

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
11/13	1.2.2	Change title to “Specific Purposes as Directed by (Specified in? Articulated in?) the Town of Brunswick Comprehensive Plan.” <i>The ZORC cannot remind us often that the Zoning Code is the legal structure to implement the approved Comprehensive Plan. It is not a document out of left field designed to rob citizens of their property rights.</i>		Recommend title remain as is. Introductory sentence be revised to read: “ <u>As stated in the Town of Brunswick 2008 Comprehensive Plan,</u> specific purposes of this Ordinance are to:....”	12/3: ZORC agreed.
11/6	1.6.2.A.2.b.	Non-Conforming Lots: Please explain. Long run on sentence.		Nonconforming section under complete revision by staff.	11/12: Agreed. For ZORC review after completion of comment review.
11/6	1.6.3.B.	Change in use determined by Planning Director with no input by or recourse to a larger elected or appointed body? Creates a very subjective and potentially conflicting decision by 1person. Does this create potential liability for the town?		See comment above.	11/12: See above comment.
10/23	1.6.5.B.	Typos – second sentence is incomplete or should be combined with next sentence.	Deleted duplicative text.		
10/23	1.6.7. and 1.6.9	These sections appear duplicative.	Agree. Delete 1.6.9.		
10/23	1.6.10 and 1.6.8	Duplicative of 1.6.8 on page 1-11 except that 1.6.10.B has one additional word at end of sentence.	Agree. Delete 1.6.8. Also confirm reference to 1.6.10. (first sentence). Doesn’t make sense.		
10/23	1.7.2	“Bank” is listed in use table but no definition of Bank is provided.		<u>Possible definition:</u> A financial institution, with or without drive-through services, that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and other fiduciary activities.	10/29: Agreed with staff and further stated definitions must be provided for all uses. Clarion to add definitions as needed.

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10/23	1.7.2	Car wash – use is prohibited in all GC districts. The College’s wash bay in the Facilities Management Garage, which is part of Rhodes Hall, meets this definition as drafted and this use is prohibited in all GC districts. The ability to wash the vehicle fleet is ancillary to College operations. We recommend changing this to Accessory (A) for the GC districts.		Disagree. Car wash as part of fleet maintenance would be considered an accessory use to college use or any other use having a fleet maintenance facility. No need to include as an accessory use in table.	10/29: Agreed with staff.
10/23	1.7.2	Character-defining Feature – this term was from 216.12, a definition specific to VRZ; we recommend that the definition note “for purposes of Village Review Overlay” (as done with Contributing Resource).	Agreed. Reference as stated.		
10/23	1.7.2	College Facility – not listed. Currently, this term is not defined. We want to make sure that the College understands the intent of this category and interprets its meaning in the same way that staff and Planning Board would interpret it. We assume this category would include any structure or use built or undertaken by the College unless that use is specifically included elsewhere in the Use Table in Section3.2. For example, if the College constructed an Alumni Center, a building associated with our educational mission not consisting primarily of classroom space, can we assume this meets the definition of “College Facility - not listed”?		Recommend for discussion with Clarion for clarification.	10/29: Bowdoin College requested to review permitted use table and identify what uses could be considered at some point in the future. Staff will then recommend uses as either permitted or conditional uses. “College Facility – not listed” deleted from use table. Any “not listed” college use will follow same special permit process as for any other “omitted” or “not listed” use in Town.
10/23	1.7.2	Final Plan – the definition is not included.		Staff to draft for inclusion in interim draft.	10/29: Agreed.

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10/23	1.7.2	<p>Historic Structure – this definition is qualified by “for floodplain management purposes” in the current ordinance and is used in Section 703.2.D.5 regarding Variances in the NRPZ. The term is now used in Section 5.2.5.F.2.g. - Additional Criteria for Variances in the SPO and FPO Districts. However, there is no language in the new definition linking the term to the FPO district.</p> <p>The term Historic Structure is not used in the ordinance outside of the Variance in SPO and FPO Districts section with the exception of in the VRO, where the term is used within the definition of Contributing Resource and limited to structures within the VRO. The definition has been significantly broadened to include structures individually listed on “a Town inventory of historically significant places”. It is unclear what this Town inventory would be and what criteria would be used to construct it. The definition in the current ordinance includes structures listed on local inventories if those communities have certified historic preservation programs. Additionally, this broad definition is inconsistent with terms used in the development standard in section 4.2.7.</p>	<p>Agree. Current definition must remain as is for compliance with NFIP 44 CFR 59.1.</p>		<p>10/29: Agreed.</p>

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14		The Development Standard (Sec 4.2.7) uses the term “Historic Resources” (not included in the definition section) which covers “structures on the National Register of Historic Places or identified by the Comprehensive Plan as being of historical importance”. This definition is narrower than the definition of Historic Structure listed in Section 1.7.2. We recommend including the appropriate section references to the definition and narrowing the definition to be consistent with the standard.		For discussion by ZORC. For VRB (12/16/14): Staff recommends keeping contributing resource definition but changing term to "Contributing Historic Resource."	10/29: Staff/Clarion to develop definition of Historic Resource. 12/16: VRB Response - Staff to rework contributing resource definitions and ordinance placement of contributing resources of local and regional significance criteria for consistency in standards. 1/16: Per VRB discussion, definition of "Contributing Resource" will remain as is. Contributing Resources of Local or Regional Significance definition will be modified to delete the inclusion of the listing in Appendix C. The completed survey will be referenced by source in addition to noting it's availability at the Planning and Development Department. Specific criteria already included in the survey will be deleted from the definition.
15	1.7.2	In-Kind Replacement – this definition is part of the current ordinance in Section 216.12 but is omitted in the definitions of the new draft.	Agree. Insert current definition from Section 216.12.		

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10/23	1.7.2	<p>Lot or Parcel – While we are not familiar with the origin of this definition, included in the current ordinance, its practical application to College-owned lots could be problematic. Public ways (e.g., Maine Street, Coffin, Street, Bath Road, South Street, Federal Street, etc.) bisect College land in several locations. On tax maps, zoning maps, and deeds, the College owns individual and separate lots with ascertainable boundaries on both sides of public ways. Town staff has not interpreted this definition to suggest that individual and separate College lots on each side of a public way should be combined to become one new lot. This definition may be relevant in other circumstances, in which case we recommend changing the word “shall” to “may” to address the issue.</p>		<p>Delete last sentence in proposed definition. Definition would then read <i>“An area of land with ascertainable boundaries, all parts of which are owned by the same person(s) or entities.”</i></p>	10/29: Agreed.
10/23	1.7.2	<p>Off-Premise Advertising – definition refers to signs and section 4.11.7 which prohibits these signs. Definition might need clarification that ‘activities’ does not include events.</p> <p>Since the definition refers specifically to a ‘sign’ and the term is used in the sign section of the ordinance, we recommend including this with other sign definitions on page 1-26 (i.e., Sign, Off-Premise Advertising).</p>	<p>Agree. Move to Sign definitions.</p>		

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10/23	1.7.2 1-23	Outdoor Sales – with inclusion of the Supplementary Use Standard in section 3.4.2.E (p. 3-29), limiting outdoor sales to no more than 4 events per year and no more than 7 consecutive days, this could prevent many vendor sales at the College. Vendors come to campus frequently to sell products or disseminate information to students, faculty and staff. These outdoor sales have little impact on the general public, have minimal or no traffic/parking impact, and take place within the course of normal campus activities. We recommend narrowing the definition to exclude this type of activity or limiting it to outdoor sales to the general public.		Recommend excluding GC1 District, in addition to GM6 District, restricting outdoor sales. (Sec. 3.4.2.E.)	10/29: Agreed to permit outdoor sales in GC1 and GM6 districts (Sec.3.4.2.E.)
10/23	1.7.2 1-23	Outdoor Storage- this definition includes boats and trucks if placed in a front, rear or side yard for more than 60 days. We need clarification if this definition would apply to Bowdoin’s boat storage and/or vehicle fleets. Outdoor storage, while defined does not appear on the Use Table for the Growth Area Base Districts.		Discuss with Clarion in the context of definition and use.	10/29: Staff to rework outdoor storage definition/potential standards and include on next agenda. Will also define “vehicle areas”. 11/20: Staff reworking text for 12/9 agenda.

