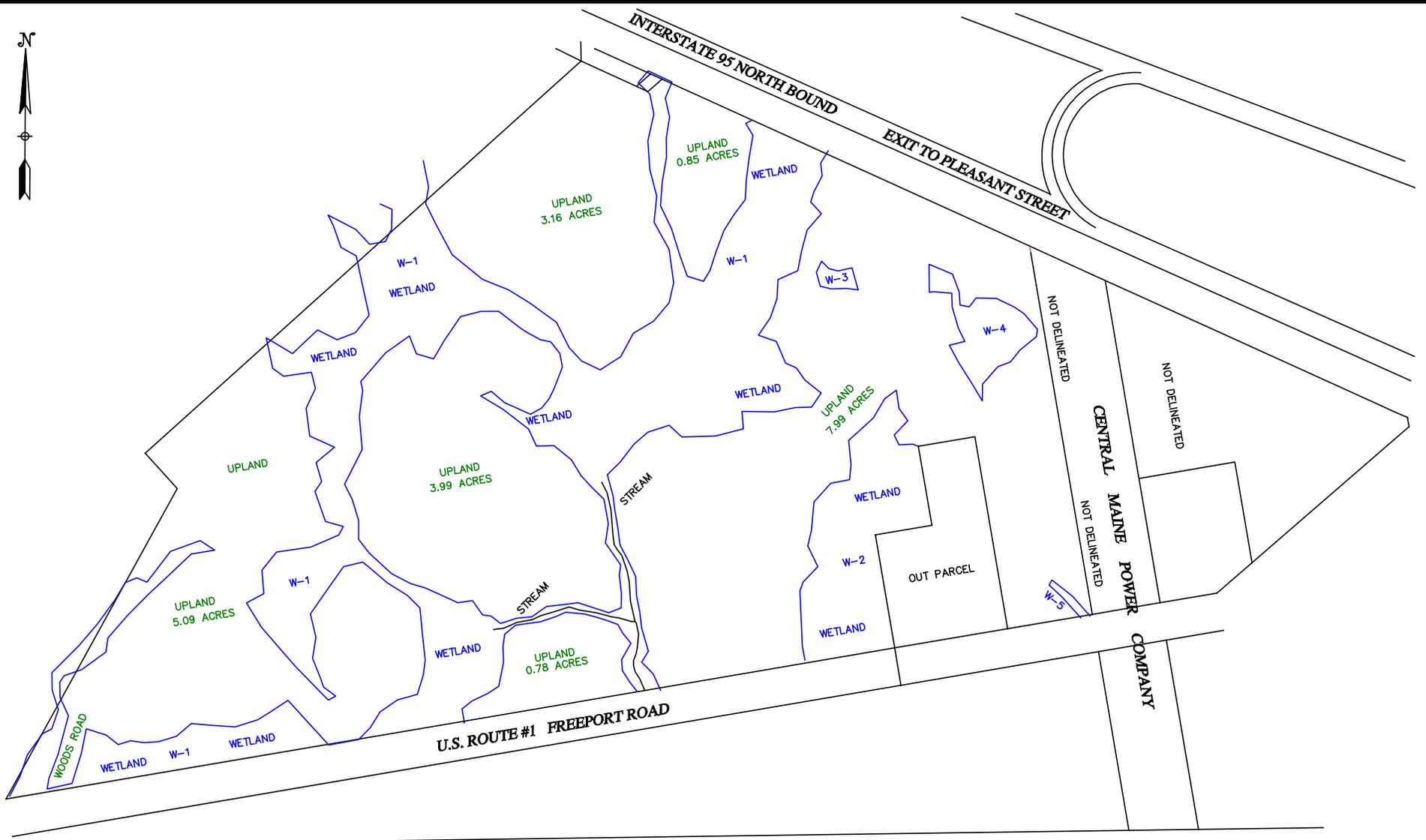


Photograph Eight. View of Wetland Five. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.



**Photograph Nine. View of Wetland One from the end of the stream channel.  
Photographer: Tim Forrester, Atlantic Environmental, LLC.**

**Date: November 20, 2019.**



SCALE IN FEET  
-125 0 125 250 375 500  
1 INCH = 250 FEET

 ATLANTIC ENVIRONMENTAL LLC.  
Environmental Consultants  
135 River Road, Woolwich, ME 04579  
(207) 837-2199  
tim@atlanticenviromaine.com

Date: 6/22/2019  
Revised: 12/6/2019  
Project: Ann Huffsmith  
Drafted By: TAF

Wetland Map for 0 Old Brunswick Road, in Brunswick, Maine. Prepared for Ann Huffsmith.  
Base Plan provided by Sitelines, PA. This is not a boundary survey and should be used for planning purposes only. Wetland features were GPS located in the field. Property lines are assumed. No delineations were performed east of the CMP line.

Sheet  
One  
of  
One



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

GERALD D. REID  
COMMISSIONER

July 26, 2019

Tim Forrester  
Atlantic Environmental, LLC  
135 River Road  
Woolwich, ME 04579

Re: Vernal Pool Significance Determination, Pool ID # 3738–Brunswick

Dear Tim Forrester:

Vernal pools are temporary to semi-permanent wetlands occurring in shallow depressions that typically fill during the spring and dry during the summer or in drought years. They provide important breeding and foraging habitat for a wide variety of specialized wildlife species including several rare, threatened, and endangered species.

Based on your field survey, it has been determined that the vernal pool identified above on the property of Anne Huffsmith is NOT SIGNIFICANT because either: 1. the feature does not meet the definition of a vernal pool under the Significant Wildlife Habitat rules, 06-096 CMR 335(9) or 2. the vernal pool does not meet the biological standards for exceptional wildlife use of the Significant Wildlife Habitat rules, 06-096 CMR 335(9)(B). Therefore, activities within 250 feet of the pool are not regulated under the Natural Resources Protection Act (NRPA) unless there are other protected natural resources nearby such as streams or freshwater wetlands. I have attached a copy of the database printout that verifies the State's findings with respect to your survey.

I want to also advise you that the pool area on the property can be considered a freshwater wetland and therefore direct pool alterations may require permitting under the NRPA.

The Department will notify the landowner of the pool status under separate cover. If you have any questions or need further clarification, please contact me at (207) 530-0965 or email at:

[Nick.Livesay@maine.gov](mailto:Nick.Livesay@maine.gov)

Sincerely,

Nick Livesay, Director  
Bureau of Land Resources

cc. town file

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

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

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

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

## IFW Recommendations for Significant Vernal Pool Determinations

The following is a list of pools and IFW's recommendations for whether or not they qualify as Significant Vernal Pools, one of Maine's Significant Wildlife Habitats.

**Data current as of: Friday, July 26, 2019**

---

IFW's Pool ID: 3738	Twp: Brunswick	UTM Coordinates of Pool Center: 418754 E, 4862458 N
Observer's ID: Portland Road - Brunswick		ProjectType: Portland Road Wetland Delineation - Brunswick
Landowner: Anne Huffsmith	Contact: Tim Forrester - Atlantic Environmental, LLC	
2899 Blackhawk Court	135 River Road	
Steamboat Springs, CO 80487	Woolwich, ME 04579	
(407) 865-1332	(207) 837-2199 tim@atlanticenvironmain	

Survey Date: 4/22/2019 Additional Survey Dates: 05/22/2019, 06/27/2019

IFW's Recommendation: RED: NOT SIGNIFICANT, does not meet the vernal pool definition

IFW Comments: Pool provides habitat for wood frogs and significant habitat for spotted salamanders, but does not meet MDEP criteria (unnatural -ditch)

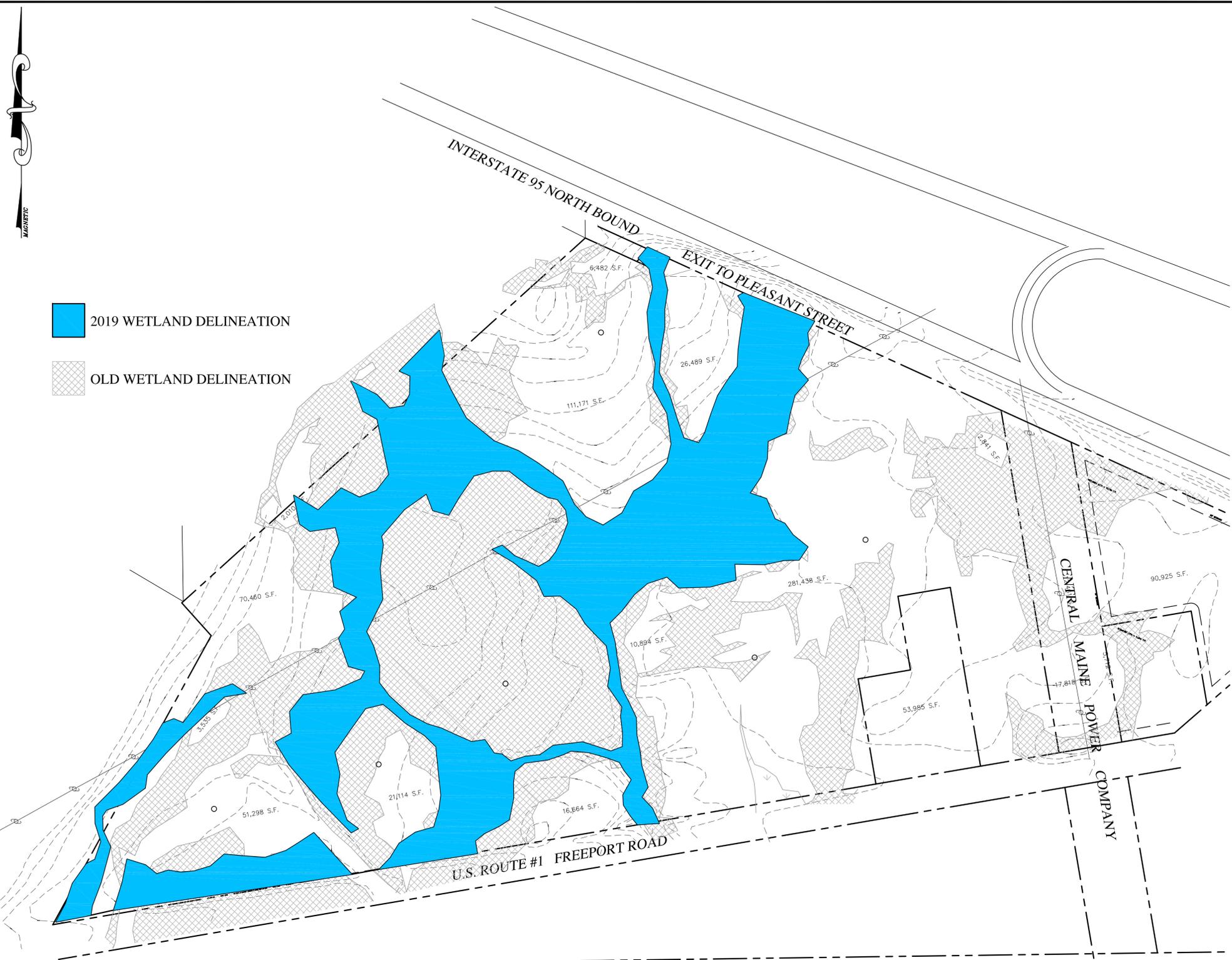
**Attachment B**  
**Wetland Comparison**

A comparison of the old and 2019 wetland limits is included for reference.

B

Wetland comparison

X:\LAND PROJECTS\3914 DOUGLAS OLD PORTLAND RD BRUNSWICK\DWG\3914 EXHIBIT.DWG, EX COND-DEMO, 10/2/2018 8:00 PM, CURTIS NEUFELD, THIS DRAWING IS THE PROPERTY AND INSTRUMENT OF SITELINE PA. NO MODIFICATIONS OR CHANGES MAY BE MADE TO THIS DRAWING WITHOUT THE EXPRESS WRITTEN PERMISSION OF SITELINE PA. ANY MODIFICATION, CHANGE OR USE OF THIS DRAWING WITHOUT THE EXPRESS WRITTEN PERMISSION OF SITELINE PA. IS VOIDFUL AND IS AT THE USER'S RISK.



2019 WETLAND DELINEATION

OLD WETLAND DELINEATION

TITLE:	WETLANDS EXHIBIT
PROJECT:	SHORELAND MAPPING CHANGE
PREPARED FOR:	PAUL DOUGLAS 2899 Blackhawk Ct, Steamboat Springs, CO 80487

CALL DIG SAFE UTILITY LOCATION  
**1-888-344-7233**  
 STATE LAW REQUIRES ADVANCE NOTICE OF AT LEAST 3 BUSINESS DAYS BEFORE YOU DIG, GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND UTILITIES

GRAPHIC SCALE  
 100 0 50 100 200  
 ( IN FEET )  
 1 inch = 100 ft.  
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 PERMITTING REVIEW

PROGRESS PRINT  
 THIS PLAN IS ISSUED FOR REVIEW AND INFORMATION PURPOSES ONLY. THIS PLAN IS SUBJECT TO CHANGE AND IS NOT FOR PRICING OR CONSTRUCTION. PRICING BASED ON THIS PLAN IS NOT BINDING UNLESS SIGNED BY BOTH CONTRACTOR AND OWNER.

**SITELINES**  
 119 PURINTON ROAD, SUITE A  
 BRUNSWICK, MAINE 04011  
 207.725.1200  
 CIVIL ENGINEERS • PLANNERS • LAND SURVEYORS

FIELD WK:	SCALE: 1"=100'	SHEET:
DRN BY: CYN	JOB #: 3914	
CH'D BY: CYN	MAP/LOT: 17/1 & U4	
DATE: 09-15-19	FILE:	

**Attachment C**  
**Supporting Graphics**

C

A copy of the Shoreland Overlay from the Town GIS and tax maps are included for reference.

