



Town of Brunswick, Maine

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT

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BRUNSWICK PLANNING BOARD SPECIAL PERMIT APPLICATION PACKET

This Packet Includes:

- I. Summary of Development Review Applicability and Process
- II. Application Form
- III. Application Checklist

Note that this review process summary and the submission checklist are provided only as a ready reference for your convenience. For a complete reading of the provisions governing development review in Brunswick, the applicant must refer to the Brunswick Zoning Ordinance, available online at www.brunswickme.org.

General

As permitted within Subsections 5.2.3.C (Expansions of Legally Nonconforming Uses) and 5.2.4 (Nonconforming Building Footprint Expansions) a use by Special Permit, may be allowed upon the approval of a Special Permit by the Planning Board and its ratification by the Town Council.

Review Procedure

1. Applications for Special Permits shall include those materials as listed in the attached requirements for special permits showing that the application satisfies the standards in Subsection 5.2.3.B.
2. When an application is filed, a public hearing will be scheduled in accordance with Subsection 5.1.3.B. Notification of the Public Hearing will be provided by the Town to all property owners within 300 feet of the affected property.
3. Any Brunswick resident, property or business owner shall have the opportunity to provide written comments for consideration by the Planning Board in accordance with Subsection 5.1.3.C. The Planning Board may approve, approve with conditions or deny the Special Permit application. Decisions of the Planning Board shall be made by written Findings of Facts and Conclusions that set forth the reasons for the decision based on all approval criteria listed below and shall be made within 14 days after the public hearing. Such Findings of Fact and Conclusions shall include a plan submitted by the applicant and a permit that outlines all conditions and requirements, copies of which shall be forwarded to the applicant and any person requesting a copy within 14 days after the public hearing.
4. Upon approval of the Special Permit, the proposed development shall be subject to Development Review (Subsection 5.2.9 of the Brunswick Zoning Ordinance) and to any conditions placed on the permit. The submittal and consideration of a conditional use permit may be handled concurrently with a development review application, if applicable.
5. In the event that a Special Permit is approved by the Planning Board, notice shall be forwarded within seven (7) days to the Town Council. The notice shall include a brief description of the Special Permit, including the name of the applicant, the street address and tax map reference of the application, the proposed use or uses, and a brief synopsis of the permit. The Planning Board shall also forward Findings of Fact and Conclusions to the Town Council with the notice.
6. If the Planning Board votes to approve a Special Permit, that approval shall not take effect for 30 days after the Planning Board's vote. During that 30 day period, the Town Council may elect to exercise jurisdiction over the application. Decisions to exercise jurisdiction shall be made by a majority vote of the Town Council during a public meeting.
7. If the Town Council exercises jurisdiction, it shall, after notice and hearing in the same manner as required for a zoning amendment under Subsection 5.2.11 (Ordinance Text or Map Amendment), ratify, reverse or modify the decision of the Planning Board. If the Town Council ratifies the Special Permit, the Permit takes effect immediately following the affirmative vote to ratify.
8. If the Town Council does not exercise jurisdiction within 30 days, then the decision of the Planning Board shall be deemed ratified by the Town Council at the end of the 30 day period.

Criteria for Approval

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

1. The proposed structure and site design comply with all standards of this Ordinance applicable to the zoning district and any overlay district within which the property is located.
2. The proposed use will not create significantly more vehicular traffic by patrons, residents, or suppliers than the uses and structure currently within 300 feet of the proposed use or structure that generates the most vehicular traffic;
3. The proposed use will not operate or require deliveries earlier in the morning, or later at night, than the uses and structures currently within 300 feet of the proposed use or structure that operate earliest in the morning and latest at night.
4. The proposed use shall not create any more adverse impacts on any current use or structure within 300 feet of the lot on which the proposed use or structure would be located.
5. The application shall further the planning goals of the adopted Town of Brunswick 2008 Comprehensive Plan, as amended, including but not limited to the planning goals for the Planning Area (see Brunswick Zoning Ordinance Appendix A - Planning Areas) in which the property is located.
6. The application shall further the planning goals the adopted Town of Brunswick 2008 Comprehensive Plan, including but not limited to the planning goals for the Planning Area (Appendix A - Planning Areas) in which the property is located.
7. With the exception of applications for Special Permits for nonconforming building footprint expansions (Subsection 5.2.4), if the application involves the construction of a new building, or the substantial expansion of an existing building, the size of the resulting building shall meet the applicable zoning district dimensional and density standards as stated in Tables 4.2.3 and 4.2.4 (Dimensional and Density Standards for Growth and Rural Areas respectively).
8. If the proposed use or structure is located in a Planning Area (Appendix A - Planning Areas) where pedestrian oriented character is encouraged, the use shall generate patron or resident activity (not just employee activity) during normal business hours, and the majority of the front façade of the building shall be consistent with existing setbacks on street.
9. The proposed use will not generate more noise at any time of the day or night than any use within 300 feet of the proposed use or structure that currently generates the most noise at that time.
10. Additional review criteria for nonconforming building footprint expansions by special permit:
 - a. With the exception of structures located within the Shoreland Protection Overlay District, an expansion of a building footprint that is legally nonconforming shall be reviewed as a Special Permit and acted upon by the Planning Board in accordance with Subsections 5.2.3.A and B. Additional review criteria shall be as follows:
 - 1) The proposed building footprint expansion shall comply with all other applicable zoning district dimensional standards.