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23		Once there is a clear definition of use, the College would request permitting this type of storage as “A” in GC1-GC3, GM2, and “P” in GC4.(See also Bowdoin August 19, 2014 memo to ZORC)		Don’t agree that a separate accessory use is necessary.	1/15: ZORC agreed.
24	10/23 1.7.2 1-24	Renewable Energy Generating Facility: - typo; delete either “through” or “from” in first part of sentence.	Delete “from”		
25	10/23 1.7.2 1-24	Residence Hall – Given the new exclusion of residence halls from the definition of multi-dwelling unit, and reference to density applying to dwelling units only, it appears Residence Halls (which include any type of student housing owned by the College) would not be subject to density restrictions, but would be subject to all dimensional requirements. Please confirm if this is the correct interpretation.	Correct interpretation.	Recommend definition of dwelling unit be revised to also exclude congregate care/assisted living facilities, nursing homes and residence halls. Currently excludes recreational vehicles.	11/5: Carry over all additional requirements from current Sec. 204.3. If college housing units meet dwelling unit definition, such units will be considered as multi-family dwellings, not residence halls.
26	10/23 1.7.2 1-26/27	Special Event – In the current ordinance, this definition applies only to the BNAS Reuse District. With the inclusion of ‘Special Event’ as a Temporary Use across the zoning districts, some clarification about the intent of this regulation is needed. As drafted, this definition would apply to events held on the campus outside of the normal academic calendar: i.e. BHS graduation, Coastal Challenge soccer tournament, MSMT productions, camps/international music festival if they are ‘assembly type events for 200 people or more’.		Remove Special Event definition and use. Will be working with Town Clerk to handle as a license similar to those issued for use of the Mall and Maine Street sidewalks.	11/5: Agreed.

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27		<p>Additionally, the Permitted Use Table is unclear as this use is labeled both “C” and “T” for the GC districts (p.3-11) but no reference is made as to what circumstances would require a Conditional Use permit. Will conditional permits apply to Special Events that do not meet the definition of temporary, i.e. events that occur regularly on a weekly, monthly, or quarterly schedule? We recommend either clarifying this definition and/or permitting this type of use in the GC districts.</p>			
28	1/12 2.1 District Summary Table	<p>Despite both existing R-1 and R-8 having similar permitted uses at this time, the zones themselves are very different in nature and circumstances and should not be combined. In the desire to reduce the overall number of zones, R-8 is left susceptible to future permitted uses that may be appropriate for R1 but justifiable inappropriate for R-8.</p>		<p>As stated previously, the existing R-1 and R-8 zoning districts allow for the same uses and have the same dimensional standards. Recommend staff also review earlier intent for designation as separate districts during development of the 1997 ordinance.</p>	<p>1/15: ZORC agreed. Additional discussion to follow during mapping discussion later in February.</p>

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12/31	2.1 District Summary Table	<p>Oppose the consolidation of current CU1 and CU2 zones. The distinct and diverse nature of these two districts does not appear to be recognized. CU2 is the only college-use zone that is completely surrounded by residential zones. The college and neighbors worked together, and through delicate negotiations and compromise, agreed upon the language in the current ordinance.</p> <p>The proposed permitted uses for GC1 (CU1 and CU2) lists uses for this new consolidated district that run contrary to the understandings that were enacted when the current ordinance was put in place. Listing "college facility not listed" as a permitted use denies the impacted parties the opportunity to scrutinize a potential future use that is unknown at this point in time as being compatible with the current CU2 and it's neighboring zones.</p>		<p>All previously "negotiated agreements" between the college and adjacent neighborhood will remain in the ordinance. No changes are proposed. Per earlier discussion regarding the proposed permitted use "College Facility Not Listed," the Committee recommended that such a use should be treated as a Special Permit as would any other unlisted use throughout Brunswick. Staff recommends that the consolidation of CU1 and CU2 remain as proposed with neighborhood protections in place.</p>	<p>1/8: ZORC requested staff to research origins of CU1 and CU2 and revisit consolidation of districts with Clarion. ZORC agreed that "College Facility Not Listed" as a listed use will be deleted and such uses will be handled by Special Permit if and when unlisted uses are proposed as any other unlisted or omitted use would be treated in Brunswick.</p>

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11/13	2.2.	<p>Growth Area Base Zone Districts Descriptions: Please explain the distinctions between the various “low-moderate-high” residential density designations and the “very limited, small –scale”, “wide range of small-to-moderate scale”, “very small scale”, “limited range of small-to-moderate scale” and “limited range of small scale”...nonresidential uses in the various residential neighborhoods in town? These are different words of gray, used to create distinctions but what are these distinctions because they can have significant meaning for neighborhoods in-town on small lots.</p>		<p>All purpose statements and planning area descriptions are being revised by staff for inclusion in interim draft.</p>	<p>11/20: ZORC agreed.</p>
10/23	2.2.1.B 2-3	<p>GR2 district is Town Residential in the 2008 Comp Plan – the statement that “District regulations are intended to accommodate new low-density residential development and maintain the character of the established neighborhoods” is partially inconsistent with Comp Plan’s statement that, “The focus of the development standards in the Town Residential neighborhoods should be on maintaining the single-family character of those streets that are currently predominantly single-family while allowing infill development at reasonable high density where feasible. New residential uses should be allowed at 3 to 24 units per acre depending on the location within the area.” (2008 Comprehensive Plan p.62)</p>		<p>All purpose statements and planning area descriptions are being revised by staff for inclusion in interim draft.</p> <p>ZORC discussion necessary regarding inconsistency with GR2 and Comp Plan vision.</p>	<p>11/5: All purpose statements must be consistent with Comprehensive Plan vision statements.</p>

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33		The low density language may be a carry-over from the description of the planning areas in the current ordinance but it is inconsistent with the language of the Comp Plan for this area. We recommend editing the description of Growth Residential District in section 2.2.1.B. to be consistent with the language of the 2008 Comp Plan.			
34	10/23 2.2.2. A-C,F 2-4/5	Definitions are not included.		All purpose statements and planning area descriptions are being revised by staff for inclusion in interim draft.	11/5: Agreed.
35	10/23 2.2.3.A Growth Special Purpose Districts 2-6	We do not believe that Growth Special Purpose Districts were contemplated by the 2008 Comprehensive Plan. Nor does the Comprehensive Plan discuss “restricting” more intense land uses to the north portion of the district or Town Residential area. The Comp Plan did envision that “college related residential and non-residential uses” be included as allowed uses in the Town Residential area (p. 62 2008 Comprehensive Plan).		Although, not contemplated as worded (Special Purpose Districts), the 2008 Comp Plan does reference CU Districts. Special Purpose Districts is for organizational purposes of more specialized districts. Town Residential Planning Area (Comp Plan) does envision college related residential and nonresidential uses to be included as allowed uses. However, that does not mean within every district. We currently do not allow college uses in every district within the Town Residential planning area.	11/5: Rewrite purpose statements to be consistent with Comprehensive Plan Visions.
36		The description of the Growth College 1 District is inconsistent with the intent of the Comp Plan. While the College does not object to Residence Halls or Dining Facilities requiring a Conditional Use permit south of Longfellow Avenue as proposed in the redrafted Zoning Ordinance, stating that these uses are restricted to the area north of Longfellow Avenue is inaccurate. This is particularly concerning given the general statement in section 3.1 (see note 22). We recommend substituting the word “restrict” with the word “focus” in this description.		Restricting residence halls in GC1 to only north of Longfellow was a result of public input. Footnote 224 regarding residence halls needs to be further clarified by ZORC as it is conflicting with the established CU notes that will be included in the next draft. Recommend that residence halls be prohibited in GC2 and 3 with the exceptions for current CU4 and 5 applied.	11/5: Clarion to review use table with current Sec. 204.3 restrictions for consistency with revise as needed.