Supporting Graphics



# SHORELAND OVERLAY

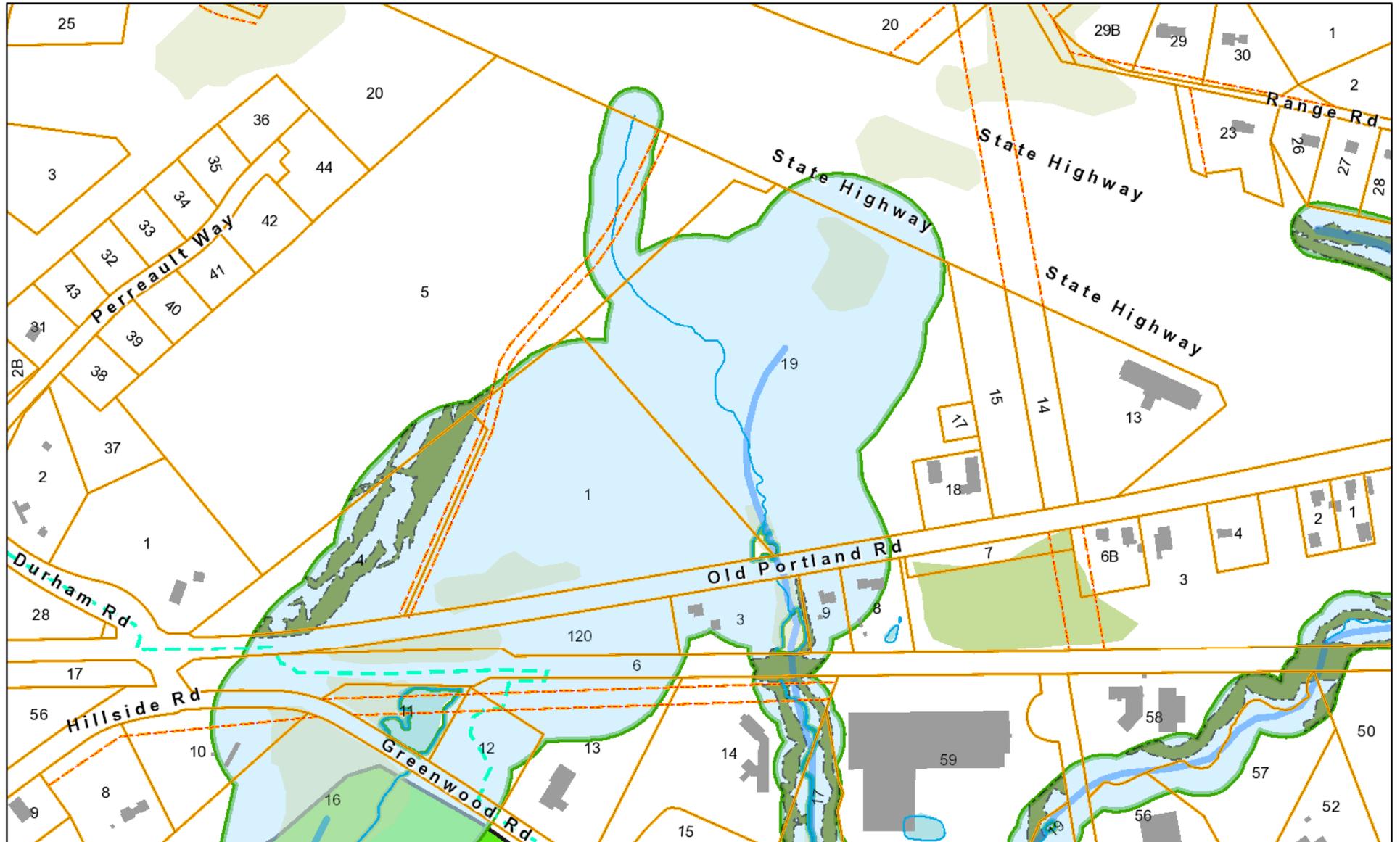
DOUGLAS PARCEL



October 3, 2019

1 inch = 400 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





# Town of Brunswick, Maine

## DEPARTMENT OF PLANNING AND DEVELOPMENT

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### MEMORANDUM

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**TO:** Planning Board

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

**DATE:** January 14, 2020

**SUBJECT:** Public Hearing – Zoning Ordinance Update – Outdoor Lighting

---

#### I. INTRODUCTION:

At the previous lighting workshops on November 26 and December 10, 2019 the Planning Board discussed a broad arrange of topics relating to outdoor lighting. Through the workshops, it became apparent that there are many possible potential outdoor lighting regulations to implement. Some regulations and model ordinances that the Board reviewed would represent a policy change and should be discussed with Town Council prior to drafting a Zoning Ordinance amendment. Other potential regulations discussed at the workshops are rather straightforward and the Planning Board indicated their willingness to immediately address the previously identified lighting issues of color temperature, glare, and light trespass. The Planning Board directed staff to prepare draft Zoning Ordinance amendment language for such regulations.

#### II. PROPOSED ZONING ORDINANCE AMENDMENTS:

The following proposed zoning ordinance amendments address the issues of color temperature and light trespass. Although the Illumination Engineering Society (IES) adopted a new classification system, referred to as BUG (backlight-uplight-glare), that replaces the former cutoff classification system (currently used by the Town) with a numeric rating system for glare, the existing light shielding requirements found in Section 4.10.1.B.(3) below are still a reliable standard to minimize glare. An in-depth review of the appropriateness of adopting a complete, or elements of, BUG rating system can be conducted by the Planning Board at a later date.

The following amendments have been prepared to provide definitions and quantitative standards for color temperature and light trespass:

**New Text in Bold Underline**

~~Deleted Text in Strikethrough~~

Chapter 1 - General Provisions  
Section 1.7 - Definitions and Rules of Construction

---

**Correlated Color Temperature (CCT): Specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).**

**Foot-Candle: A unit of measure of the amount of light (illumination) falling on a surface, equal to one**

lumen per square foot.

Glare: A visual disturbance produced by a distinct light source directly, or indirectly from reflective surfaces, that causes visual discomfort or reduced visibility because it is sufficiently brighter than the level to which the eyes are adapted.

Kelvin: The base unit of thermodynamic temperature in the International System of Units (SI) that is equal to 1/273.16 of the Kelvin scale temperature of the triple point of water. Kelvin is used to describe the hue of a specific light source. The higher the Kelvin value, the cooler (blue to white) the hue of the light and the lower the Kelvin Value, the warmer (yellow) the hue of the light.

Light Trespass: Lighting that falls beyond the boundaries of the property it is intended to illuminate.

Chapter 4 - Property Development Standards  
Section 4.10 - Lighting

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## 4.10 Lighting

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### 4.10.1 Outdoor Lighting

#### A. General Standard

Outdoor lighting shall not adversely impact road safety or adjacent properties and uses.

#### B. Specific Standards

##### (1) Exemptions

**The following types of lighting are exempt from the standards in this Subsection 4.9.1.(B):**

- a. Lighting emitting brightness less than 2600 lumens;
- b. White string mini-lights used in window displays or in trees, bushes, and shrubs as part of the landscaping;
- c. Lighting of approved sports facilities;
- d. Short-term use of lighting for public festivals, celebrations, and the observance of holidays; and
- e. Lighting required and regulated by the Federal Aviation Administration (FAA).

##### (2) Lighting Height

The maximum height of regulated freestanding lights shall be the height of the principal building or 25 feet, whichever is less.

**(3) Light Shielding**

- a. All lighting emitting brightness exceeding 2600 lumens shall:
  - i. Conform to the Illumination Engineering Society (IES) Specification for Full Cutoff;
  - ii. Be shielded to direct all light towards the ground so that the lighting elements are not exposed to normal view;
  - iii. Avoid disability glare (i.e., avoid being a hazard or nuisance to motorists, pedestrians, or neighboring residents);
  - iv. Be directed away from adjacent properties and streets, including properties separated from the development site by a street, road, or right-of-way, so that the lighting elements are not exposed to normal view by motorists or sidewalk pedestrians, or from adjacent properties.
- b. Compliance with this Subsection shall be achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these measures.

**(4) Lighting Maintenance**

All outdoor lighting shall be maintained pursuant to Section 4.15 (Maintenance).

**(5) Light Color Temperature**

**The correlated color temperature of any outdoor light source shall not exceed 3,000 Kelvin unless introduced as part of a building or landscape lighting scheme used exclusively for the decorative illumination through color of certain building façade or landscape features.**

**(6) Light Trespass**

**Except for street lighting, light emitted from any outdoor light source shall not cause the light level along any adjacent residentially-zoned property line to exceed 0.1 foot-candles or any adjacent mixed-use-zoned property line to exceed 0.5 foot-candles.**

**III. ATTACHMENTS:**

Attachment A: Lighting Basics, published by the International Dark-Sky Association



## MENU

[Home](#) » [Our Work](#) » [Lighting](#) » [Lighting for Citizens](#) » [Outdoor Lighting Basics](#)

# Outdoor Lighting Basics

Modern society requires outdoor lighting for a variety of needs, including safety and commerce. IDA recognizes this but advocates that any required lighting be used wisely. To minimize the harmful effects of light pollution, lighting should

- Only be on when needed
- Only light the area that needs it
- Be no brighter than necessary
- Minimize blue light emissions
- Be fully shielded (pointing downward)

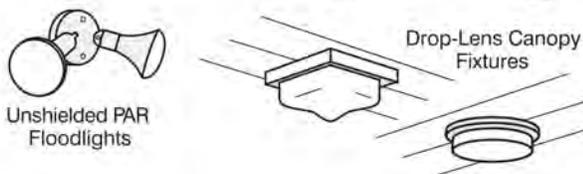
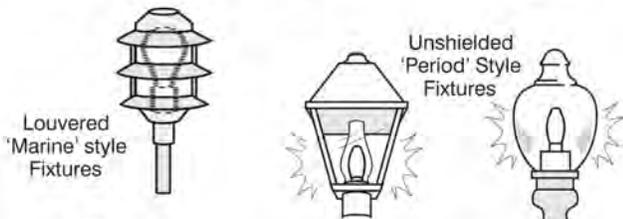
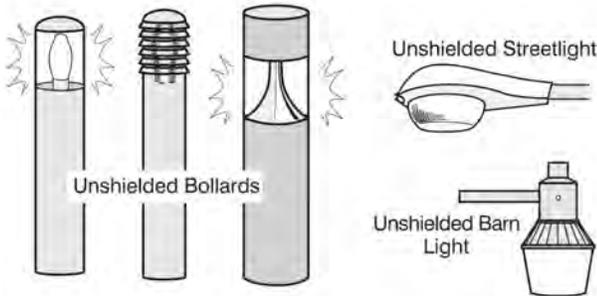
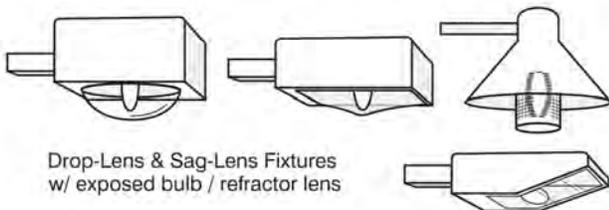
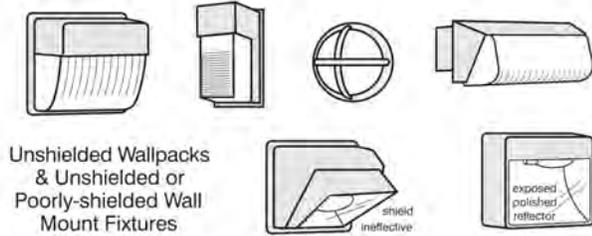
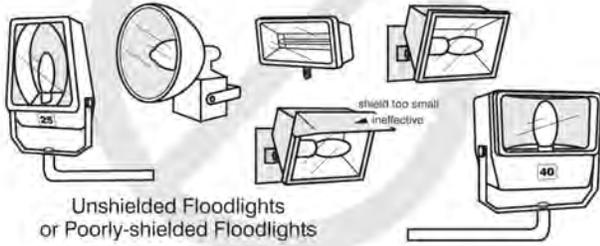
The illustration below provides an easy visual guide to understand the differences between unacceptable, unshielded light fixtures and those fully shielded fixtures that minimize skyglow, glare and light trespass.

