



Town of Brunswick, Maine

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT

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BRUNSWICK PLANNING BOARD CONDITIONAL USE 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

Uses listed as Conditional Uses in Table 3.2 (Growth Area Permitted Use Table) or Table 3.3 (Rural Area Permitted Use Table) of the Brunswick Zoning Ordinance may be allowed upon the issuance of a Conditional Use Permit by the Planning Board.

Review Procedure

1. Applications for Conditional Use Permits shall include those materials as listed in the attached requirements for conditional uses showing that the application satisfies the standards in Subsection 5.2.2.B (Criteria for Approval) listed below.
2. When an application is filed, a public hearing will be scheduled in accordance with Subsection 5.1.3.B (Notice Provided). 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 Conditional Use 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 Conditional Use 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.

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 volume and type of vehicular traffic to be generated will not:
 - a. Be greater than would occur from any uses designated as a permitted use or conditional use within the same zoning district;
 - b. Result in hazardous or unsafe conditions for pedestrians or cyclists; and
 - c. Impede emergency vehicles as determined by public safety officials.
3. The proposed use will not operate or require deliveries earlier in the morning, or later at night, than would occur at any permitted use or conditional use within the same zoning district.

4. The proposed use shall not create adverse impacts as a result of noise, vibrations, glare, fumes, odor, dust, or other airborne contaminants on any 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 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 proposed use shall be adequately served by, but shall not impose an unreasonable burden, on existing or planned municipal services, utilities, or other necessary facilities.

REVIEW PROCESS AND TIME FRAME

Review of the Conditional Use Permit Application shall be conducted in accordance with the Development Review Time and Processing Requirements for Streamlined Major Development in Table 5.2.9.I 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: \$200

Public Hearing and Abutter Notification Fee: \$220

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 Error! Reference source not found. 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 Error! Reference source not found. 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 Error! Reference source not found. 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.		

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 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.
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.			

**CONDITIONAL USE 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 proposed use: _____

14. Describe specific physical improvements to be done: _____

Owner Signature:

Applicant Signature (*if different*):

CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The submission requirements contained in **Appendix D** of the Brunswick Zoning Ordinance (attached in checklist format for each application category) shall apply to all 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 CONDITIONAL USE OR SPECIAL PERMIT APPLICATION SUBMITTAL		Conditional Use or Special Permit
Please mark box with one of the following: “W” (Waiver); “P” (Pending); “X” (Submitted) or “N/A” (Not applicable)		
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 CONDITIONAL USE OR SPECIAL PERMIT
APPLICATION SUBMITTAL**

Please mark box with one of the following:
“W” (Waiver); **“P”** (Pending); **“X”** (Submitted) or **“N/A”** (Not applicable)

**Conditional Use or
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	

FINANCIAL CAPACITY EXPLAINED

Applicants shall demonstrate compliance with the following:

A. General Standard:

The applicant shall have financial capacity to design, construct, operate, and maintain the development. Evidence of financial capacity must be provided prior to a decision on an application, except that the applicable review authority may defer a final finding on financial capacity by placing a condition on an approval that requires the applicant to provide final evidence of financial capacity satisfactory to the Director of Planning and Development before the issuance of any building permit.

B. Specific Standard:

- (1) The applicant must show that they have right, title, or interest in the development parcel.
- (2) The application for approval of a proposed development must include evidence that affirmatively demonstrates that the developer has the financial capacity to design, construct, operate, and maintain the proposed development, except in cases in which the review authority defers a final determination as set forth in Section (A) above. Evidence of financial capacity must include, but is not limited to, the following information:

- a. Cost estimates. Accurate and complete estimates of the development, including all proposed phases. The itemization of major costs may include but is not limited to, the cost of the following activities: land purchase, erosion control, roads, sewers, structures, water supply, utilities, pollution abatement, landscaping, and restoration of the site, if applicable.
- b. Time schedule. The time schedule for construction of all phases proposed.
- c. Evidence of Funds. Evidence such as the following:
 - i. Letter of commitment or intent to fund. A letter from a financial institution, governmental agency, or other funding source indicating a commitment to provide to the applicant a specified amount of funds and the uses for which the funds may be utilized. In cases where funding is required but there can be no commitment of money until approvals are received, an applicant may submit a letter of "intent to fund" from an appropriate funding institution indicating the amount of funds intended to be provided to the applicant and the specified uses for which the funds are intended.

In cases where one or more entities are part of the applicant's business structure, evidence must be submitted describing the applicant's business structure and demonstrating that the proposed financing is clearly linked from the financing institution to the applicant.

- ii. Self-financing

- (A) The most recent corporate annual report or financial statements indicating availability of sufficient funds to finance the development together with material

explaining the report, and evidence that funds have been set aside for the proposed development. The financial information in any annual report and any financial statement should be audited, or an explanation provided why audited reports are not available.

(B) Copies of bank statements of accounts held by the applicant or other evidence indicating that funds are available and have been set aside for the proposed development.

iii. Government agency

(A) Evidence that funds to complete the development have been included in an approved budget and that grant money or other funds have been obtained to cover the development costs.

(B) In cases where funding is required but there can be no commitment of money until approvals are received, a detailed plan outlining how funds for the development will be obtained and evidence that legal authority exists to implement the plan.

iv. Non-profit organization

(A) Evidence that funds to complete the development have been included in an approved budget and that grant money or other funds have been obtained to cover the development costs.

(B) In cases where funding is required but there can be no commitment of money until approvals are received, a detailed plan outlining how funds for the development will be obtained, including projections for and status of any fund raising.

- d. Phased Development. In cases of phased development or long-term construction projects, the department may find that the applicant has demonstrated adequate financial capacity to comply with department requirements provided (a) the applicant has demonstrated financial capacity for a separate first phase, and (b) the permit is conditioned to require that evidence of financial capacity adequate for review and approval be submitted to the Department prior to construction of each subsequent phase. Construction of each subsequent phase may not begin prior to approval of financial capacity for that phase.
- e. If the applicant is an entity registered with the Secretary of State of any state, provide a Certificate of Good Standing or other evidence of existence and good standing satisfactory to the Planning Board.