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37 10/23	2.2.3.C 2-6	Longfellow Street should be changed to Longfellow Avenue.	Change Longfellow Street to Longfellow Avenue throughout.		
38 11/13	2.2.3.E.	Growth Aviation (GA) District – need to run purpose statement by Town Manager and Attorney for tax liability issues.		Town Manager, John Eldridge, has reviewed the purpose and has concluded that there are no tax liability issues based on wording. Entire ordinance will be reviewed by Town Attorney at a later date.	11/20: ZORC agreed.
39 1/13	2.4.3.	Comment made that Shoreland Protection setbacks are too restrictive.		Mandated by Maine Shoreland Protection Law.	1/15: ZORC agreed.
40 1/14	2.4.2.g. and 2.4.3.12.i.ii.	Regarding criteria for unscarified vegetation buffer strip edging a slope, is there a standard for a type of vegetation and density of vegetation?		Staff has determined that this specific provision or similar has been in the NRPZ section of the zoning ordinance since at least 1986 without any issues in enforcement or interpretation. Staff does agree, however, since the term "unscarified" is not commonly used, the following definition be included in definitions section: "Scarify - Involves disturbing the forest floor in a controlled way such as removing or rearranging the existing leaf layer or by mixing the existing leaf layer in with and exposing the mineral soil below."	1/15: ZORC agreed to add definition of Scarify.

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12/30	2.4.5. Wildlife Protection Overlay; 4.2.2. Protection of Significant Plant and Animal Habitat	Supportive of the portions of the proposed zoning ordinance that provide for Wildlife Habitat, Corridors and Shoreline Protection in the RP1 zones. The rural character and abundant wildlife are the principal reasons we moved to the rural part of Brunswick. We believe that these provisions are desirable and important even though they limit that we might do with our property. Limitations of this sort are part of the common good that such zoning provides us all. The diversity of wildlife in Brunswick is a real asset that should definitely be protected by zoning and effective enforcement to limit the fragmentation of habitat and provide "green" corridors for wildlife movements.		Supportive of wildlife protection standards. No changes proposed to lessen existing protections.	1/8: ZORC agreed.

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11/13	2.4.6.B.	<p>Limited Expansion of mobile home parks – already some of the largest in the state. Have you checked with Town Manager/Tax Assessor/School Superintendent regarding the tax implications of this provision? Should there be additional provisions when people do not pay their taxes? For landowner/owner? For tenant/owner of trailer?</p>		<p>This section exists in our current zoning ordinance and allows for limited expansion of mobile home parks up to one-third additional in land area as existing 12/1/1995. This section is not a proposed change. Tax implications are not and should not be an issue solely relative to zoning. Tax collection is a function of the Finance Department and not regulated through zoning.</p> <p>Staff questions for ZORC discussion: 1. Should the Town continue to limit expansion of existing mobile home parks if the expansion is in accordance with applicable density and dimensional standards? The Town does not limit the expansion of any other residential use, again, if in accordance with applicable density and dimensional standards? 2. If this provision remains in the ordinance, should the date of applicability be changed to the adoption date of the revised zoning ordinance?</p>	<p>11/20: ZORC agreed to remove Section 2.4.6.B. Clarion to add explanatory footnote. Revise Section 2.4.6.C.1. to delete reference to expansion of an existing pads. Will now read: "All mobile home parks are subject to subdivision approval." Section 2.4.6.C.3. revise to read "<u>Sufficiently sized</u> public water and public sewer are required for all mobile home parks unless it can be demonstrated that <u>adequate</u> (added by ZORC on 12/5) on-site water supply and septic disposal are available."</p>

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11/13	2.4.9.A.	<p>In the purpose of the Village Review Overlay (VRO), clarify application of the <i>“The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings”</i> to the charge of the Village Review Board (VRB). The VRB needs to balance the charge to “protect and preserve the architectural context and historical integrity of downtown neighborhoods” with its charge to avoid “stifling change or forcing modern recreations of historic styles.”</p> <p>Reference used: http://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf</p>		<p>This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC. For VRB Discussion (12/16) keeping in mind that the Village Review Overlay is not an historic district but a design review district with guidelines, not standards.</p>	<p>12/19: From VRB: Consider restricting combining of abutting lots within the VRZ. VRB to continue discussion on 1/16 regarding the applicability of the Secretary of Interior Standards with National Register Historic Districts. 1/16: VRB determined that maximum footprint is the proper tool to use for restricting building size versus restricting combining of existing lots. Regarding Secretary of Interior Standards, VRB will consider said standards and guidelines when updating design guidelines (after completion of the zoning ordinance). Also recommended Section 5.2.6.C.1. be further outlined as a., b. and possibly c. and to include a instruct the applicant and Board to obtain review guidance from the VRZ.</p> <p>Design Guidelines and consider further guidance from the Secretary of Interior Standards. 1/22: ZORC agreed with recommendation revised to state that "Section 5.2.6.C.1. be rewritten in outline form."</p>

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11/13	2.4.9.A.2.	<p>The VRB needs to balance its charge to “protect and preserve the architectural context and historical integrity of downtown neighborhoods” with its charge to avoid “stifling change or forcing modern recreations of historic styles.”</p> <p>It is understood that the focus of the Village Review Board is to protect the “historical integrity of downtown neighborhoods.” That said, Comprehensive Plan Policy Area 5 is to encourage a diversity of housing types in the designated Growth Area and facilitate the preservation and development of affordable and workforce housing.” Any preference by Village Review Board for converting (or reverting) multi-family properties to single-family to restore “historical integrity” will work against this policy.</p>		<p>This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC. For VRB (12/16): Same comment as above.</p> <p>Agreed. Village Review Board is charged with design review, not land use review.</p>	<p>12/19: From VRB - See above comment. 1/16: See 1/16 comments above.</p> <p>12/3: ZORC agreed.</p>