[Glossary of Lighting Terms](#)

# Examples of Acceptable / Unacceptable Lighting Fixtures

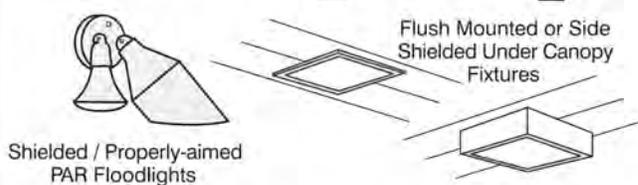
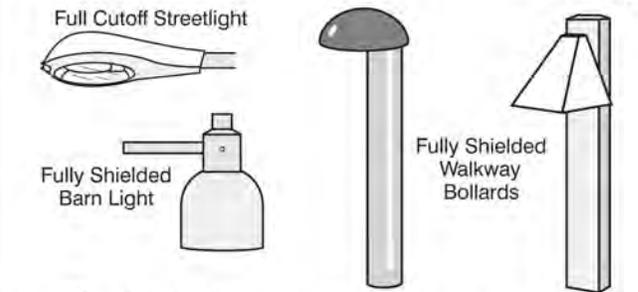
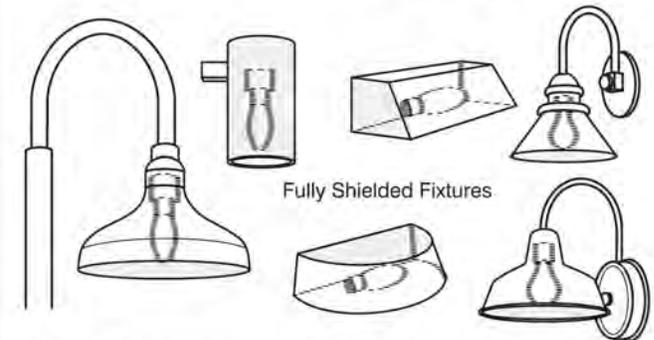
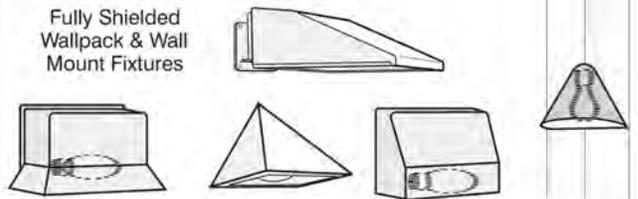
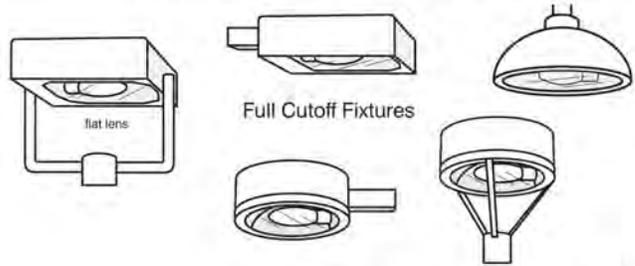
## Unacceptable / Discouraged

Fixtures that produce glare and light trespass



## Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

[Are you looking for dark sky friendly lighting fixtures? Search our Fixture Seal of Approval](#)

## Types of Light

Most people are familiar with incandescent or compact fluorescent blubs for indoor lighting, but outdoor lighting usually makes use of different, more industrial, sources of light. Common light sources include low-pressure sodium (“LPS”), high-pressure sodium (“HPS”), metal halide and light emitting diodes (“LEDs”).

LPS is very energy efficient but emits only a narrow spectrum of pumpkin-colored light that some find to be undesirable. Yet, LPS is an excellent choice for lighting near astronomical observatories and in some environmentally sensitive areas.

HPS is commonly used for street lighting in many cities. Although it still emits an orange-colored light, its coloring is more “true to life” than that of LPS.

In areas where it’s necessary to use white light, two common choices are metal halide and LEDs. One of the advantages of LED lighting is that it can be dimmed. Thus, instead of always lighting an empty street or parking lot at full brightness, LEDs can be turned down, or even off, when they aren’t needed and then brought back to full brightness as necessary. This feature both saves on energy and reduces light pollution during the night.

Because of their reported long life and energy efficiency, LEDs are rapidly coming into widespread use, replacing the existing lighting in many cities. However, there are important issues to consider when making such a conversion. See our [LED Practical Guide](#) for more information.

## Color Matters

As the illustration above, it is crucial to have fully shielded lighting, but we now know that the color of light is also very important. Both LED and metal halide fixtures contain large amounts of blue light in their spectrum. Because blue light brightens the night sky more than any other color of light, it’s important to minimize the amount emitted. Exposure to blue light at night has also been shown to harm [human health](#) and [endanger wildlife](#). [IDA recommends](#) using lighting that has a color temperature of no more than 3000 Kelvins.

Lighting with lower color temperatures has less blue in its spectrum and is referred to as being “warm.” Higher color temperature sources of light are rich in blue light. IDA recommends that only warm light sources be used for outdoor lighting. This includes LPS, HPS and low-color-temperature LEDs. In some areas, the white light of even a low-color-temperature LED can be a threat to the local nighttime environment. In those cases, LPS or narrow-spectrum LEDs are

preferred choices.

### **Finding What You Need**

IDA doesn't sell dark sky friendly lighting, but our [Fixture Seal of Approval program](#) makes it easy for you to find the right products. The FSA program certifies dark sky friendly outdoor lighting – these are fixtures that are fully shielded and have low color temperature. [Search our database](#) and then check with your local retailer.

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## **IN THIS SECTION**

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Lighting

**Outdoor Lighting Basics**

Find Dark Sky Friendly Lighting

Lighting Ordinances

Lighting For Policy Makers

Residential/Business Lighting

My Neighbor's Lighting

Bad Streetlights

Model Lighting Laws & Policy

LED Practical Guide



[MENU](#)

[Home](#) » [Our Work](#) » [Grassroots Advocacy](#) » [Resources](#) » [Glossary](#)

## Glossary

We include in this glossary definitions for a number of the basic terms and words used in the lighting community. For further information and formal definitions please see discussions in standard dictionaries, encyclopedias, the IES Lighting Handbook, and other lighting industry books.

*Note that some of these definitions are quite subjective, and are offered here as guidance only.*

---

### A

**Accent lighting:** Lighting used to emphasize or draw attention to a special object or building.

**Adaptive Controls:** Devices such as motion sensors, timers and dimmers used in concert with outdoor lighting equipment to vary the intensity or duration of operation of lighting.

**Ambient light:** The general overall level of lighting in an area.

**Angstrom:** A unit of wavelength often used in astronomy, equal to  $10^{-10}$  meter or 0.1 nanometer.

---

## B

**Baffle:** An opaque or translucent element to shield a light source from direct view.

**Ballast:** A device used with a discharge lamp to obtain the necessary voltage, current, and/or wave form for starting and operating the lamp.

**Beam spread:** The angle between the two directions in the plane in which the intensity is equal to a given percentage (usually 10 percent) of the maximum beam intensity.

**Brightness:** Strength of the sensation that results from viewing surfaces from which the light comes to the eye.

**Bulb or lamp:** The source of electric light. To be distinguished from the whole assembly (see luminaire). Lamp often is used to denote the bulb and its housing.

---

## C

**Candela (cd):** Unit of luminous intensity. One candela is one lumen per steradian. Formerly called the candle.

**Candlepower distribution curve:** A plot of the variation in luminous intensity of a lamp or luminaire.

**Candlepower:** Luminous intensity expressed in candelas.

**CIE:** Commission Internationale de l'Eclairage. The international light commission. Sets most lighting standards.

**Coefficient of Utilization (CU):** Ratio of luminous flux (lumens) from a luminaire received on the "work plane" [the area where the light is needed] to the lumens emitted by the luminaire.

**Color rendering:** Effect of a light source on the color appearance of objects in comparison with their color appearance under normal daylighting.

**Color Rendering Index (CRI)** A measure of the accuracy with which a light source of a particular CCT renders different colors in comparison to a reference light source with the same CCT. A high CRI provides better illumination with the same or lower lighting levels. It is important not to mix lamps with different CCTs and CRIs. Specify both the CCT and CRI when purchasing lamps.

**Cones and rods:** Groups of light-sensitive cells in the retinas of animal eyes. Cones dominate the response when the luminance level is high, and provide color perception. Rods dominate at low luminance levels, but give no significant color perception.

**Conspicuity:** The capacity of a signal to stand out in relation to its background so as to be readily discovered by the eye (as in lettering on a sign, for example).

**Correlated Color Temperature (CCT):** A measure in degrees Kelvin ( $^{\circ}\text{K}$ ) of light's warmness or coolness. Lamps with a CCT of less than 3,200  $^{\circ}\text{K}$  are pinkish and considered warm. Lamps with a CCT greater than 4,000  $^{\circ}\text{K}$  are bluish-white and considered cool.

**Cosine law:** Illuminance on a surface varies as the cosine of the angle of incidence of the light. The inverse square law and the cosine law can be combined.

**Cut off angle, of a luminaire:** The angle, measured up from the nadir (i.e. straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

**Cutoff fixture:** An IES definition "Intensity at or above  $90^{\circ}$  (horizontal) no more than 2.5% of lamp lumens, and no more than 10% of lamp lumens at or above  $80^{\circ}$ ".

---

## D

**Dark adaptation:** The process by which the eye becomes adapted to a luminance less than about 0.03 candela per square meter (0.01 footlambert).

**Diffuser:** A device used to distribute light from a source.

**Dimmer:** Dimmers can reduce the input power requirements and the rated lumen output levels

## ATTACHMENT A - LIGHTING BASICS

of incandescent and fluorescent lights. Fluorescent lights need special dimming ballasts. Dimming incandescent lights reduces their efficiency.

**Disability glare:** Glare resulting in reduced visual performance and visibility. It is often accompanied by discomfort.

**Discomfort glare:** Glare that produces discomfort, but does not necessarily diminish visual performance.

---

## E

**Efficacy** The ratio of light output to its consumption of power, measured in lumens per watt (lm/W), or the ability of a lighting system to produce the desired result.

**Efficiency:** A measure of the effective or useful output of a system compared to the input of the system.

**Electromagnetic (EM) spectrum:** The distribution of energy emitted by a radiant source, arranged in order of wavelength or frequency. Includes gamma-ray, X-ray, ultraviolet, visual, infrared, and radio regions.

**Energy (radiant energy):** Unit is erg, or joule, or kWh.

---

## F

**Façade lighting:** The illumination of the exterior of a building

**Fixture:** The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

## ATTACHMENT A - LIGHTING BASICS

**Fixture Lumens** A light fixture's light output after processing of emitted light by optics in that fixture.

**Fixture Watts:** The total power consumed by a fixture. This includes the power consumed by the lamp(s) and ballast(s).

**Floodlight:** A fixture designed to "flood" a well defined area with light.

**Flux (radiant flux):** Unit is erg/sec or watts.

**Footcandle:** Illuminance produced on a surface one foot from a uniform point source of one candela.

**Footlambert:** The average luminance of a surface emitting or reflecting light at a rate of one lumen per square foot.

**Full-cutoff fixture:** An IES definition; "Zero intensity at or above horizontal (90° above nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80°".

**Fully Shielded fixture:** A fixture that allows no emission above a horizontal plane through the fixture.

---

## G

**Glare:** Intense and blinding light that reduces visibility. A light within the field of vision that is brighter than the brightness to which the eyes are adapted.

---

## H

**HID lamp:** In a discharge lamp, the emitted energy (light) is produced by the passage of an electric current through a gas. High-intensity discharge (HID) include mercury, metal halide, and high pressure sodium lamps. Other discharge lamps are LPS and fluorescent. Some such lamps have internal coatings to convert some of the ultraviolet energy emitted by the gas discharge into visual output.

**High-Pressure Sodium (HPS) lamp:** HID lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 torr). HPS is essentially a "point source".

**House-side Shield:** Opaque material applied to a fixture to block the light from illuminating a residence or other structure being protected from light trespass.

## I

**Illuminance:** Density of luminous flux incident on a surface. Unit is footcandle or lux.

**Illuminating Engineering Society of North America (IES or IESNA):** The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

**Incandescent lamp:** Light is produced by a filament heated to a high temperature by electric current.

**Infrared radiation:** Electromagnetic radiation with longer wavelengths than those of visible light, extending from the nominal red edge of the visible spectrum at 700 nanometers to 1 mm.

**Intensity:** The degree or amount of energy or light.

**International Dark-Sky Association (IDA, Inc.):** A non-profit organization whose goals are to build awareness of the value of dark skies, and of the need for quality outdoor lighting.

**Inverse-square law:** Illuminance at a point varies directly with the intensity,  $I$ , of a point source and inversely as the square of the distance,  $d$ , to the source.  $E = I / d^2$

---

## J

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## K

**kWh: Kilowatt-hour:** A unit of energy equal to the work done by one kilowatt (1000 watts) of power acting for one hour.

---

## L

**Lamp Life:** The average life span for a specific type of lamp. Half of lamps will perform longer than the average; the others will fail before the average.

**LED:** Light emitting diode.

## ATTACHMENT A - LIGHTING BASICS

**Light Pollution:** Any adverse effect of artificial light.

**Light Quality:** A measurement of a person's comfort and perception based on the lighting.

**Light Spill:** Unwanted spillage of light onto adjacent areas and may affect sensitive receptors particularly residential properties and ecological sites.

**Light Trespass:** Light falling where it is not wanted or needed. Spill light. Obtrusive light.

**Lighting Controls:** Devices used for either turning lights on and off or for dimming. Photocells Sensors that turn lights on and off in response to natural light levels. Some advanced mode can slowly dim or increase the lighting. See also: Adaptive Controls.

**Low-Pressure Sodium (LPS) lamp:** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr). LPS is a "tube source". It is monochromatic light.

**Lumen:** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela.

**Lumen depreciation factor:** Light loss of a luminaire with time due to the lamp decreasing in efficiency, dirt accumulation, and any other factors that lower the effective output with time.

**Luminaire:** A complete lighting unit that usually includes the fixture, ballasts, and lamps.

**Luminaire Efficiency:** The ratio of the light emitted by the luminaire compared to the light emitted by the enclosed lamps.