- 2) The proposed expansion shall comply with Section 4.12 (Neighborhood Protection Standards).

Review process and timeframe

Review of the Special Permit Application shall be conducted in accordance with the Development Review Time and Processing Requirements for Major Development in Table 5.2.9.G of the Zoning Ordinance and attached. All time limits are expressed in calendar days. In cases where the date prescribed in this Table is a legal holiday, all deadlines shall apply to the previous working day.

Applicable fees

Application Fee: \$500

Impact Fees: Impact fees may apply depending upon the type of proposed development and will be determined during the development review process.

Table 5.2.9.I: Development Review Time and Processing Requirements

Timing	Minor Development Review (Staff Review Committee)	Standard Major Development Review (Planning Board)	Streamlined Major Development Review (Planning Board)
No less than 21 days prior to Review Authority Meeting		Deadline for filing one (1) copy of application for Planning Board consideration.	No less than 21 days prior to Planning Board consideration, applicant shall meet with Department staff to discuss application.
No less than 14 days prior to Review Authority meeting	Deadline for filing one (1) copy of application for Staff Review Committee consideration. Staff confirms that application is complete within three (3) working days and completes abutter notification in accordance with Subsection 5.1.3.B(1). The applicant then supplies 12 copies of all application materials and one (1) electronic copy.	Within five (5) working days, staff confirms that application is complete and all owners of property per Subsection 5.1.3.B(1) are notified of the Staff Review Committee and Planning Board meetings. The applicant then supplies 12 copies of all application materials and one (1) electronic copy for Staff Review Committee distribution.	Deadline for filing one (1) copy of application for Planning Board consideration. ¹ Staff confirms that application is complete and all owners of property per Subsection 5.1.3.B(1) are notified of the Staff Review Committee and Planning Board meetings. The applicant then supplies 12 copies of all application materials and one (1) electronic copy for Staff Review Committee distribution.
No less than seven (7) days prior to Review Authority meeting		The application shall be brought before the Staff Review Committee for comments and recommendation. Within five (5) days following the Staff Review Committee meeting, the applicant shall supply nine (9) copies of the revised plans and one (1) electronic version for distribution to Planning Board. If a Public Hearing is required, the first of two (2) required notices shall appear in a newspaper of general circulation no less than seven (7) days prior to the hearing.	The application shall be brought before the Staff Review Committee for comments and recommendation. Within five (5) days following the Staff Review Committee meeting, the applicant shall supply nine (9) copies of the revised plans and one (1) electronic version for distribution to Planning Board. If a Public Hearing is required, the first of two (2) required notices shall appear in a newspaper of general circulation no less than seven (7) days prior to the hearing.
No less than three (3) days prior to Review Authority meeting	The Director shall issue preliminary Findings of Fact based on Subsection 5.2.9.O and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed, or hand delivered to the Staff Review Committee and the applicant.	The Director shall issue preliminary Findings of Fact based on Subsection 5.2.9.O and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed, or hand delivered to the Planning Board and the applicant.	The Director shall issue preliminary Findings of Fact based on Subsection 5.2.9.O and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed or hand delivered to the Planning Board and the applicant.
No more than seven (7) days after decision by Review Authority	The Staff Review Committee shall transmit its written decision and Findings of Fact to the applicant.		
No more than 30 days after decision by Review Authority if Public Hearing held, or no more than 60 days if no public hearing is held.		The Planning Board shall transmit its written decision and Findings of Fact to the applicant.	The Planning Board shall transmit its written decision and Findings of Fact to the applicant.