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10/23	2.4.9.B.1.a.i.(D) VRO District 2-53	The properties currently listed in Appendix C on page C-1-2 meet the definitions in section 2.4.9.B.1.a.i. (A) – (C).		<p>Since the adoption of the current VRZ standards (Section 216) last year, the contributing structures inventory has been completed. The inventory is presently used by staff for informational purposes since the listing is not incorporated into the zoning ordinance.</p> <p style="text-align: center;">For VRB 12/16</p> <p>discussion: Should the ordinance address contributing historic resources differently? If so, all property owners must be notified and permission required to include their properties on the listing.</p>	<p>11/5: Agreed. Will receive VRB comments in December.</p> <p>VRB (12/16) response: VRB requested confirmation of required notification from staff: To be further discuss at 1/16 workshop. 1/16:</p> <p>As recommended by VRB, listing of contributing resources of local and regional significance, as determined through January 2014 survey, will not be included in the zoning ordinance but will be referenced and made available through the Planning and Development Development.</p>
47		<p>The additional Category D (i.e. “deemed to be contributing resources of local and regional significance by the Town of Brunswick”) implies that there may be some other criteria for amending Appendix C aside from listing or eligibility for listing on the National Register. This definition is ambiguous without some reference to the specific criteria that must be met in order for a property to be eligible and the process through which a resource would be assigned or denied such designation. Recommend deleting this category of properties/resources or outlining clearly or incorporating by reference, the criteria and process for assigning or denying such designation.</p>		<p>Recommend that the inclusion of the listing be a topic of discussion for the VRB when they meet on 12/16 as well as the treatment of such structures.</p>	
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49	Appendix C C-1-2	<p>In the Appendix C, table under section C.2 is labeled Table C.2C.1 – this appears to be a typo.</p> <p>The section heading for C.3 indicates that properties in the table are “Individually Listed Properties” but the table heading indicates these properties are in the Lincoln St Historic District. There is no reference to the Lincoln Street Historic District for these properties in the current ordinance. Please clarify.</p>	11/5 - Clarion to correct.	<p>Note: 28-30 Federal Street structures were mistakenly listed as contributing to the Federal Street Historic District. As listed in the original request for designation, both were listed as “intrusions” to the District. This error has been administratively corrected in the current zoning ordinance. The new ordinance will delete references as well. Recommend C.3, be corrected to read “Individually Listed Properties” and be further described as those properties outside of historic districts but within the VRZ.</p>	
50	10/23 3.1 A-3-1	<p>The second sentence of the introductory paragraph states, “Additional <i>uses of property or restrictions on the use of property may be contained</i> in the description of that district in Section 2.2, 2.3, and 2.4.”</p>		<p>Recommend GNR use and development standards be moved to Supplementary Use Standards. Reword statement to read: Additional overlay standards regulating property use, contained in Section 2.4 may be applicable.</p>	11/5: Agreed.
51		<p>This general disclaimer seems overly broad as drafted. While there are additional specific use provisions/restrictions included in some sections within Chapter 2, one should not be able to interpret the general descriptions of the districts and overlays as suggesting specific uses or restricting uses. For example, the only additional use provisions in section 2.2 are found in section 2.2.H. We recommend narrowing this reference to specifically site the sections where additional uses or restrictions are found.</p>		<p>Reference other applicable supplementary standards in permitted use tables.</p>	11/5: Clarion to verify.
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11/14	3.1.E. and F.	<p>Again, Director determines use and that means it is subjective. Is there notice to neighbors? Recourse? To Whom?</p> <p>Ambiguity could and has, pit neighbor against neighbor while sorting out the interpretation. Not a good situation and we've seen a couple of those in the past 6-8 months. These are the potential conflicts we should be eliminating via our zoning ordinance. This was a big complaint of developers years ago because they could never know if something could be approved.</p>		<p>Recommend 3.1.E. and F. be replaced with "E. Any use that is determined to be an Unclassified or Omitted Use and that is not otherwise prohibited in Table 3.2, is eligible for consideration of a Special Permit in accordance with Subsection 5.2.3. Said determination shall be made by staff." The above standard is consistent with current ordinance Chapter 2, Section 1.2.</p> <p>Would be helpful to staff and ZORC to hear of specific "ambiguities" and "developer complaints" so that we may address either in customer service by staff and/or in the ordinance.</p>	<p>11/20: ZORC requested Clarion keep the existing Town Council ratification process for Special Permits. In addition, Planning Board will maintain review authority. Replace "staff" with "Code Enforcement Officer" regarding Unclassified or Omitted Use determination.</p>
11/14	Footnotes 208 and 210	<p>Footnotes 208 – "conditional use" replaces "special use" and 210 reflects "current practice? But what does current ordinance require.</p>		<p>Section 701 of the current zoning ordinance outlines requirements for uses by special permit. As stated previously, conditional uses will replace those uses currently listed in district use tables as uses by special permit. As proposed, conditional uses must meet specific supplemental standards as noted in Table 3.2. such standards provide additional specificity for future determinations by the review authority. Uses by special permit will only be for those uses omitted or unclassified with a similar process as what presently exists.</p> <p>Recommend definitions be provided for terms use, permitted; use, special permit; and use, conditional.</p>	<p>11/20: ZORC agreed. Clarion to provide definitions. 12/3: Further discussion by ZORC. Reference Section 5.2.2.B. for Conditional Use Criteria. Clarion to review use table to eliminate any supplemental use standards references for permitted uses. Eliminate use of "*" in Table 3.2.</p>

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
11/20	3.2 Use Table	Concur that "Artisan" needs to be permitted in GR6 to accommodate Spindleworks and other small businesses that might go into properties such as the soon-to-be closed consignment shop on Union Street between Cumberland and Dunning Streets.		Recommend "artisan industry" be permitted only in mixed use districts and not included artist studios, such as "Spindleworks." Keep artist studios as a conditional use in residential districts and permitted as an accessory use to a residential use in all districts.	12/3: Staff requested to rework existing artisan industry definition to exclude less intensive "studio-type uses." After further review, staff recommends "artisan industry" be permitted in all mixed use districts. Revise definition to exclude square footage and number of employees limitation. Dimensional standards and parking requirements will limit size as is the case with any other use. 12/9: ZORC voted to keep size and employee limitations in definition. Studio-based retail sales shall be allowed in districts permitting retail use by right or by conditional use permit.
1/14	3.2 Use Table	Questioning whether a music studio would be permitted in GR3. Is there a distinction between music lessons that comply with the Home Occupation regulations and a "studio?" Studios are permissible with a conditional permit in GR4 which seems like a similar residential zone to GR3. In addition, a daycare facility would be permissible in GR3. This seems like a similar operation to a music studio. Is there a particular rationale for allowing one but not the other in GR3?		A home occupation is considered an accessory use to a single-family dwelling use in any district with specific restrictions per section 3.4.2.C. A studio, excluding the sale of goods, is now being recommended to be a conditional use in all residential districts, as is the case with large scale day care facilities. Staff recommends keeping previous change as is; appears to address commenter's concerns.	1/15: ZORC agreed and added that nothing in draft ordinance will preclude the existing business from continuing to operate as a home occupation.
11/14	3.2 Use Table	Many questions on uses, too numerous to specify here.		Cannot respond without specific questions regarding uses.	11/20: ZORC agreed.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/30	3.2 Use Table; 4.1 Dimensional Standards	Many residents on Katherine Street not happy with the rezoning of our area and going from Growth Residential to Mixed Growth. Yes, we know that are already business in our immediate area, however, our concern is there will be even more as you are trying to address the "hole in the donut" on Water Street. That, and our not having any say in what goes where. Seeing more and more multi-family housing. Trying to improve upon the area.		TR3 (Water St. neighborhood) and TR4 (Jordan Ave. neighborhood) are proposed to be combined to form GR8 District. Very little changes in existing uses since both districts are very similar in permitted uses presently. Minimum lot size is proposed to decrease from 10,000 sq. ft. to 7,500 sq. ft. with no other changes in dimensional standards. GM3 is proposed as a replacement for the existing I1 District (Industry Road Industrial District), maintaining the existing district boundaries. In summary, the residentially areas will continue to be zoned residential. The Industrial District will now become a Mixed Use District, more compatible with the surrounding residential areas.	1/8: ZORC agreed.
12/31	3.2 Use Table	Under GC1, aviation operations, aviation-related businesses and ultra-light airpark should be removed as Conditional Uses. Incompatible with adjoining residential uses.		Agree that aviation operations, aviation-related businesses and ultra-light airpark should be removed as Conditional Uses within GC1, as well as GC2 and GC3. In reviewing this request, it became apparent that helipads as a use were combined with aviation operations. Based on staff's recent experience with the siting of helipads within the medical use overlay, they should be treated as a separate and continue to be permitted as an accessory use with neighborhood protections. ZORC should consider this approach as well as consider permitting helipads in GC1 district also with neighborhood protections.	1/8: ZORC recommended deletion of aviation operations, aviation-related businesses and ultra-light airpark as Conditional Uses within all Growth College Districts. Further recommended permitting such uses in the GA District, and as an accessory use limited to helipads in GM8.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
10/23	3.2 Use Table 3-2	<p>Residence Hall – Conditional Use in GC-2 is a significant issue for the College. Residence Hall is currently permitted in CU5 but defined as having separate kitchen, etc. Footnote #224 does not address why this was changed to C for CU5. Residence Hall as a continued permitted use in CU5 is critically important as it is likely that Brunswick Apartments will be rebuilt at some point in the future.</p> <p>Footnote #224 also states use is now P for CU6 which is inconsistent with the use table. (Bowdoin August 19 memo to ZORC.)</p>		<p>See earlier response regarding Residence Hall use.</p> <p>Staff to do.</p>	<p>12/17: For further discussion by ZORC on 1/8/15. 1/8: For zoning purposes, Bowdoin-designated residence halls will be allowed where permitted, as either multi-family dwelling units or residence hall per ordinance definition.</p>
10/23	3.2 Use Table 3-4	<p>Urban Agriculture – The Bowdoin Organic Garden (BOG) currently occupies about a half-acre lot on the corner of Coffin and South Streets in CU3. This garden is the only thing occupying that lot and so meets the definition of Urban Agriculture in this draft. Additionally, the College plans to expand the BOG in GC4. While that property has not been subdivided into smaller lots at this time, we would want to preserve our ability to use this property for this purpose. It is not likely the area would be used solely as a 'farm'. We recommend changing this to a Permitted use (P) in zones GC1 and GC4.</p>		<p>Recommend Urban Ag be listed as a permitted use in all Growth-Based Districts. Rural-Based Districts already permit farm use.</p> <p>Staff will revise Urban Ag Supplementary Use Standards to be consistent with Animal Control Ordinance regulating the keeping of chickens and other domesticated farm animals.</p>	<p>11/5: Agreed. Delete as accessory use.</p> <p>11/5: Agreed. Staff to review and revise text accordingly.</p>