**Luminance:** At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: candelas per unit area.

**Lux:** One lumen per square meter. Unit of illuminance.

---

## M

**Mercury lamp:** An HID lamp where the light is produced by radiation from mercury vapor.

**Metal-halide lamp:** An HID lamp where the light is produced by radiation from metal-halide vapors.

## ATTACHMENT A - LIGHTING BASICS

**Mounting height:** The height of the fixture or lamp above the ground.

---

### N

**Nadir:** A point on the celestial sphere directly below the observer, diametrically opposite the zenith.

**Nanometer (nm):**  $10^{-9}$  meter. Often used as the unit for wavelength in the EM spectrum.

---

### O

#### Occupancy Sensors

- **Passive Infrared:** A lighting control system that uses infrared beams to sense motion. When beams of infrared light are interrupted by movement, the sensor turns on the lighting system. If no movement is sensed after a predetermined period, the system turns the lights off.
- **Ultrasonic:** A lighting control system using high-frequency sound waves pulsed through a space to detect movement by depth perception. When the frequency of the sound waves change, the sensor turns on the lighting system. After a predetermined time with no movement, the system turns the lights off.

**Optic:** The components of a luminaire such as reflectors, refractors, protectors which make up the light emitting section.

---

### P

**Photometry:** The quantitative measurement of light level and distribution.

**Photocell:** An electronic device that changes the light output of a luminaire dynamically in response to the ambient light level around the luminaire.

---

### Q

**Quality of light:** A subjective ratio of the pluses to the minuses of any lighting installation.

---

### R

**Reflector:** An optic that achieves control of light by means of reflection (using mirrors).

**Refractor:** An optic that achieves control of light by means of refraction (using lenses).

## S

**Semi-cutoff fixture**: An IES definition; “Intensity at or above 90° (horizontal) no more than 5% of lamp lumens and no more than 20% at or above 80°”.

**Shielding**: An opaque material that blocks the transmission of light.

**Skyglow**: Diffuse, scattered sky light attributable to scattered light from sources on the ground.

**Source Intensity**: This applies to each source in the potentially obtrusive direction, outside of the area being lit.

**Spotlight**: A fixture designed to light only a small, well-defined area.

**Stray light**: Emitted light that falls away from the area where it is needed or wanted. Light trespass.

---

## T

**Task Lighting**: Task lighting is used to provide direct light for specific activities without illuminating the entire area.

---

## U

**Ultraviolet light**: Electromagnetic radiation with wavelengths from 400 nm to 100 nm, shorter than that of visible light but longer than X-rays.

---

## V

**Veiling luminance**: A luminance produced by bright sources in the field-of-view superimposed

## ATTACHMENT A - LIGHTING BASICS

on the image in the eye reducing contrast and hence visibility.

**Visibility:** Being perceived by the eye. Seeing effectively. The goal of night lighting.

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W

**Wallpack:** A luminaire, typically affixed to the side of a structure, used for area lighting.

---

X

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Y

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Z

**Zenith:** An imaginary point directly “above” a particular location, on the imaginary [celestial sphere](#).

# Town of Brunswick, Maine

## DEPARTMENT OF PLANNING AND DEVELOPMENT

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### MEMORANDUM

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**TO:** Planning Board

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

**DATE:** January 14, 2020

**SUBJECT:** Public Hearing – Zoning Ordinance Amendment – Table 3.2: Permitted Use Table for Growth Area Zoning Districts, Growth Outdoor (GO) District

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#### I. INTRODUCTION:

At their November 12, November 26, and December 10, 2019 meetings, the Planning Board discussed a potential zoning ordinance amendment to add a new use to the Growth Outdoor (GO) District in Table 3.2: Permitted Use Table for Growth Area Zoning Districts of the Town of Brunswick Zoning Ordinance (Attachment A).

A property owner within the GO District has expressed a desire to be able to reuse an existing structure to accommodate uses that would essentially be part of multi-tenant space for environmental-, recreational-, and natural resource-associated uses including office space, an environmental resource incubator, meeting and exhibit space, and non-Park District affiliated recreation support uses. The proposed facility would allow for a broad scope of uses that is not anticipated by the Zoning Ordinance. Therefore, the Planning Board has proposed a new definition, *environmental resource center*, that would be a new use listed in Table 3.2: Permitted Use Table for Growth Area Zoning Districts as a conditional use in only the Growth Outdoor (GO) District.

#### II. PROPOSED AMENDMENTS

**New Text in Bold Underline**

~~Deleted Text in Strikethrough~~

Chapter 1 - General Provisions  
Section 1.7 - Definitions and Rules of Construction

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**Environmental Resource Center: A structure or group of structures that provide various uses supporting activities related to agriculture, aquaculture, environmental studies and improvement, land and water conservation, and wildlife organizations. Provided that they are associated with the above referred uses, such uses may include, but are not limited to: office and meeting space for supporting such activities; commercial kitchen for public events or tenant use; exhibit space; greenhouse; grounds for passive recreation; picnic areas; non-motorized trails; incubator space; space for storage for conservation / trail maintenance equipment; bicycle and/or ski rental facilities; cooperative storage space for shared equipment, gear, and tools; and public lockers, restrooms, and showers.**

**3.2 Growth Area Permitted Use Table**

<b>Table 3.2: Permitted Use Table for Growth Area Zoning Districts</b>																												
P = Permitted    C = Allowed Only with a Conditional Use Permit    X = Prohibited A = Allowed Only as an Accessory Use																												
Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards
	1997 ZONING DISTRICT	RR	R1&8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1&3	CU5 & 6	CU4 & 7	CU/TC	CU7	R-AR	I2, 13, RBTI	R-R&OS	BCN	
<b>Principal Uses</b>																												
<b>Other</b>																												
<b>Environmental resource center</b>		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X

**III. ATTACHMENTS:**

- A. Table 3.2: Permitted Use Table for Growth Area Zoning Districts of the Town of Brunswick Zoning Ordinance
- B. Letter from Thomas Wright, dated November 14, 2019
- C. Email from Thomas Wright, dated December 3, 2019

3.2 Growth Area Permitted Use Table

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Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards
	1997 ZONING DISTRICT	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3, RBTT	R-R&OS	BCN	
<b>Principal Uses</b>																												
<b>Residential Uses</b>																												
<b>Household Living</b>																												
Dwelling, 1- or 2-family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	3.4.1.A
Dwelling, multifamily	P	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	X	X	X	X	3.4.1.B 4.8.1.D(2)
Mobile home	Permitted Only in Mobile Home Park Overlay District																											
<b>Group Living</b>																												
Assisted/Congregate Living Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X		
Boarding house	X	X	X	C	P	C	X	C	C	P	P	P	C	C	C	P	P	X	X	X	X	X	X	X	X	X	X	
Nursing home	X	X	X	X	X	X	X	X	X	X	X	P	C	C	C	P	P	X	X	X	X	X	X	X	X	X	X	
Residence hall	X	X	X	X	X	X	X	X	P	X	P	C	C	X	C	P	X	P	C	P	P	C	X	C	X	X	3.4.1.C 4.8.1.D(2)	
<b>Public, Institutional, and Civic Uses</b>																												
<b>Community, Cultural, and Educational Uses</b>																												
Club or lodge	X	X	X	X	X	C	X	C	C	P	C	C	C	C	P	P	P	X	X	X	X	X	X	X	C	X	X	
College	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	P	X	P	C	C	P	P	X	X	X	X	X	4.8.1.D(2)
Community center	A	X	X	C	C	C	X	C	C	P	P	C	P	P	P	P	P	P	X	P	P	C	X	C	X	X		
Day care facility, small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Day care facility, large	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Homeless shelter, apartment-style	C	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X	X	X	X	X	X	X	C	X	X	3.4.1.X
Homeless shelter, non-apartment-style	X	X	X	X	X	X	X	X	X	C	X	C	C	C	C	C	X	X	X	X	X	X	X	X	C	X	X	3.4.1.X
Homeless shelter, resource center	X	X	X	X	X	X	X	X	X	C	X	C	C	C	C	C	X	X	X	X	X	X	X	X	C	X	X	3.4.1.X
Hospital	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	
Library, museum, or art gallery	X	X	X	C	C	C	X	X	C	P	C	C	P	P	P	P	P	P	P	P	P	P	X	C	X	X	4.8.1.D(2)	
Municipal facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Park or conservation area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious institution	X	X	X	C	C	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	X	P	X	X		
School	P	X	P	C	P	P	P	P	P	P	C	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	X	
<b>Communication Uses</b>																												
Telecommunication tower	Permitted only in Telecommunications Overlay District																											
Telecommunication tower, small-scale	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	X	X	X	C	X	C	C	C	X	X	3.4.1.D

Chapter 3 - Property Use Standards  
 Section 3.2 - Growth Area Permitted Use Table

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	1997 ZONING DISTRICT	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3, RBTI	R-R&OS	BCN		
<b>Commercial Uses</b>																													
<b>Agriculture and Animal Care Uses</b>																													
Aquaculture	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X		
Equestrian facility	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	P	P	X	X	X	X	P	X	
Farm	X	X	X	P	X	X	X	X	X	X	C	C	C	C	C	X	C	C	X	X	X	P	X	X	C	P	X		
Kennel	X	X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	X	X	X	X	X	X	X	X	X	C	X	X	
Plant nursery	X	X	C	P	P	P	C	X	X	X	P	P	C	P	P	X	C	C	P	X	P	P	P	X	P	P	X		
Urban Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.1.F	
Veterinary office	X	X	X	X	X	X	X	X	X	X	P	C	P	P	P	P	P	P	X	X	X	X	X	X	X	P	X	X	
<b>Food, Beverage, and Entertainment</b>																													
Adult entertainment establishment	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	3.4.1.G
Golf course	X	X	X	P	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	
Recreation facility, as a principal use	X	X	X	C	C	C	X	X	X	X	P	P	P	P	P	P	P	C	P	X	X	P	P	X	P	P	P <sup>(1)</sup>		
Restaurant or dining facility	X	X	X	X	X	C	X	X	X	X	P	P	C	P	P	P	P	A	P	X	P	P	C	P	C	X	X	3.4.1.H	
Theater	X	X	X	X	X	C	X	X	X	X	P	C	C	P	P	P	P	X	P	X	P	P	C	X	P	X	X		
<b>Lodging</b>																													
Campground	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	X	X	X	X	X	X	X	X	X	P	X	
Hotel	X	X	X	X	X	C	X	X	X	X	P	C	C	P	P	P	P	X	X	X	X	X	X	X	X	P	X	X	3.4.1.I
<b>Marijuana Uses*</b>																													
Marijuana Cultivation Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.W
Marijuana Products Mfg Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.W
Marijuana Store	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.W
Marijuana Storefront, Medical	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.W
Marijuana Testing Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.W
<b>Retail Sales and Services</b>																													
Farmer's market	X	X	X	X	X	C	X	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	P	X	X	
Financial Institution	X	X	X	X	X	C	X	X	X	X	P	C	C	P	P	P	P	A	X	X	X	X	X	X	P	C	X	X	
Neighborhood store	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	3.4.1.J	
Office <sup>(2)</sup>	X	X	X	X	C	C	X	X	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	X		
Retail, Class I	X	X	X	X	X	C	X	X	X	X	P	C	P	P	P	P	P	A	X	X	X	P	X	P	P	X	X	3.4.1.K	
Retail, Class II	X	X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P	X	X	X	X	X	X	X	X	P	X	X	3.4.1.K
Service business, Class I	X	X	X	X	C	C	X	X	X	X	P	C	C	P	P	P	P	A	X	X	X	P	X	P	P	X	X	3.4.1.L	
Service business, Class II	X	X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P	X	X	X	X	X	X	X	P	P	X	X	3.4.1.L
Studio	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	X	P	P	P	P	X	X	X		

Chapter 3 - Property Use Standards  
Section 3.2 - Growth Area Permitted Use Table

**Table 3.2: Permitted Use Table for Growth Area Zoning Districts**

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited  
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Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN	Supplementary Use Standards	
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<b>Transportation and Vehicle-Related Uses</b>																													
Aviation operations		X	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	X	X	X	X	X	X	X	P	P	X	X	
Aviation-related business		X	X	X	X	X	X	X	X	X	X	X	C	C	C	C	X	X	X	X	X	X	X	X	P	P	X	X	
Bus or rail station		X	X	X	X	X	X	X	X	X	X	X	X	P	X	P	P	X	P	X	X	X	X	X	X	X	X	X	
Car wash		X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Marina or boat storage		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	X	C	C	C	C	C	X	C	X	X		
Motor vehicle fueling station		X	X	X	X	X	X	X	X	X	C	X	X	C	P	X	P	X	X	X	X	X	X	P	P	X	X	3.4.1.M	
Motor vehicle service or repair		X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	P	X	X	X	X	P	X	X	P	X	X		
Parking facility as a principal use		X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	X	X	
Ultra-light airport		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	X	X	X	X	X	X	C	C	X	X		
Vehicle sales, rental, or storage		X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.N	
<b>Industrial Uses</b>																													
Contractor's space		X	X	X	X	X	X	X	X	X	C	C	C	C	C	P	P	X	X	X	C	X	X	A	P	X	X	3.4.1.O	
Industry, Artisan		X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X	P	P	X	X		
Industry, Class I		X	X	X	X	X	X	X	X	X	P	C	C	C	C	X	P	X	X	X	X	X	X	P	P	X	X	3.4.1.P	
Industry, Class II		X	X	X	X	X	X	X	X	X	C	C	C	C	X	X	P	X	X	X	X	X	X	P	P	X	X	3.4.1.Q	
Junkyard or automobile graveyard		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	3.4.1.R	
Marine activity		X	X	X	X	X	X	X	P	X	P	P	P	P	P	P	P	X	X	X	X	X	X	P	P	P	X	3.4.1.S	
Mineral extraction		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	3.4.1.T	
Recycling collection facility, as a principal use		X	X	X	X	X	X	X	X	X	P	C	C	C	C	P	P	X	X	X	X	X	X	P	P	X	X		
Renewable energy generating facility, as a principal use		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	P	C	X	3.4.1.U	
Utility facility, major		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	X		
Utility facility, minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Warehousing and storage		X	X	X	X	X	X	X	X	X	P	C	P	P	C	A	P	C	P	A	A	P	X	P	P	X	X		
<b>Accessory Uses</b>																													
Accessory apartment		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	3.4.2.A	
Bed and breakfast		X	X	X	P	P	P	C	C	C	P	P	P	P	P	P	P	P	C	C	C	P	C	X	P	X	X		
Canopy, Outdoor Service Area		X	X	X	X	X	X	X	X	X	P	X	P	P	P	C	C	P	X	X	X	X	X	P	P	X	X	3.4.1.M	
Drive-through service		X	X	X	X	X	X	X	X	X	P	X	P	P	P	C	C	P	X	X	X	X	X	X	X	X	X	3.4.2.B	
Helipad		X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	C	X	X	X	X	X	X	C	X	X		
Home occupation		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.2.C	
Parking facility, as an accessory use		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

Chapter 3 - Property Use Standards  
Section 3.3 - Rural Area Permitted Use Table

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Recreation facility, as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	X	P <sup>[1]</sup>	
Renewable energy generating facility, as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Temporary Uses</b>																												
Outdoor sales	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	
Temporary construction office or yard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Temporary movable storage container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Temporary real estate sales office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	

Notes: [1] Limited to passive recreation uses. [2] Change of Use Permit required for non-medical to medical office (Table 5.2.9.B).