Table 5.2.9.I: Development Review Time and Processing Requirements			
Timing	Minor Development Review (Staff Review Committee)	Standard Major Development Review (Planning Board)	Streamlined Major Development Review (Planning Board)
No more than 30 days after application is deemed complete by staff.	The Review Authority shall consider an application unless postponement is requested or agreed to by applicant.		
NOTES: 1. If application lacks any required submittal materials, the streamlined process shall be terminated and the application shall revert back to the Major Development Review process.			

**SPECIAL PERMIT
APPLICATION**

1. Project Name: _____
2. Project Applicant
 - Name: _____
 - Address: _____
 - Phone Number: _____
 - Email: _____
4. Project Owner (if different than applicant)
 - Name: _____
 - Address: _____
 - Phone Number: _____
 - Email: _____
5. Authorized Representative
 - Name: _____
 - Address: _____
 - Phone Number: _____
 - Email: _____
6. List of Design Consultants. Indicate the registration number, address and phone number, email for any additional project engineers, surveyors, architects, landscape architects or planners:
 1. _____
 2. _____
 3. _____
7. Physical Location of Property: _____
8. Lot Size: _____
9. Zoning District: _____
10. Overlay Zoning District(s): _____
11. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If not, who owns the property subject to this application?

12. Assessor's Tax Map _____ Lot Number _____ of subject property.

13. Brief description of existing/proposed use: _____

14. Describe specific physical improvements to be done: _____

Owner Signature:

Applicant Signature (*if different*):

SPECIAL PERMIT APPLICATION REQUIREMENTS

The submission requirements contained in **Appendix D** of the Brunswick Zoning Ordinance (attached in checklist format) shall apply to all applications unless a waiver is granted. Applications shall be submitted to the Director of Planning and Development.

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

REQUIREMENTS FOR SPECIAL PERMIT APPLICATION SUBMITTAL Please mark box with one of the following: “W” (Waiver); “P” (Pending); “X” (Submitted) or “N/A” (Not applicable)		Special Permit
General	Application form and fee	
	Name of development	
	Existing zoning district and overlay designations	
	Location map	
	Names of current owner(s) of subject parcel and abutting parcels	
	Names of engineer and surveyor; and professional registration numbers of those who prepared the plan	
	Location of features, natural and artificial, such as water bodies, wetlands, streams, important habitats, vegetation, railroads, ditches and buildings	
	Documentation of Right, Title and Interest	
	Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which common areas will be owned, maintained, and protected	
	Draft performance guarantee or conditional agreement	
Survey, Topography, & Existing Conditions	Scale, date, north point, and area	
	A survey submitted (stamped for final plan submittal) by a professional surveyor with a current license by the State of Maine Board of Licensure for Professional Surveyors	
	Existing easements associated with the development	
Infrastructure - Proposed	Proposed easements associated with the development	
	Locations and dimensions of proposed vehicular and bicycle parking areas, including proposed shared parking arrangement if applicable.	
	Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization	
	Where a septic system is to be used, evidence of soil suitability	
	A statement from the General Manager of the Brunswick Sewer District as to conditions under which the Sewer District will provide public sewer and approval of the proposed sanitary sewer infrastructure	
	A statement from the Fire Chief recommending the number, size and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken	
	A statement from the General Manager of the Brunswick and Topsham Water District as to conditions under which public water will be provided and approval of the proposed water distribution infrastructure	
Reference to special conditions stipulated by the Review Authority		

REQUIREMENTS FOR SPECIAL PERMIT APPLICATION SUBMITTAL Please mark box with one of the following: "W" (Waiver); "P" (Pending); "X" (Submitted) or "N/A" (Not applicable)		Special Permit
Proposed Development Plan	When applicable, a table indicating the maximum number of lots permitted based upon the applicable dimensional requirements, the number of lots proposed, and the number of lots permitted to be further subdivided.	
	Disclosure of any required permits or, if a permit has already been granted, a copy of that permit	
	A statement from the General Manager of the Brunswick and Topsham Water District regarding the proposed development if located within an Aquifer Protection Zone	
Proposed Development Plan	A plan of all new construction, expansion and/or redevelopment of existing facilities, including type, size, footprint, floor layout, setback, elevation of first floor slab, storage and loading areas	
	A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, locations and purpose and type of vegetation	
	Number of lots if a subdivision	
	All applicable materials necessary for the Review Authority to review the proposal in accordance with the criteria of Chapter 5.	
	Any additional studies required by the Review Authority	