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
63		The BOG also currently occupies a portion of the site at 52 Harpswell (GM2). We believe the BOG is accessory to the Residence Hall use of that lot and we are assuming this would therefore not meet the definition of Urban Agriculture in this location. If that assumption is incorrect we would request that Urban Agriculture be either P or A in GM2. (Bowdoin August 19, 2014 memo)			
64	10/23 3.2 Use Table	Office – this use is now prohibited in GC2. Please note that several college offices are located in the proposed GC2 district, such as Rhodes Hall and Ham House. Prohibition of this use in this area would be very problematic for the College. (See August 19, 2014 memo to ZORC).	Recommend Office be a Permitted Use in GC2 with any existing exceptions/notes attached.		11/5: Agreed.
65		The College has acquired 5 Noble Street, which is located between the College’s new administration building on Maine Street and the Joshua Chamberlain Museum parking lot on Noble St. The building is across the street from the Brunswick Hotel’s parking lot. The College envisions redeveloping this property for College use, most likely as an office building. The property is currently in the GR9 district (former TR5) and office space as a permitted use is still restricted to former fraternity buildings. Given the non-residential nature of the abutting properties, the College would request the ZORC to consider during this redrafting of the ordinance, including this lot in the abutting GM6 zone.		GR9 already permits offices as a conditional use as is currently existing in TR5. Staff does not support office as a permitted use in this zoning district.	11/5: Agreed.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
66 10/23	3.2 Use Table	Car Wash, Outdoor Sales, Special Events – see previous notes 5, 13 and 17.		See earlier response.	
67 12/15	3.4 Supplementary Use Standards	Request made to keep all neighborhood protections contained in existing Section 204.3 (CU Districts).		Staff recommends reviewing all of Section 204.3 in present neighborhood context and include those still applicable in proposed Section 3.4 as supplementary use standards. It is also recommended that in a map of existing CU Districts in included as an appendix with geographic reference made to such standards. Setbacks will be confirmed upon receipt of existing residence hall setbacks from Bowdoin.	12/17: ZORC agreed to include map referencing existing CU Districts within an appendix in final ordinance.
68 69 70 71 10/23	3.4.1.B.2. Supplementary Use Standards 3-18	Typo – Longfellow Street should be Longfellow Avenue.		See earlier response.	
72 11/13	3.4.1.G.	Do we really want to allow Adult Entertainment Establishments? Can we ban it altogether?		Currently permitted in Highway Commercial Districts with restrictions and is recommended to remain permitted with same restrictions in GM5 (now HC1 and 2). Discuss with Clarion.	11/20: As advised by Clarion, must allow for use (1st Amendment, Freedom of Speech). Clarion to revise definitions.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/23	3.2 Use Table	<p>It is being proposed that manufacturing be a conditional use in the proposed GM3 District. As all are well aware, the Cooper Wire (CWD) property is part of the first Brunswick Industrial Park established in the early '60's. Soon after that, Route 1 bypass was constructed which bisected the industrial park, creating two industrial areas..one at the location of the public works garage and former Times Record location, and the other where the CWD building is located. Both areas are currently zoned I-1 which, as would be expected, allows for both small scale and large scale manufacturing use. Under the proposed ordinance, any industrial use would be conditional, not permitted, which would unnecessarily complicate the sale and leasing of the property.</p>		<p>Staff agrees that the original industrial park has been bisected by Route 1. Although identified as and Industry District, the use make-up has been one of mixed use, including residential uses. As the river's health has improved, the Water Street side of the I-1 area has become more attractive as waterfront residential properties. few industrial uses remain to the north of Route 1. South of the Route 1 is CDW and Knights of Columbus facility, all surrounded by residential districts. It is recommended that manufacturing as a permitted use be limited to the south side of Route 1 within the proposed GM3 District.</p>	

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/13	3.4.1.U.	When inquiring about safeguards with regard to Small Wind Energy Systems (SWES), the response was an acknowledgement of the adverse impacts inherent in the systems and assurances that language will be worked into future updates of the new ordinance. This technology is not so new as to disregard those negative impacts at this time and provide guidelines as to how a property owner can install these systems in a conscientious and non-invasive manner, Any such application done before regulations are in place will lead to an installation that is grandfathered; with those who are negatively impacted by the installation no recourse to require modification.		The included SWES provisions were well researched and developed in 2009 by then Town Planner, Kris Hultgren. Careful consideration was given to the placement of much smaller scale systems in the growth area to minimize any negative impacts. Since adopted, the only SWES was installed in 2010 outside the growth area with no complaints expressed. Staff recommends that the provisions as stated be considered as accessory to a principal residential or nonresidential use. Staff also requests additional standards be developed by Clarion for any renewable energy generating facility as a principal use, such as the recently approved solar array facility on Bowdoin owned lands and added to this section.	1/15: ZORC agreed with staff recommendation. Additionally noted that this section needs to address renewable energy systems as a primary use including required setbacks and maximum impervious coverage. Requested staff/Clarion research updated standards/best practices developed since the existing ordinance provisions were developed in 2009, including but not limited to reflective light and noise.
11/13	3.4.2.A.5. and 3.4.2.C.4.	Does this violate fire and safety code?		No change from existing ordinance. This provision was originally included in order to restrict changes to existing facades of single-family dwellings to accommodate accessory apartments. This restriction does not violate fire or life safety codes.	11/20: ZORC agreed.