\*No marijuana uses shall be permitted prior to January 1, 2019 (amended 10/15/18).

Table amended 4/8/19.

### 3.3 Rural Area Permitted Use Table

Table 3.3: Permitted Use Table for Rural Zoning Districts		P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited A = Allowed Only as an Accessory Use							Supplementary Use Standards
Land Use	CURRENT ZONE	RN	RF	RR	RP1	RP2	RM		
	1997 ZONING DISTRICT	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5		
<b>Principal Uses</b>									
<b>Residential Uses</b>									
<b>Household Living</b>									
Dwelling, 1- or 2-family		X	P	P	P	P	P	3.4.1.A	
Dwelling, multifamily		X	P	P	X	P	P	3.4.1.B	
Mobile home		X	P	P	P	P	P		
<b>Group Living</b>									
Assisted/Congregate Living Facility		X	P	P	P	P	P		
Boarding house		X	C	C	X	C	C		
Nursing home		X	X	X	X	X	X		
Residence hall		X	X	X	X	X	X		

14 November 2019

Matt and Jared, thank you for suggesting the workshop meeting as a way to move forward. I think the positive response of the committee was indicative of the interest in having a conservation/education, trailhead and recreation support center for Brunswick.

Many years ago I built the Outdoor Recreation Center for Bowdoin and see no reason why the Town couldn't have as nice a facility.

The purpose of my note is to give you a list of the various agencies and uses that have shown interest in being part of the space so you can consider how those might fit into the "option" designation.

Brunswick Topsham Land Trust, meeting, conference, cubicle space.

Pine Island: meeting and Storage

CREA: meeting and office

Teens to Trails: meeting and cubicle space

Maine Coast Fisherman's Assn. : office and meeting

NEMBA

Public Restrooms

Event Space for programs and conservation education

Cooperative Storage: Stewardship tool library, shared gear hub, Outdoor Recreation equipment storage, The Real School, Harpswell Coastal Academy, YMCA, Seeds of Independence.

Maintenance Equipment Storage for trail maintenance.

Public Service Office: Police, First Aid etc. (ATV storage for patrols)

Incubator space

Commercial Kitchen for public events or COOP use

Ski and Bike Rental

Showers and lockers.

Indoor Golf.

Aquaculture, mushroom farm

Fireplace

Greenhouse on the South Side of the Building

Picnic area

**From:** [Thomas Wright](#)  
**To:** [Matt Panfil](#)  
**Subject:** 179 Neptune, GO Zone  
**Date:** Tuesday, December 3, 2019 11:24:23 AM

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Matt, here is my condensed version after several more attempts.

Regards, Tom

***Community based organizations supporting activities and practices consistent with the GO zone intention of conservation, education, recreation, health, nutrition, safety, agriculture and community engagement.***

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This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

**BRUNSWICK PLANNING BOARD/TOWN COUNCIL  
JOINT WORKSHOP REGARDING TEDFORD SHELTER  
MEETING MINUTES  
OCTOBER 25, 2018**

**TOWN COUNCIL MEMBERS PRESENT:** Town Council Chair John Perreault, James Mason, Alison Harris, Kathy E Wilson, Suzan Wilson, Steve Walker, Jane Millett, David Watson.

**TOWN COUNCIL MEMBERS ABSENT:** Christopher Watkinson

**PLANNING BOARD MEMBERS PRESENT:** Chair Charlie Frizzle, Robert Burgess, Jane Arbuckle and Sande Updegraph.

**PLANNING BOARD MEMBERS ABSENT:** M Kelly Matzen, Bill Dana and Gary Ballerini

**STAFF PRESENT:** Director of Planning and Development, Matt Panfil and Town Manager, John Eldridge

A workshop of the Brunswick Planning Board and Town Council was held on Thursday, October 25, 2018, in Council Chambers, 85 Union Street. Chair John Perreault called the meeting to order at 7:00 P.M.

**1. Tedford Shelter:** Matt Panfil reviewed the timeline of events regarding pre-application meetings between Tedford Housing and town staff. No official application was submitted but there was discussion about the type of land use it would be considered. On March 14, 2018, the Town attorney advised the Code Enforcement Officer that there are two types of homeless shelters considered, apartment style/ family unit, and non-apartment style, barracks type of housing. The attorney advised that an apartment style shelter could be classified as a multifamily dwelling but there was no existing use that would be analogous to the barracks style apartment. The previous term they had been operating under was assisted congregate living facility. The attorney recommended that the best approach would be to request an amendment to the zoning ordinance to establish regulations for shelters specifically. On March 15, 2018, the Code Enforcement Officer provided the attorney's recommendation to the Tedford Housing Group. On April 2, 2018, a 50-day emergency moratorium was passed followed by a 180-day moratorium on April 17, 2018, which was retroactive to March 29, 2018; the expiration date was September 25, 2018. That evening a shelter taskforce was established consisting of Councilors Mason, Harris, Wilson as well as Panfil and Eldridge. At that point there were a series of meetings through April and May. There was a site visit in June to the Waterville shelter and then more meetings through June to the end of August. On August 31, 2018, the moratorium was extended for a maximum of six months with a timeline identified hoping to get it resolved within three to four months. October 1, 2018 was the first meeting of the Shelter Taskforce at which it was decided that we have the joint workshop tonight.

James Mason reviewed the role and progress of the taskforce. He stated they started with definitions of the different types of uses and the different shelter configurations; there was a discussion that Social Services would need to be incorporated for assistance such as case management, job training, etc. as well as discussion about how to move forward. Mason stated the specifics of disagreements were regarding the designation conditional use and the difference

between having staff make recommendations as opposed to the Planning Board. There was also discussion regarding number of beds and if there should be a standard followed or if it should be on a case by case basis. There was also discussion of management or licensing restrictions and the length of the time the license would be in effect and the taskforce agreed that they did not want overly burdensome regulations on applicants, which resulted in a management plan as part of the application to outline expectations for review. Kathy Wilson stated she was the member who disagreed the most. Kathy stated she was not clear on whether the word would be “shelter” and whether it covers other entities such as a halfway house or shelter for unwed mothers or a rehab shelter or just for homeless shelters. Alison Harris stated her understanding was that it was only for homeless shelters. Kathy requested further clarification and stated she thought the definition should be narrowed to the point where it was strictly for the homeless or should be broadened for other uses.

John Perreault requested Matt Panfil review the zones, permissions, etc. John Eldridge stated that the task force report is on the Town’s website for review by the public. He specifically discussed Amendment 1 regarding definitions; to add the definitions of: homeless shelter apartment style, homeless shelter non-apartment style and homeless shelter resource center. Eldridge then introduced Amendment 2, which is regarding the zones for usage, all of which are in the growth area. Eldridge also introduced Amendment 3; performance standards regarding calculation of density, parking, and the conditional use application. The task force also recommended segregation between adults and minors.

Steve Walker asked Matt Panfil if he would summarize what goes into a Conditional Use Permit, which Matt Panfil went on to clarify and then reviewed the taskforce report. Alison Harris asked for clarification regarding uses acceptable to certain zones. Panfil then reviewed recommendations for zoning districts by the taskforce, all within the Growth Boundary, using a projected graphic of the Zoning Map for reference. James Mason requested clarification regarding density in each district, which Matt reviewed on the Zoning map. Walker requested clarification of the decision not to make the three uses conditional. Panfil clarified. Jane Millett asked for clarification of Growth Residential Zone GR6 where all three types of shelters are allowed when none of the other Residential zones allow all three, which Panfil clarified. John Perreault stated that was why it would go to the Planning Board to discuss and have public hearings before being sent back to the Town Council for discussion and that the zones may change. Mason stated he thought other residential zones should be labeled with more of these uses. Millett asked about land availability for in-town areas particularly and that it needed to be taken into consideration. John Perreault asked about the difference between the apartment style and non-apartment style and why some were allowed in certain zones and not in others. Mason clarified that it was based on density levels. Suzan Wilson reviewed the intentions of having a joint workshop, which was to facilitate better communication and understanding between the Town Council and the Planning Board.

Sande Updegraph asked if the primary considerations for conditional use involved density and other uses in the area or if they considered transportation and other services that might be needed (parking availability, etc.). Matt Panfil stated that density was just part of it; a big component was overall neighborhood character. Panfil stated they spent a lot of time talking about proximity to services and what they realized was that a lot of the services in town are spread out with a concentration within the downtown area such as social services. Panfil also stated they looked at transportation and they thought the transportation routes could change. He noted we do not have

as well-established fixed routes at this point and he believed that if there was a concentration of need then maybe the routes would be flexible enough to serve the area. Jane Arbuckle asked if the task force considered the possibility that this need does not fit into our current zoning and wondered if it was a different enough use that it would not work and we would need to think more broadly and creatively about how to serve this need in the town and that alternative options for shelters may not fit this criteria. She asked for clarification of the density and if it would restrict Tedford too much in terms of size of a facility. Kathy Wilson stated it may be something we would want to restrict.. Arbuckle stated she understood and that in general she would like everything to be smaller but sometimes the economic model does not work if it is smaller. Mason stated that if you look at Tedford's current property in GR6, they would not be able to do what they are doing now but they are grandfathered. Eldridge stated the numbers line up with our existing zoning.

James Mason stated that density was also subject to discussion. Panfil stated there was a general consensus that in some way the amount of occupants has to be regulated and that there are three ways to do that, to let the building envelope and building codes allow for whatever can fit; establish a hard cap like Waterville; or through density. He added that one of the things they looked at was beds per square foot but that it gets somewhat complicated and less predictable. Panfil then reviewed all of the various numbers they had discussed. Alison Harris stated that one of the things they discussed other than transportation and services was the proximity to employment centers, and that if they are near employment centers then perhaps the transportation issue is less critical. They then identified the locations of employment opportunities. Mason stated that they arrived at a half a mile for proximity to services but beyond that it gets more difficult for people to access. If there isn't close proximity then transportation needs to be discussed more in depth. Arbuckle asked about homeless recommendations from other towns and why they were not very extensive, if they do not have shelters or do not regulate them. Mason stated he looked at the various regulations and that there was nothing we would want to pattern after because they weren't very good. Panfil stated it was specifically the zoning ordinances that did not have regulations concerning shelters. Arbuckle wondered if are there issues that shelters consistently have that would affect where they are located other than accessibility to services and if there are issues with people in town not wanting to be close them or that there are too many people around the shelter waiting for it to open, etc. Kathy Wilson stated they did look at those things. She mentioned that she lived next to Tedford for two years and learned a lot during that time and that there were issues that nobody wants to talk about but should be talked about.

John Perreault stated he has a friend in Portland who had a shelter move in next door and according to them it was the worst thing to happen to them. He acknowledged that residential neighbors cause problems too, not just homeless shelters. He stated that has not heard a lot of complaints concerning the Tedford Shelter because they run a very good program, but there may be new groups who come into town that are not run well that would have issues.

James Mason stated they talked about if they should require a specific smoking area, regulations regarding queuing times if it is not a 24-hour shelter, security level, lighting and many other issues and they did not come to a consensus on how to ask an applicant to address them that they discussed if they should go back into the licensing structure. Mason stated the real question is if this is to be addressed, what is the mechanism to do so? They chose to not go the licensing route because there was no consensus. Suzan Wilson stated that Planning Board needs to wrestle with

the concept, not specifically a particular provider but providers in the future. Wilson added that the Conditional Use Permit was the mechanism and that each application would be treated individually so that the requirements for each entity would only be related to the space in which they are asking to go. Mason stated it would be making the distinction between an applicant and an operator and questioned whether the restrictions and controls would be on the applicant or on the operation of the facility for a conditional use permit. Steve Walker asked that once the applicant submitted the plans for a new shelter and it was permitted, is it enforceable? Charlie answered yes and that they would have to consider for each item listed what the appropriate enforcement action would be and who enforcement would fall to. Alison Harris stated that when they discussed the concept of management plans and asking applicants to submit at the time of the application, they did struggle with the enforcement structure, knowing how thin Town staff was. What concerned several members of the task force was the risk of losing a license if they had to come back every two years because of the complexity of starting up and running such a facility both to the operators and to the community. They then looked at the management plan and discussed whether applicants would have to provide updates every two to three years, so the Town would know if they were abiding by the terms agreed upon. Charlie stated it would be something they could consider when they hold the public hearing and that typically they do not require applicants to submit anything stating that they are obeying the law, but it is something that could be done if warranted.

Robert Burgess acknowledged that returning frequently imposes a burden on the administrative body and asked if there is some sort of performance standard that could be reevaluated periodically. John Perreault stated that everything that is approved takes up staff time and Board time. Jane Arbuckle stated she thought they should be careful not to try to control too much and put a burden on this particular use that is not on any other use. James Mason stated they agreed that it was not an effort to single out this use but came about because they had a hole in the zoning ordinance that didn't cover it.

Matt Panfil said that it was stated at several task force meetings that this was an amendment to the zoning ordinance, which focuses on land use and not on behavior of individuals. Panfil noted that was not something a zoning ordinance normally addressed and that it should be administrable and enforceable and that was where staff had to take a look at it. He added that it was suggested that smoking should not be allowed whatsoever and that we could not have our Code Enforcement Officer sitting out there making sure that doesn't happen, so there were some limiting factors in what they could recommend. Jane Millett hoped that all would look at the descriptions of each neighborhood in the zoning ordinance, what it says and how it jives with what they think each neighborhood is and that they might want to look at availability or prospects of property acquisition because it is important in this town. Sande Updegraph thanked Millett for bringing that up and stated that the summaries in the task force report were very helpful and that it was a critical issue and we would need to move forward. Updegraph stated that it could serve as a model, as we look at other situations not specifically addressed in the new zoning ordinance, specifically short-term rentals. Sande added that they are establishing a model for moving forward involving both boards and the public.

John Perreault then opened the meeting to the public for questions but clarified that the Town Council and Planning Board will be taking public comments at public hearings and that there was no way to tell how many meetings there would be.

Jane Millett stated she wanted to remind the public about the Affordable Housing Community Conversations at the library that will be held on October 30, 2018.

Courtney Neff, Northwest Brunswick Neighborhood Association, stated that the task force looked at zoning ordinances from several towns, but specifically Portland, which the public can access on the website. He said he had sent a letter to the task force back in May pointing out that there was not a single homeless shelter in a residential neighborhood in any of the towns they were looking at. He added that they have a list provided by the State of Maine of all homeless shelters in the entire state and there is not one non-apartment style or resource center in a residential neighborhood in the state, and he would like clarification about why one residential neighborhood should be singled out over another in the town as a potential for all types of homeless shelters. Neff stated that Charlie Frizzle, in an early meeting, suggested permitting them in the Growth Mixed Use areas and making them conditional in the residential areas.

Matt Panfil stated that the Waterville ordinance says that shelters are discouraged from single family neighborhoods and in his reading of that it does not prohibit them or denser multifamily units. John Perreault stated the public would have a chance to speak again at the public hearings.

Jim Bridge, Pasture Way in Brunswick, stated he had many comments that he would send in writing. He asked for the Planning Board's benefit, that the Pleasant Hill Coalition members at the meeting raise their hands to let the Board know they are very interested in not just their neighborhood but the whole town.

Lynne Holland, resident of GR6 stated she would be speaking for herself, not as a member of the Northwest Neighborhood Association and wanted to discuss the homeless statistics in Maine and that the numbers seen in the news media could skew public thought. Lynne stated that the September 6, 2018 Times Record published that Tedford had turned away 300 families and 280 individuals, which according to the State of Maine numbers would be a quarter of the homeless people in the whole state. She thought that they would really need to pay attention to the numbers and possibly have a vision of what Brunswick could afford to do.. Lynne stated that in order to do our part we would be talking about housing 100 people, but if there were no shelters in the towns around us, we would become the regional shelter and that we could end up with a 300-bed shelter, so she wanted to make sure they really looked at the numbers as well the people.

Craig Phillips, Executive Director with Tedford Housing stated that they appreciated the opportunity to provide input to the zoning ordinance amendment process and that they recognize the amendment is being considered for all possible applicants, not solely Tedford, and he trusted that their contributions and expertise had been constructive and helpful. Phillips stated all were to be commended for the respectful nature of the conversations, the willingness of all to listen and learn and most of all to understand the circumstances of persons of Brunswick and the region who are temporarily without a home and how an entire community and region can and must partner on solutions. Phillips also noted most participants he had spoken to had acknowledged the need and responsibility to support people trying to get back to a home. He referenced the Task Force report and said that from Tedford's perspective they agreed with some of the language in the report but other findings warranted a pause to seek further clarification. He added that they believe the report has set an appropriate tone and direction for the next phase of work.

John Perreault asked if there was anyone else who wished to speak and clarified that there will be an opportunity for everyone to speak for five minutes at the public hearing. Perreault asked if

there were any more questions from the Planning Board or Town Council members. Jane Millett stated she hoped everyone would start thinking about Jane Arbuckle's vision of the farm as a shelter with opportunities to work on the farm. Perreault agreed it was a great discussion to start at the Planning Board.

**2. Adjourn**

This meeting was adjourned at 8:48 P.M.

Respectfully Submitted,

A handwritten signature in black ink that reads "Lee Ann Ellis". The signature is written in a cursive, flowing style.

Lee Ann Ellis

Recording Secretary

**BRUNSWICK PLANNING BOARD  
MEETING MINUTES  
DECEMBER 11, 2018**

**MEMBERS PRESENT:** Chair Charlie Frizzle, Vice Chair Bill Dana, Jane Arbuckle, Gary Ballerini, Robert Burgess, Kelly Matzen and Sande Updegraph

**MEMBERS ABSENT:** No members were absent.

**STAFF PRESENT:** Matt Panfil, Director of Planning and Development

A meeting of the Brunswick Planning Board was held on Tuesday, December 11, 2018, in Council Chambers, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

**1. WORKSHOP – Zoning Map Amendment – GM8:** The Planning Board will discuss the potential rezoning of several residential parcels within the GM8 (Growth Mixed-Use 8) zoning district to the adjacent residential zoning districts, GR4 (Growth Residential 4) and GR9 (Growth Residential 9).

Matt Panfil introduced the application and summarized the request as noted in his Memo of December 11, 2018. Charlie Frizzle provided a brief history of the Baribeau Drive zoning and overlay. Charlie noted that the Planning Board is in receipt of a petition by citizens of Brunswick to amend the zoning; the petition was handed over to Matt Panfil for inclusion into the record.

Chair Charlie Frizzle opened the meeting to public comment.

Clark Labbe, resident of 55 Pleasant Hill Road and representing the 62 Baribeau Drive Coalition, reviewed a PowerPoint presentation. Charlie Frizzle noted that the Planning Board has received many arguments for the requested change.

Shawn Donoghue, resident of McLellan Drive, stated that he had requested this change to the Zoning Ordinance Committee back in 2013 and continues to request that the Planning Board consider this change.

Kevin Bunker, resident of 3 Elder Drive, expressed that the medical zoning overlay has been beneficial to the community and he does not necessarily see where the medical buildings have a big impact on the neighbors. Kevin pointed out that the driving force for the change originally stemmed from a request for a homeless shelter which is no longer being considered in this area. Kevin stated that the area is a result of good planning in a suburban area and not on a major artery. Clark Labbe replied that the homeless shelter brought the fact that the zoning had not been changed to the resident's attention as they believed it had been done during the zoning rewrite.

Charlie Frizzle explained the decisions made by ZORC regarding the decision to not make this change during the rewrite and stated that he still agrees with this decision as it was made over the course of many meetings and with the input of many citizens. Rob Burgess discussed the potential for setting a precedent; Matt Panfil replied that a decision today doesn't affect a decision tomorrow. They have to look at each application differently. Kelly Matzen asked about parking in the remaining lots and overflow; Matt explained the parking standard. Rob and Bill

Dana expressed that they were struggling with a decision. Bill pointed out that Baribeau Drive is wide enough that there is a delineation between the residential side and the medical use side. Gary Ballerini added that he is having a hard time in making a decision as he does not feel that they received all the information that they requested.

Jim Gray, resident of Pastor Way, stated that he is looking to protect the empty lots along Baribeau and more importantly the lots that are behind them. He feels that the discussion is more about protecting the neighbors as commercial development would be able to encroach more than a residential house.

**MOTION BY BILL DANA THAT THE PLANNING BOARD SCHEDULE A PUBLIC HEARING. MOTION SECONDED BY ROB BURGESS.**

**2. SPECIAL MEETING – Zoning Map Amendment – GM8:** The Planning Board will set a PUBLIC HEARING DATE in accordance with subsection 5.2.11.B of the Brunswick Zoning Ordinance to review and provide a recommendation to the Town Council on a Zoning Map Amendment to rezone several residential parcels within the GM8 (Growth Mixed-Use 8) zoning district to the adjacent residential zoning districts, GR4 (Growth Residential 4) and GR9 (Growth Residential 9) in accordance with Chapter 12.2-5 of the Brunswick Code of Ordinances.

**MOTION BY CHARLIE FRIZZLE JANUARY 22, 2019 TO SCHEDULE A PUBLIC HEARING ON THE GM8 ZONING REQUEST FOR JANUARY 22, 2019. MOTION SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.**

**3. WORKSHOP – Zoning Ordinance Amendment – Homeless Shelters:** The Planning Board will continue its discussion from the November 27th workshop and review a proposed Zoning Ordinance Amendment from the Town of Brunswick Shelter Task Force to: a. Establish definitions for: homeless shelter, apartment-style; homeless shelter, nonapartment-style; and homeless shelter, resource center; b. Establish appropriate zoning districts for the location of above referenced shelter definitions; and c. Establish supplementary use standards for above referenced shelter definitions.

Charlie Frizzle reviewed the packet materials. Matt Panfil reviewed the material of the decision making that went into the drafted language and proposal.

Chair Charlie Frizzle opened the meeting to public comment.

Shawn Donoghue, resident of McMillan drive, stated that he thinks it would be a mistake to change the task force recommendations and provided examples as to why he feels this way.

Louise Rosen of 16 High Street, spoke about the matter of density especially in the GR6 Zoning District. Louise reviewed the makeup of GR6. Louise is concerned with how many properties can be converted to this type of use in this district without it having a damaging effect to the community. Louise urged to the Board to really think about how facilities of this type should be concentrated in one small 5-block by 2-block area.

Charlie Frizzle stated that this goes beyond what they want to discuss at the moment as the question is why apartment style homeless shelters were excluded from GR4, GR5 and GR9.

Town Councilor, Jane Millet, stated that she would like to review more than just the three zones that Charlie Frizzle referenced. Jane pointed out that during the ZORC meetings, the northwest

neighborhood did bring up the issue of hotels. She feels as though they were ignored and expressed her frustrations with this. Jane discussed the barrack style homeless shelters within the districts and asked why it is only allowed in GR6. Matt Panfil replied that they are allowed as a Conditional Use in the GR1 Zoning District. Jane reiterated her frustration that that she feels as though the Board is not listening to residents.

Kevin Bunker, resident of 3 Elder Drive and on the Tedford Shelter Board, said that it is important that they have certainty of what they can do at some point so that they can fulfill the Tedford mission.

Louise Rosen pointed out that this is zoning for decades and not just zoning for one applicant. Charlie Frizzle pointed out that the Brunswick Zoning Ordinance is a living document and can be amended at any time. Louise replied that they can change the ordinance, but once a building has been built, it is there.

Charlie Frizzle asked Board members if they wanted to change the task force recommendations to GR4, GR5 and GR9. Rob Burgess replied that as the way things stand now, he does not see why these zones should not be allowed to have apartment style homeless shelters. Sande Updegraph and Gary Ballerini agreed with Rob. Members discussed the difference between apartment style versus barrack style houses. Courtney Neff, member of the Northwest Neighborhood Association, asked that they consider GR6 for barrack style housing. Courtney discussed hotels as they pertain to GR6 and what was discussed during the ZORC meetings regarding hotels; this was a basic discussion and they are using faulty reasoning to justify uses in GR6. Jane Millet expressed that the Teen Center and People Plus have expressed a concern with a barrack style housing in this area.

Claudia Steinburg, resident of Willow Grove Road, asked for clarification where barrack style housing would be permitted and the resource center. Charlie Frizzle responded. Charlie clarified the difference between a resource center and apartment style. Claudia stated that living in a center that provides resources is the best practice for homelessness and this has really never created a problem. Brunswick resident, Lynn Hollen, stated that the trend in homeless shelters has been smaller units throughout the community with limited resources and not towards resource centers and mega shelters. Lynn reviewed the density / beds in the different zoning districts. Lynn is concerned that they are setting up land use for a problem that shifts. Lynn pointed out that only 34% of those who utilize the Tedford Shelter are from Brunswick; Brunswick is a regionalized center.

Julie Desherbian, resident of 24 Cedar Street, stated that she objects to using the terms barrack style or mega shelter. Julie appreciates all the information that has been put forth, but as a resident of GR6 should welcome a resource center and homeless housing.

Consensus to add apartment style housing back into districts GR4, GR5 and GR9.

Sara Branch, High Street, she thinks that if they do not know why barracks style is not permitted in certain neighborhoods then they shouldn't make a decision. She would like to know the reasoning why GR6 and GR1 are the only neighbors that allow for barrack style. Matt Panfil replied that some of the reasons are lower density and zoning discrepancy characteristics; the task force decision was based on facts and was discussed.

Louise Rosen disagrees with Julie Desherbian and stated that dormitories and barracks are different styles of housing and provided a description of both. Matt Panfil stated that the definition for homeless shelter non-apartment style includes both the term dormitory and barrack style.