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
11/20	Chapter 4 (relative to Maine Street sidewalks)	Can a minimum-width pedestrian zone on Maine Street sidewalks be established between curbside paraphernalia (lamp posts, street furniture, signs, bike racks, trash cans) and storefront extensions (outdoor seating, planters, signs)? I imagine that the exact location of the “zone” would shift from block to block, depending on the width of the sidewalk, whether it includes any restaurants with outdoor seating, and what amenities such as bike racks and benches are available. As important as outdoor dining is to restaurants, it should not impede on pedestrian traffic flow.		Outdoor dining located on public sidewalks is not regulated through the zoning ordinance but through licensing approved by Town Council, which is also regulated by ADA standards. Staff will direct this comment to the Town Clerk who oversees licensing for outdoor dining on public sidewalks.	12/3: ZORC agreed.
11/17	4.1.2 Dimensional Standards	<p>Multiple questions as follows:</p> <p>a. GR7 minimum lot size + 10,000 sf, GR8 changed from 10,000 sf to 7,500 sf. Why?</p> <p>b. Density for dwelling units – GR6=10; GR7=4; GR8=5; GM6=7. Why?</p> <p>c. Density more in GR6 than GM6. Why?</p>		<p>a. Reviewed average lot sizes in proposed districts. GR8 has smaller lot sizes on average and higher density than GR7.</p> <p>b. Densities within all districts questioned, with the exception of GM6, are same as current standards. No maximum density is proposed for GM6, as is presently the case.</p> <p>c. No maximum density for GM6; GR6 remains at current density of 10.</p>	11/20: ZORC agreed. Further review as part of interim draft.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
81		d. GR7 and GR8 dimensions are the same, but lower for GR6, for front yard depth and rear yard depth. Why?		d. No proposed changes in front or rear yard depths from existing standards.	
11/17	Table 4.1.2, footnote [20]	Please explain “250,000 sf if the structure meets one of the conditions listed in Section 4.1.4.B.9.” Maximum building footprint in GM4 is 250,000sf, if meets one of ...a. through g. What can go in? What are the boundaries of GM4, difficult to see on map.		GM4 is current Cooks Corner District and allows for a mix of higher density residential (15 dwelling units/acre) and large-scale non-residential development, including “big box” retail. Maximum building footprint is 50,000 sf unless one of conditions listed in Section 4.1.4.B.9 is met. All conditions are presently listed in the existing zoning ordinance. No changes are proposed.	11/20: ZORC agreed.
10/23	4.1.2 Dimensional Standards 4-2/4-6	Column for MU1 is missing	MU1 has been incorporated into GM4 (Growth Area portion) and RR (Rural Area portion). Already noted to Clarion, the need to include MU1 in respective columns.		
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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
10/23	4.1.2 Dimensional Standards 4-3/4-4	<p>Setbacks in GC1: The College does not object to the inclusion of the additional setbacks associated with the trail near the Pickard fields. Those setbacks, included as Illustration 204.2A in the current ordinance, include 80 feet along the southern boundary of Longfellow Avenue (C), 125 feet along the eastern boundary of the Whittier, Bowdoin, Berry, and Brecken Streets, and Atwood Lane (B), and 125 feet along the northern boundary of Meadowbrook Road (A). Since the College now owns, and has developed the property along 'boundary D', we believe the 50 foot setback requirement is no longer necessary.</p> <p>The College also does not object to the prohibition on the construction of new roads connecting to Meadowbrook Road, Whittier, Berry and Bowdoin Streets, Atwood Lane and Brecken Road from GC1.</p>	<p>Please include all additional setbacks in interim draft.</p> <p>Please include prohibition in interim draft.</p>	Agree. Boundary "D" no longer exists.	<p>11/5: Agreed.</p> <p>12/17: To be part of college setbacks discussion on 1/8/15.</p> <p>1/8: ZORC recommended use of sliding scale to control height of structures for parcels abutting residential uses and include in neighborhood protection standards. In addition, incorporate existing Sec. 204.3.G. into neighborhood protection standards.</p>
10/23	4.1.2 Dimensional Standards 4-5	Footnote #470 under Building Footprint in GC1 refers to TC1, TC2, and TC3 in the Park Row area. The CU districts are not in the Park Row area so we are unable to understand this footnote. The inclusion of a maximum building footprint in CU1 and CU2 is a significant change so it is important to understand the origin of this proposed restriction. There is also no explanation of the additional restriction of 10,000 s.f. for a multifamily dwelling unit. Please provide basis for suggested standards.	Please review and revise as necessary. Table Footnote [17] deals with existing MU1 area, not TC Districts. Also #470 does not apply as referenced.	Agree that GC1 should not have a footprint restriction.	11/5: Agreed.

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
10/23	Table 4.1.2	Footnote #6 – this footnote is incorrect. CU7 (the district between South and Grove Streets) density is 10 units per acre. Footnote says parcels between South and Grove St will be limited to 5 units per acre. The lower density should apply to CU4 area. Recommend correcting the footnote.	Please review and revise. All dimensional footnotes, both Table notes and Explanatory notes, need to be reviewed and cleaned up. Will provide marked up copy after going through all comments.	Recommend keeping 5000 SF footprint max for area now CU4. Density of 4 units per acre for GC3 would be more compatible with surrounding residential districts.	11/5: Agreed to keep 5000 SF footprint. Revise density for current CU7 area to agreed upon density of 10 units/acre.
12/30	Table 4.1.2. Dimensional Standards	Regarding Footnote [8], this specialized control of inner Pleasant Street should be removed, allowing that section of Pleasant Street to remain, as it should, a part of GR6 - the Northwest Brunswick Neighborhood. The footnote, which reads "Except for lots fronting Pleasant Street, where minimum front, side and rear yard depth shall be 10 feet, maximum lot coverage shall be 80%, maximum height is 45 ft., and there is no maximum building footprint" establishes a marked difference between that section of Pleasant and the rest of the neighborhood, and I, along with all neighbors to whom I have spoken. am opposed to that change. Neighborhood Protection Standards should be followed and applied uniformly to this neighborhood. If the section		Please note a portion of Footnote [8], the elimination of maximum building footprint standard, was in error. The remaining dimensional standards were proposed to allow for additions to existing homes. The majority of residences along Pleasant Street lack the required side yard setback of 15 feet. The proposed 10 feet side setback will help bring several properties in conformity. Another way of handling the situation is to require a required distance between structures instead of from property lines. Impervious coverage exceeding the maximum of 50% is also an existing issue and is still recommended to be increased. It is further recommended that a maximum of 10,000 sq. ft. building footprints be permitted for civic and religious uses. For further discussion by ZORC.	1/8: ZORC recommended keeping the existing 7,500 square foot footprint standard with further discussion regarding reduced setbacks/increased impervious coverage in at least what are now existing TR districts as part of a broader discussion on dimensional standards during 1/29 work session. Staff to check with Public Works as to any affect such changes would have on storm water drainage. 1/16 (From VRB): VRB concerned about scale of development that might be permitted on inner Pleasant and determined to remain vigilant on this issue during the rewrite process.