Gif Jameson, resident of 184 Old Bath Road, and Director of Operations for Tedford Housing, said that one reason why they are proposing a new shelter is because they would like to serve more single adults and families. In terms of dormitory, they are not proposing rows of cots in a room, but more dormitory style in which there are spaces / lockers where people can keep their belongings.

Allison Harris, member of the Shelter Task Force, reminded everyone that the task force held 13 public meetings and site visits and had a lot of valuable input, but there was not a consensus of all issues between all members when they finally put forth a suggestion. She appreciates the thought and input that has gone into the discussions. Allison reviewed the points in Matt Panfil's memo and stated that she does not object to a resource center in GR6, and agrees that the zoning code is a living document and does change. Charlie Frizzle pointed out that this is not the last step in the process and this process will be repeated at a Public Hearing and at the Town Council level if the Board makes a recommendation.

Members discussed GR1 and GR6 as they pertain to dormitory style as a conditional use. Members agreed to leave GR1 with dormitory as a conditional use.

Charlie Frizzle asked for input on the Zoning Use Table. Matt Panfil reviewed a brief overview of separation methods.

Field Griffith, Tedford Shelter Board member, stated that GR1 seems to have been envisioned to support different styles of housing which is what you see. Tedford providing beds to its citizens is part of a spectrum of people who are dealing with issues and Tedford is providing them with the services that they are in need of. Gary Ballerini stated that he feels a resources center should not be allowed in the GR1 district. Jane Arbuckle agreed that there are a lot of different type of styles in the GR1 district. Matt reviewed the task force decisions behind prohibiting a resource center in the GR districts and members reviewed the GR districts. Members agreed to make a recommendation that GR1 be exclusive to the wooded area around Neptune Drive.

Members reviewed the Supplement Use Standards. Charlie Frizzle made language recommendation in Section 4.9.1.. Matt reviewed the parking standards and noted that they do not have many parking standards for uses. Decision to make the parking standards more user friendly as a whole and not just as they pertain to certain uses.

Matt Panfil clarified what is meant by a communication plan. Charlie Frizzle stated that this is something that the Planning Board does not need to decided and it was agreed that they would leave this issue up to the Town Council should they decide a communication plan is necessary.

With regards to interior floor plans, Charlie Frizzle noted that they do not really look at this. Matt Panfil replied that this is really for accessory uses. Decision to leave this and require it only when needed.

Charlie Frizzle stated that other than *site* maintenance, they do not get into an overall maintenance plans or litter control.

Decision to leave Rules of Conduct, transportation and Turn Away Policy to the Town Council. Matt Panfil to add a footnote that these are not zoning issues.

Allison Harris discussed licensing requirements and stated that this was a widely discussed issue during the task force meetings. Another issue is that once you set standards is how do they enforce them. Matt Panfil agreed that enforcement of some of these issues is a key factor. Matt to advise that the Planning Board is on the fence with this as how to administer it is the issue.

~~4. Case #18-047 – Zoning Ordinance Amendment – Homeless Shelters: The Planning Board will hold a PUBLIC HEARING and provide a recommendation to the Town Council on a Zoning Ordinance Amendment for homeless shelters in accordance with Chapter 12.2-5 of the Brunswick Code of Ordinances.\*~~

\*Case #18-047 – This agenda item is postponed due to staff being unable to meet the minimum newspaper publication requirement of first notice at least twelve (12) days before the public hearing.

**5. SPECIAL MEETING – Zoning Ordinance Amendment – Homeless Shelters:** The Planning Board will set a PUBLIC HEARING DATE in accordance with subsection 5.2.11.B of the Brunswick Zoning Ordinance to review and provide a recommendation to the Town Council on a Zoning Ordinance Amendment for homeless shelters in accordance with Chapter 12.2-5 of the Brunswick Code of Ordinances

**MOTION BY JANE ARBUCKLE TO HOLD A PUBLIC HEARING ON JANUARY 8, 2019. MOTION SECONDED BY ROB BURGESS, MOTION APPROVED UNANIMOUSLY.**

**6. Other Business:** No other business was discussed.

**7. Approval of Minutes:** No minutes were approved at this meeting.

## **8. Adjourn**

This meeting was adjourned at 9:59 P.M.

Respectfully Submitted,

Tonya Jenusaitis

Recording Secretary

**BRUNSWICK PLANNING BOARD  
MEETING MINUTES  
MAY 28, 2019**

**MEMBERS PRESENT:** Chair Charlie Frizzle, Vice Chair Bill Dana, Jane Arbuckle, Robert Burgess, Kelly Matzen and Sande Updegraph

**MEMBERS ABSENT:** No members were absent from this meeting.

**STAFF PRESENT:** Matt Panfil, Director of Planning and Development; Jared Woolston, Town Planner

A meeting of the Brunswick Planning Board was held on Tuesday, May 28, 2019, in Council Chambers, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

**1. Case #19-011 U-Haul Driveway and Parking Lot Expansion:** The Planning Board will review and take action on a Final Plan Major Development Review application submitted by Walsh Engineering on behalf of AMERCO Real Estate Company to install 23,050 additional square feet of driveway and parking lot at 1 Cressey Road. The subject lots (Map U07, Lot 48 & 68) are within the GM3 (Growth Mixed Use 3) Zoning District and contains the SPO-SP (Shoreland Protection Zone Stream Protection Subdistrict).

Jared Woolston introduced the application.

**MOTION BY JANE ARBUCKLE TO DEEM THE FINAL SITE PLAN COMPLETE.  
MOTION SECONDED BY SANDE UPDEGRAPH, APPROVED UNANIMOUSLY.**

Applicant representative, Silas Canavan of Walsh Engineering, reviewed the tax map parcels, lot layout, stormwater management, landscaping, snow storage, and noted that there is no new lighting or utilities. He stated that the DEP permit is in the process and they notified today that they have approval from MDOT. Sande Updegraph pointed out that the plan lists the project at 22,850 square foot and the Findings of Fact list the project as 23,050 and asked which one was correct. Silas replied that the number in the findings may have been a carry over from the original plan, but that they have reworked the parking area to reduce the square footage. Kelly Matzen asked for the relationship between the owner of the real estate and the entity that gave him authority to come before the Board. Silas replied that AMERCO's is the property holdings company for U Haul International; AMERCO holds all the property, but U Haul operates on the property. Matthew Hines stated that he works for both. He is here on behalf of AMERCO, and is also the project manager for U Haul Maine.

Chair Charlie Frizzle opened the meeting to public comment. No comments made and the public comment period was closed.

Members reviewed the Findings of Fact and suggested changes.

**MOTION BY BILL DANA 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. Prior to starting construction, stormwater management plans shall be approved by the Maine DEP and provided to the Director of Planning and Development.

**MOTION SECONDED BY SANDE UPDEGRAPH, APPROVED UNANIMOUSLY.**

**2. Case #19-014 Brunswick Landing Lot 14 Special Permit:** The Planning Board will hold a PUBLIC HEARING and take action on a Special Permit application submitted by Sitelines, PA on behalf of 14 Willey Road LLC for the expansion of a Marijuana Cultivation Facility, a legal nonconforming use of the property. The subject lot (Map 40, Lot 103) is within the GM7 (Growth Mixed Use 7) Zoning District.

Jared Woolston introduced the application.

**MOTION BY BILL DANA THAT THE BOARD DEEMS THE SPECIAL PERMIT APPLICATION COMPLETE. MOTION SECONDED BY SANDE UPDEGRAPH, APPROVED UNANIMOUSLY.**

Kelly Matzen asked for procedural guidance. Matt Panfil stated that he does not think that this application is as complicated as it seems on paper and explained that it is similar to a Starbucks and a Dunkin Donuts occupying the same lot; they do not have any prohibition as long as they meet all the dimensional and density requirements. Matt explained that this is a non-conforming use and noted that the zoning ordinance allows for further additional expansion of a non-conforming use may be allowed through the approval of a Special Permit. When looking at the review standards they say to look at the Conditional Use Requirements. Charlie Frizzle and Matt Panfil explained the Special Use Permit process. Jane Arbuckle asked if all non-conforming uses have to come before the Board. Charlie replied that those applications over 1,000 square feet do and it is meant to restrict expansion of non-conforming uses. Matt added that this does not necessarily have to do with marijuana because these were approved before the zoning ordinance standards and is what makes them non-conforming uses. The applicant is asking to legally expand an already established non-conforming use.

Kurt Neufeld on behalf of Sitelines, PA., presented a PowerPoint and reviewed the special permit application and project location. Rob Burgess asked if this could be converted to recreational use. Matt Panfil replied that this is not an allowed use in GM7 without a further text amendment to the ordinance. Matt noted that the town does have a 500 square foot separation from schools. Charlie Frizzle asked for status of the draft performance guarantee and the Fire Chief's recommended location and size of hydrants. Kurt replied that the Fire Chief statement was settled at the SRC meeting; there are two hydrants in close proximity. With regards to the performance guarantee, they will be tying into the existing eight-inch pipe. Matt noted that 145 Alligash cannot be converted to another marijuana use but will be used for a Martin's Point project. If that falls through it will be used for cold storage for MRRA or large-scale office use.

Sande Updegraph asked if they should include the word medical into the application. Matt Panfil replied that they can add a condition to stipulate that, but the applicant would have to file a Change of Use application to do anything other than what they are now. Kelly Matzen pointed

out that they do have language now and this is a Special Permit that is being requested and asked why they are not using today's language if they know it fits into one of today's categories. Matt replied that it is a legal non-conforming use and when it was approved it was allowed to stay indefinitely. There is no sunset clause on a legal non-conforming use. Matt asked why the ordinance allows for such a non-conforming use. Kelly suggested that if in the future there is a change within the use will the non-conforming use still apply. Matt replied that what language applies is what the use was originally approved under until a full redevelopment of the site occurs. Expansion would be allowed. Kurt Neufeld stated that he did not see the term medical use applied specifically. Matt replied that medical is specifically applied to the storefront. Kurt noted that they will not be having a storefront and will be cultivated wholesale. Kurt pointed out that the building will have limited lighting and they will have access to cameras. Rob Burgess said that he still has concerns about the fact that they can sell to a buyer for resale. Matt replied that he does not know how they would control that. Kelly stated that the problem is that this can be done. Charlie clarified by saying "if a customer should come to them and say I have a need for x amount of wholesale product, do they have to demand that that customer only use it for medical purposes?" Matt replied that this should be how it operates, but again if they do something else then that would be a violation. Matt pointed out that the applicant will have to apply for a license and a violation of a license would ultimately result in loss of their license not the ordinance. Matt reviewed the ordinance language. Kurt noted that the owner only sells to medical facilities and they are not looking to change that operation that is already established.

Chair Charlie Frizzle opened the meeting to public comment. Hearing none, the public comment period was closed.

Members reviewed and made changes to the Findings of Fact.

**MOTION BY KELLY MATZEN THAT THE SPECIAL PERMIT 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.

**MOTION SECONDED BY BILL DANA APPROVED UNANIMOUSLY.**

Charlie Frizzle noted that this does not take effect until 30 days after tonight. In addition, the Town Council has 30 days to take action if they so choose.

**Case #19-015 Brunswick Landing Lot 14 Marijuana Cultivation Facility:** The Planning Board will review and take action on a Final Plan Minor Development Review application submitted by Sitelines, PA on behalf of 14 Willey Road LLC for the construction of a 3,200 square foot building, expanding upon the property's current use as a Marijuana Cultivation Facility. The subject lot (Map 40, Lot 103) is within the GM7 (Growth Mixed Use 7) Zoning District.

Jared Woolston introduced the application. Jared pointed out that missing in the application is Section 4.10, Lighting Plan and he defers to the Planning Board. It was discussed at the Staff Review meeting.

**MOTION BY SANDE UPDEGRAPH TO DEEM THE APPLICATION COMPLETE. MOTION SECONDED BY ROB BURGESS, APPROVED UNANIMOUSLY.**

Kurt Neufeld of Sitelines, PA, presented a PowerPoint presentation and reviewed the development overview, project location, site layout, site plan, grading plan, landscape plan, building elevations, and architectural rendering. Kurt noted that they will not be putting up pole lights, but will have motion activated lighting and given the fact that there are no neighbors. Jane Arbuckle asked at what distance the lights will be activated because as people drive by it will be activated. Kurt replied that they will adjust the lights accordingly. They will also have cameras. Matt Panfil added that this will also be part of the permitting process. Sande Updegraph asked if the Police or another party will be notified if someone is walking around the building. Derek Brodersen, owner of All-Natural Technologies, replied that the police are called first and then he is notified if the alarm goes off. He can also view the cameras from his phone. Bill Dana asked why the rooms were assigned. Derek replied that he uses mainly seed and he needs to be able to tell which plants are male or female or both. Hermaphrodite plants have to be destroyed. The different rooms allow him to have different plants at different stages. Jane asked if he has considered a greenhouse type roof. Derek replied that it is something that he might pursue if he had a massive scale, but he is limited to medical use. Kelly Matzen pointed out that the applicant has good reason for wanting the rooms to be sealed. Derek added that if the dehumidifiers were to shut down, there would be puddles on the floor because they are sealed so tightly. There is a vapor barrier on the walls and there is no exchange of air. Kelly asked if they have gotten around the issue of needing an engineer to sign off. Kurt replied that the engineer is part of the State permitting process and considering this space is so tightly sealed there shouldn't be any issue. Matt added that the HVAC engineer is needed more for buildings with existing ventilation. Kurt reviewed the State licensing requirements. Rob Burgess stated that there is a discrepancy in the application between a shut off luminaire that would shine down and a Home Depot flood light and asked which one they plan to use as part of this application. Kurt replied that he believed that the residential style of lighting would be acceptable, but he can draw up new cut sheets for approval by staff and have the Police Chief weigh in.