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
89		<p>of Pleasant between Union and Stanwood is allowed to be separated from the rest of GR6, then that uniformity and cohesiveness will be lost. There are plenty of commercial options as well a possibilities for more density on outer Pleasant and between Union and Maine. The section of Pleasant from Stanwood to Union should stay intact.</p>			
90	1/13 Table 4.1.2. Dimensional Standards	Additional comment concerning increasing intensity of use along inner Pleasant Street; changes are designed to allow for more commercial development.		See previous staff recommendation. In addition, no change in permitted uses is proposed.	See previous ZORC response and additional follow-up work to be completed by staff.
91	1/21 Table 4.1.2. Dimensional Standards	<p>From VRB (1/16): Consider setting front setbacks as what is an existing average setback within the block for in-fill development in established neighborhoods.</p>		Staff agrees with recommendation.	<p>1/22: ZORC agreed with additional recommendation for staff to draft language using existing Section 305.1 as basis, to allow for a prevailing setbacks for purposes of reducing front setbacks.</p>

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses	
11/21	Table 4.1.2. Dimensional Standards	Assisted/Congregate Living Facility is a permitted use in the GR zones but some of the dimensional standards are not adequate for this use. As an example, the Thornton Oaks assisted living facility is 40 ft. tall and has a footprint of about 58,000 sq.ft. The proposed building height is 35 ft. and it appears the maximum footprint would only be 5,000 sq.ft. (footnote #18 allows a 30,000 sq.ft. footprint but only for buildings that constitute a community living arrangement..." but not typical assisted living facilities.) <u>Suggestion – Increase height to 40 ft. and footprint to 30,000 sq.ft. for Assisted/Congregate Living Facility in GR zones.</u>		Further discussion needed with Clarion and ZORC. The maximum footprint in GR districts of 5,000 sf (7,500 – GR6) may be problematic for other permitted nonresidential uses as well as multi-family dwellings.		
92	12/12	Table 4.1.2. Dimensional Standards	Staff Comment: Review uses in the context of footprint limitations to determine ability to actually site uses in the district.		See comment above. Question: Should we allow permitted uses with larger footprints or height by conditional use permit?	12/3: ZORC requested verification of applicability for footnote (19) for districts permitted multi-family residential uses. Disagreed with allowing a 10%-15% increase in footprint and height by right since can already do so through the use of administrative adjustment standards. Recommended anything over 10,000 square feet in footprint would require a conditional use permit.
93	12/31	Table 4.1.2. Dimensional Standards	Agree with changing minimum lot size downward to 7500 sq. ft. in many of the growth zones. This flexibility is necessary for future development with will undoubtedly contain smaller homes. I believe development patterns are going to change for several reasons including higher energy costs.		Supportive of smaller lot sizes.	1/8: ZORC agreed.
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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses	
12/15	Table 4.1.3. Dimensional Standards for Rural Base Districts	Proposed maximum impervious area in RP1 is 25% which must have got carried over from FF3 in consolidation. It used to be the lesser of 35% or 10,890 sq.ft. in CP1. There are many small lots in CP1 that need the "floor" of 10, 890 sq.ft. (1/4 acre) to accomplish reasonable expansions considering all gravel, decks, roads and buildings are deemed impervious. This was studied by the Coastal Protection zone Committee. (The "floor" of 21, 780 sq.ft. was carried over in the consolidation to create RP2. <u>Suggestion - Leave the requirement the same as it was in the CP1. The lesser of 10,890 sq.ft. or 35%.</u>		This needed revision was already noted by ZORC, in addition to the need to maintaining existing CP1 lot area (20,000 sq.ft. for residential uses, 4 acres for nonresidential uses) for proposed RP1. Staff recommends these changes.	12/17: ZORC agreed. Existing CP1 Standards are recommended for replacement of existing FF3 district.	
95	11/21	4.1.4.A. Calculation of Net Site Area	I am in receipt of a letter from the Department of Island Fisheries and Wildlife to Planning Staff regarding Deer Wintering Areas. This letter indicates the state provided data to towns relative to Deer Wintering Areas for general planning purposes and was “not meant to be used for regulatory purposes” and the boundary surveys “may have occurred decades ago.” <u>Suggestion – Given the essence of the letter, these Deer Wintering Areas should not be part of the ordinance and certainly not part of the formula to determine Net Site Area.</u>		Staff recommends leaving language as is. Only references "high or moderate value" deer wintering areas being subtracted from the parcel in calculating net site area per IF&W. Presently Brunswick does not have any high or moderate value deer wintering areas but should that change, an amendment to the zoning ordinance would not be necessary.	12/17: ZORC recommended removal of reference to "high or moderate value" deer wintering areas. Also revise Section 4.1.4.A.6., deleting words "whether or not mapped". ZORC also requested staff input regarding keeping "proposed right-of-way" when calculating net site area, as stated in Section 4.1.4.A.4.
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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/21	4.1.4.C.4.a.i.	<p>From Conservation Commission: " The land set aside as conserved open space" is all unbuildable, already protected land. Why are we rewarding with potential density bonuses for setting aside unbuildable land? Should be additional developable land offered to be set aside that would generate bonus densities. Perhaps separate criteria should be developed, as some protected areas (stands of mature trees, areas of rare plant communities, indeterminate deer winter habitat) could be developed. Others - wetlands, shoreland zoning, steep slopes. Unbuildable land (steep slopes, vernal pools, etc.), should not be used to satisfy open space requirements.</p>			<p>1/15: ZORC agreed. Will review section and compare to those lands subtracted from parcels to determine net site area (4.1.4.A.). For further discussion by ZORC.</p>
1/21	4.1.4.C.4.a.iii.	<p>From Conservation Commission: This language should be put up front and be strengthened or be more explicit that acceptance of unconnected strips of land is less desirable to Town.</p>			<p>1/15: ZORC agreed. 1/22: Deferred discussion until 1/27.</p>

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/15	Tables 4.1.4.C.5. and 6., Dimensional Standards for Open Space Development	Table 4.1.4.C.5. (growth area) shows minimum lot width in open space development of 60 ft. but side yard of 15 ft. This leaves too little width for a dwelling. The next table (rural area) shows a 10 ft. side yard for an open space development in the rural areas. <u>Suggestion - Change width of side yard to 10 ft.</u>		Presently side yard setbacks for open space development within growth areas either reflect those existing on the same street or as approved by the Planning Board. Staff agrees with commenter that 15 ft. side setback is too wide for a 60 ft. minimum lot width. Recommend side setback be reduced to 10 ft. for all open space development in growth areas.	12/17: ZORC agrees to reduce side setback to 10 feet and also keep existing Planning Board waiver provision. Also recommended that Table 4.1.4.C.6 (Dimensional Standards for Open Space Development in Rural Area Districts) be revised to combine zoning district columns RP1, RM with RP2. All dimensional standards to be further reviewed for consistency with underlying districts.
1/21	Table 4.1.4.C.6.	From Conservation Commission: Column for RP1, RM and RP2 are identical and should be combined.		Already noted and addressed by ZORC.	1/22: ZORC agrees.
1/21	4.1.4.C.8.	From Conservation Commission: This section openly talks about easements but not dedication of fee simple land. Commission believes Town has received fee simple land in the past. 8.a. may be referencing fee simple - not clear - but conservation easement is still required? Criteria should apply to fee simple and easements. It needs to be pointed out that fee simple may be preferred, if it's to be owned by the Town, from a stewardship perspective.		Staff agrees. This omission was pointed out previously and noted by ZORC informally. Criteria needs to be applicable for all lands under consideration for dedication.	1/22: Deferred discussion until 1/27.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/21	4.1.4.C.8.	Town needs to develop an appropriate easement stewardship fee, to cover staff time and legal requirements not necessarily incurred with fee property. Town should explore applying a fee for "fee simple" conveyances too, as we currently don't have resources to manage Town-owned properties. Accepting more fee simple properties without new resources is not sustainable.		Staff agrees but may be an issue to take up after the adoption of the ordinance, after careful review of options, discussions with potential partners and public input. The topic of easement stewardship fees had been investigated by prior staff and discussed but was not pursued any further in 2009-2010. Conservation Commission is now renewing the discussion.	1/22: Deferred discussion until 1/27.
1/21	4.1.4.C.8.c.i.	From Conservation Commission: For parcels "larger than 10 acres" requirement - should read contiguous parcels larger than 10 acres.		Staff agrees.	1/22: Deferred discussion until 1/27.