Chair Charlie Frizzle opened the meeting to public comment. No commenters were made and the public comment period was closed.

**MOTION BY KELLY MATZEN TO APPROVE REQUESTED WAIVERS FOR PROFILES OF EXISTING UTILITIES, AND PROFILE, AND CROSS SECTION OF SANITARY SEWERS. MOTION SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.**

**MOTION BY SANDE UPDEGRAPH TO APPROVE THE FINAL PLAN MINOR DEVELOPMENT REVIEW APPLICATION 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. Prior to issuance of a building permit, the applicant shall pay solid waste impact fees to the satisfaction of the Town Engineer and Director of Planning and Development.
3. Prior to issuance of a building permit, lighting plans that demonstrate compliance with Section 4.10 shall be reviewed and approved by the Director of Planning and Development.
4. Prior to the start of construction, the applicant shall provide soil test pit results for the proposed infiltration areas to demonstrate sufficient depth to limiting factors in accordance with Maine DEP Best Management practices and/or to the satisfaction of the Director of Planning and Development.

**MOTION SECONDED BY ROB BURGESS, APPROVED UNANIMOUSLY.**

**4. Case #18-050 – Zoning Ordinance Amendment – GM8:** The Planning Board will hold a PUBLIC HEARING to review and provide a recommendation to the Town Council on Zoning Ordinance Text Amendments to the following sections of the 2017 Brunswick Zoning Ordinance: 1.6.3 Nonconforming Uses; 1.7.1 and 1.7.2 Definitions; 5.2.9 Development Review; and Appendix B Private Street Standards.

Matt Panfil noted that there have been no changes since the last meeting. Jane Arbuckle asked about the language for private street standards. Charlie Frizzle explained the reasoning behind the change. Jane expressed her concern that the Fire Department will not have guidance should they need it. Jared Woolston suggested that they put their concerns in the Memo to the Town Council. Bill Dana suggested that they make the definition of what constitutes a driveway versus a street clearer. Jane said that her impression is that the Fire Department may simply be using different words to describe the same thing. Matt to draft a memo to the Town Council to be forwarded to members for review and to speak with the Fire Chief for clarification.

Chair Charlie Frizzle opened the meeting to Public. No public was present and the public comment period was closed.

**MOTION BY BILL DANA TO APPROVE THE ZONING ORDINANCE LANGUAGE AS AMENDED AND TO BE FORWARDED TO TOWN COUNCIL. MOTION SECONDED BY ROB BURGESS, APPROVED UNANIMOUSLY.**

**5. Other Business:** No other business.

**6. Approval of Minutes.** No minutes were reviewed at this meeting.

**7. Adjourn**

This meeting was adjourned at 9:04 P.M.

Respectfully Submitted,

Tonya Jenusaitis  
Recording Secretary

**BRUNSWICK PLANNING BOARD  
MEETING MINUTES  
OCTOBER 8, 2019**

**MEMBERS PRESENT:** Chair Charlie Frizzle, Vice Chair Bill Dana, Rob Burgess, Alison Harris and Kelly Matzen

**MEMBERS ABSENT:** Jane Arbuckle and Sande Updegraph

**STAFF PRESENT:** Matt Panfil, Director of Planning and Development

A meeting of the Brunswick Planning Board was held on Tuesday, October 8, 2019, in Council Chambers, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

**1. Case #19-039 Bowdoin College:** Barry Mills Hall & the Center for Arctic Studies: The Planning Board will review and take action on a Sketch Plan Major Development Review application submitted by Sebago Technics on behalf of Bowdoin College to construct two new academic buildings with 44,515 square feet of floor area and redevelop the adjacent parking lot resulting in an increase of 9,300 square feet of impervious surface. The subject lot (Map U35, Lot A) is within the GC1 (Growth College 1) Zoning District and the APO3 (Aquifer Protection Overlay 3) District.

Matt Panfil introduced and reviewed the application.

**MOTION BY ALISON HARRIS TO DEEM THE SKETCH PLAN COMPLETE.**  
**MOTION SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.**

Matt Orlando, Senior Vice President for Finance and Administration & Treasure at Bowdoin College, stated that Bowdoin does not have many classrooms that can fit 40-60 students at a time or that are amply sized to allow for active learning. This project will address this. The construction will also allow for swing space during the renovation of Sills Hall. Once Barry Mills Hall is constructed, they can take another intensively used hall offline and renovate that as well.

Matt Orlando stated that the Center for Arts and Studies will hold the Peary-McMillan Arctic Museum as well as research labs for archeologists. The Peary-McMillan Museum is currently located at Hubbard Hall where it is not climate controlled, there is not much storage and it is not museum quality space. The Center for Arctic Studies will stand with the Roux Center for the Environment and the Schiller Center for Coastal Studies and provide a unique education learning space in the studies for the environment.

Kylie Mason of Sebago Technics, gave a PowerPoint presentation and reviewed the location of the proposed project, tree removal and provided an overview of the stormwater management plan. Kylie noted that they are asking for a waiver in regards to the size of the proposed parking aisle and parking spaces a reduction in the standard parking aisle space from 26' to 24' and a reduction of the standard parking space size of 18'5" to 18'. Additionally, the applicant wishes to request a waiver of the opaque landscape buffer standard.

Charlie Frizzle stated that at the Staff Review Committee meeting of September 25, 2019 there was a lot of discussion regarding a sidewalk on the north side of the parking lot from the

entrance on Sills Drive to the area of the chiller pad and asked if the sidewalk is currently shown on the plan. Kylie Mason replied that the sidewalk is on the plan and directed members to its location.

Rob Burgess asked if the replacement trees will be all the same height of growth or if there will be some staggering. Kylie Mason replied that the trees will be of varied height and species.

Alison Harris asked what they mean by detectable warning fields. Kylie Mason replied that they can be found at every flush transition between pedestrian and vehicular traffic. They are the bumpy steel mats that proved another level of warning that there is a change in traffic.

Charlie Frizzle stated that for Final Plan, they may not want to be quite as specific in the exact number of trees that they are planting and stick with the ratio.

Rebecca Celis of HGA pointed out that although this is only a sketch plan, they have included the elevations and briefly reviewed them. She stated that they are pursuing a mass timber construction for the type of construction for the structure and pointed out that Bowdoin College has been awarded a grant from the Forestry Department who will assist in development of the structures. This type of construction will allow for peaked roof forms and they will be able to express this feature inside the vaulted space of the museum; they are very excited about this. She added that the two buildings are connected underground so that they can share utilities.

Kylie Mason asked the Board members to review the requested waivers and provide feedback prior to submission of the Final Plan. Members were in agreement that they had no concerns with the waivers being requested.

Chair Charlie Frizzle noted that there were no members of the public were present and no public comments were made.

**MOTION BY BILL DANA TO APPROVE THE SKETCH PLAN. MOTION SECONDED BY ALISON HARRIS, APPROVED UNANIMOUSLY.**

Matt Panfil to set a site visit prior to submission of the final plan.

3. Approval of Minutes

**MOTION BY KELLY TO APPROVE THE MINUTES OF JUNE 11, 2018 AS AMENDED. MOTION SECONDED BY ROB, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.**

**MOTION BY KELLY MATZEN TO APPROVE THE MINUTES OF AUGUST 7, 2018. MOTION SECONDED BY ROB BURGESS, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.**

**MOTION BY BILL DANA TO APPROVE THE MINUTES OF SEPTEMBER 11, 2018. MOTION SECONDED BY KELLY MATZEN, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.**

4. Other Business:

- Matt Panfil stated that the text amendments for stormwater overlay improvements has been accepted by the Town Council.

- Matt Panfil stated that the Mere Brook watershed plan has the final signatures.
- Matt Panfil stated that the Brunswick Comprehension Plan will have a launch party in the Brunswick Jr. High gymnasium on election day.
- Matt Panfil stated that the Town of Brunswick website is in the process of being updated and provided a brief summary of some of the new features.

This meeting was adjourned at 7:45 P.M.

Respectfully Submitted,

Tonya Jenusaitis

Recording Secretary

**BRUNSWICK PLANNING BOARD  
MEETING MINUTES  
OCTOBER 22, 2019**

**MEMBERS PRESENT:** Chair Charlie Frizzle, Vice Chair Bill Dana, Jane Arbuckle, Rob Burgess, Alison Harris, Kelly Matzen and Sande Updegraph

**MEMBERS ABSENT:** No members were absent at this meeting.

**STAFF PRESENT:** Matt Panfil, Director of Planning and Development; Jared Woolston, Town Planner

A meeting of the Brunswick Planning Board was held on Tuesday, October 22, 2019, in Council Chambers, 85 Union Street. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

1. **Case #19-040 Brunswick Landing Subdivision Amendment, Lot 17:** The Planning Board will review and take action on a Final Plan Major Development Review application submitted by Wright-Pierce on behalf of TBW, LLC to amend the Brunswick Landing Subdivision (Case #12031) to create an additional 1.69 acre lot for the proposed Wild Oats Bakery/Restaurant. The subject lot (Map 40, Lot 223) is located within the GI (Growth Industrial) Zoning District.

Jared Woolston introduced and provided a summary of the application.

Charlie Frizzle asked that the applicant fill in all the checkboxes on the application even if they are not applicable. If the Board is going to ask others to fill in all the blanks then they need to be consistent.

**MOTION BY KELLY MATZEN THAT THE SUBDIVISION AMENDMENT APPLICATION IS DEEMED COMPLETE. MOTION SECONDED BY SANDE UPDEGRAPH, APPROVED UNANIMOUSLY.**

Applicant representative, Jan Weigman of Wright-Pierce gave a PowerPoint presentation and reviewed the reason for the amendment to the subdivision, lot proposal and space and bulk.

Charlie Frizzle asked about the steam lines that run underground. Jan Weigman replied that there are remnant steam lines that are left over from a steam plant that was located where the Molnycke building is now that supplied heat to a good portion of the former Navy base. The lines are roughly seven to eight feet down, encased in concrete and will remain.

Robert Burgess asked why the setbacks on the plan are listed as n/a. Jan Weigman replied that they did that because they didn't want to represent it as if it were a proposed development. There is no structure on the lot now so it is shown as 15B for reference. The setbacks can be found on the Wild Oats application.

**MOTION BY BILL DANA THAT ALL APPLICABLE PRIOR CONDITIONS RELATING TO THIS AMENDMENT REMAIN IN EFFECT, IN ADDITION TO ANY NEW CONDITIONS CONTAINED HEREIN. MOTION SECONDED BY KELLY MATZEN, APPROVED UNANIMOUSLY.**

**MOTION BY SANDE UPDEGRAPH THAT THE AMENDED SITE PLAN APPLICATION IS APPROVED WITH THE FOLLOWING CONDITION ADDED TO PRIOR CONDITIONS CURRENTLY IN PLACE:**

1. That the Board's review and approval does hereby refer to the plans and materials submitted by the applicant and the written and oral comments of the applicant's representatives, reviewing officials and members of the public as reflected in the public record and that 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 review and approval in accordance with the Brunswick Zoning Ordinance.

**MOTION SECONDED BY JANE ARBUCKLE.**

Chair Charlie Frizzle opened the meeting to public comment. No comments were made and the public comment period was closed.

**MOTION MOVED UNANIMOUSLY.**

2. **Case #19-037 Zoning Ordinance Amendment – Marijuana Definitions:** The Planning Board will hold a PUBLIC HEARING and take action on a proposed Zoning Ordinance Amendment, forwarded by the Town Council, to amend the following four (4) existing marijuana use definitions to keep the Brunswick Zoning Ordinance current with State legislation: marijuana cultivation facility, marijuana products manufacturing facility, marijuana storefront, medical, and marijuana testing facility.

Matt Panfil introduced the application for the zoning ordinance amendment and reviewed his memo to the Board dated October 22, 2019. Matt stated that they are trying to make the amendments consistent with the State.

Chair Charlie Frizzle noted that there was no public present for public comment.

**MOTION BY ROB BURGESS TO FORWARD THE PROPOSED AMENDMENT TO TOWN COUNCIL FOR APPROVAL AND ADOPTION. MOTION SECONDED BY SANDE UPDEGRAPH, APPROVED UNANIMOUSLY.**

3. Village Review Board (VRB) Design Guidelines Update:

Matt Panfil stated that the Village Review Board has been in the process of updating their design guidelines since April of 2018. He pointed out that there are no text amendments to the ordinance because of these changes and there is no action that the Board needs to make. Matt reviewed the proposed changes.

Charlie Frizzle asked that staff add this item to the next agenda to allow Board members to review the proposed changes.

4. Other Business

- Matt Panfil stated that the Comprehension Plan will have a launch party in the Junior High gymnasium on election Day.
- Matt Panfil stated that staff will add lighting to the next agenda to begin discussions.

5. Approval of Minutes

**MOTION BY BILL DANA TO APPROVE THE MINUTES OF SEPTEMBER 25, 2018. MOTION SECONDED BY ROB BURGESS. MOTION APPROVED BY CHARLIE FRIZZLE, BILL DANA, JANE ARBUCKLE, ROB BURGESS, KELLY MATZEN AND SANDE UPDEGRAPH. ALISON HARRIS ABSTAINED.**

**MOTION BY KELLY MATZEN TO APPROVE THE MINUTES OF JULY 23, 2019 AS AMENDED. MOTION SECONDED BY ROB BURGESS, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.**

6. Adjourn

This meeting was adjourned at 7:38 P.M.

Respectfully Submitted,

Tonya Jenusaitis

Recording Secretary