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/13	4.1.4.D., 4.1.4.D.2. and 4.1.4.E.	Please explain what is meant by "bonus density units." What value is assigned to bonus density units; what will they buy? Does the proposed plan restrict all future affordable housing to growth zone districts?		<p>As stated in this section density bonuses (additional dwelling units) are available for projects preserving Wildlife Habitat Blocks or Wildlife Corridors, Open Space Development and the provision of Affordable Housing units, all currently available under the existing zoning ordinance. This section now addresses all density bonuses in one place and also places a combined maximum bonus density of 35% above the number of lots/units that would otherwise be permitted. Certain standards must be met in order to qualify for the bonuses. Presently bonus densities for affordable housing is restricted to the Growth Area Districts and this restriction has been carried forward in the proposed zoning ordinance. Staff recommends that this remain as stated in keeping with the overall growth-rural pattern of development envision by the Comprehensive Plan.</p> <p>Specifically, that future development be directed to the growth area and away from the rural area. Other density bonuses are available for "clustered-type" development to occur in the rural area districts. Staff also recommends that Table 4.1.4.E: Density Bonuses Available, be modified to remove affordable housing standards in the rural district column.</p>	<p>1/15; For further discussion by ZORC on 1/22 regarding allowing for Affordable Housing Bonus Densities in Rural Areas. Margaret to research Comprehensive Plan for guidance.</p> <p>1/22: After further input from Margaret regarding Comprehensive Plan guidance in directing growth and development to designated growth area, ZORC agreed to keep restriction as stated, bonus densities for affordable housing will be limited to growth area.</p>

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/13	4.2.1.	<p>"Existing features important to the natural, scenic and historic character of the Town or that add to the visual quality of a development shall be mapped." An existing Scenic Inventory is part of the Parks, Recreation and Open Space Report, 2002, that includes scenic and cultural assets. Will this be used? Who will be responsible for the mapping?</p>		<p>The provision quoted is the intro paragraph to specific standards for the protection of natural and historic areas. Mapping mentioned is related to such existing features that may be present on a tract under development review. Mapping on the subdivision or site plan would be done by the applicant and reviewed by Town staff using resources such as the parks, recreation and open space plan. These provisions as developed earlier by staff and Planning Board offer more specificity to the applicant as to what should be indicated on the plan.</p>	<p>1/15: ZORC agreed. Asked staff to reference documents, as amended. Staff will consider mapping scenic areas per planning documents and include as a layer on Town's Web GIS mapping resource.</p>

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/14	4.2.5., 4.4.2., Appendix D (General)	The following restrictions should be considered: 1) All Brunswick Landing projects requiring water for potable or non-potable purposes must use the municipal water distribution system; 2) Withdrawal or discharge of water at Brunswick Landing could impact the discharge of contaminated water to surface waters, and therefore new wells and septic systems should be prohibited. Discharge from the Eastern Plume to Harpswell Cove is of particular concern; 3) The groundwater monitoring and treatment network installed by the Navy at Brunswick Landing should be protected; 4) Including a map of the restricted areas would be helpful to provide public notice of the prohibitions, including the covenants and deed restrictions from the		Representatives of the U.S. Navy, EPA and Town staff have been in discussions concerning how best to insure compliance with covenants and deed restrictions impose by the Navy at the time of conveyance. It was noted that the focus of such restrictions should be the existing CERCLA sites and must be in place before 9/15. It is staff's recommendation to include a specific development review application requirement for any type of application to require copies of all covenants and deed restrictions imposed at the time of land/building transfer by the Navy on all former BNAS lands. Criteria should then be developed that the applicant/development proposals must comply with all imposed restrictions and covenants which should be referenced in Chapter 4. A map of LUC parcels can be included in the ordinance for reference only. With these recommendations, staff does not	1/15: ZORC agreed. Staff also requested to include as new section in Chapter 4 in addition to the application checklist.
107		Navy. The inclusion of a Land Use Restriction (LUC) overlay is recommended.		see a need for an overlay district as well.	
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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/15	4.2.7. Historic Resources	<p>A request is being made to create an Historic Overlay District over the former BNAS property as recommended in the Recreation, Trails, Open Space Management Plan for the Town's Public Benefit Conveyances. The creation of an overlay would be one way of ensuring that protocols contained in the Programmatic Agreement protocols, signed 9/27/2010, between the US Navy and the Maine Historic Preservation Commission would be met.</p>		<p>Staff agrees with the need to ensure the agreed upon protocols are met for all public benefit conveyances covered by the signed Programmatic Agreement but does not agree that an overlay must be created in order to do so. The Recreation, Trails, Open Space Management Plan recommendation regarding the overlay states that the creation of an Historic Overlay District be considered, not required. The purpose of such a District would be for the protection of archeological and historic resources only on the BNAS Public Benefit Conveyances. MHPC does have mapping of archeological sites/those areas sensitive to archeological resources. It is Staff's recommendation that Section 4.2.7. Historic Resources require consultations with MPHPC in areas throughout Brunswick, not just the BNAS areas, having the potential</p> <p>for archeological resources, as part of the development review process for previously undeveloped parcels. Staff is consulting with MHPC for specific language used in other areas. Staff also recommends that the definition of "Historic Resource" be expanded to include archeological resources.</p>	<p>12/17: ZORC agreed. Clarion to include archeological resources as review criteria. Staff to obtain additional examples from MHPC.</p>

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
10/23	4.5.2. Landscaping	Footnote #536 states that the Landscaping section is derived from staff and Planning Board revisions to Chapter 5, section 518. Based on the current ordinance available on line, it appears some of the language comes from Chapter 5, Section 515.3 but the revisions to this section are extensive. The footnote references 'reorganization' but the draft contains numerous new standards; for example, section 4.5.2.B. is all new. Recommend modifying the footnote to indicate that new standards have been incorporated and explain why the new standards are included (see also next comment).	Please revise note to address substantive revision of standards by staff/Board.	As noted in Footnote #536, the Landscaping Section was revised earlier by staff and Planning Board. With the exception of minor reformatting by Clarion, the proposed staff/Board standards are intact as developed in 2012. The 2012 revisions provide specifics to an applicant as to what is required for consideration when developing a landscaping design/plan. Such standards provide more consistency in reviewing a proposal and predictability for the applicant. The standards were developed in consultation with the Town Arborist who is responsible for all reviews of landscaping plans.	11/12: Revised Chapters 4 and 5 to be posted on ZORC webpage. Clarion requested to revise section to provide flexibility in developing buffer areas with neighboring property owners and protection to landscaped areas.
10/23	4.5.2.A.4 Landscaping General 4-29	Please explain Committee's intent for #4 regarding protection of planting areas from vehicular traffic and parking areas. Prescription of curbs, wheel stops, or other permanent barriers to any planting area seems excessive and could add considerable expense to a project. Additionally, curbs and barriers around planting areas, particularly near parking areas, present numerous practical issues for efficient snow removal. Recommend deletion or modification of this standard.		Recommended by staff since it appears that this is a general practice. For further ZORC discussion.	11/12: See comment above.

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/15	4.5.2.B.1. Street Trees	<p>Street trees are located in esplanades between the road and the sidewalk. Since not all roads require sidewalks (Sec. 4.6.1.D.), this section needs to reflect that street trees are not always required. Also, they aren't really necessary in the rural areas. Street trees work best in a residential subdivision if they are located along the side lot lines near the street so as to not interfere with driveway location. An example is a lot that is 130 ft. wide and would have a tree at each end and one in the middle. Thus 65 foot spacing which works well. This example can be seen on Tamarack Drive. <u>Suggestion - Growth zone only requirement for streets with sidewalks. No required spacing of street trees. Let the lot dictate ultimate appropriate spacing.</u></p>		See attached related recommendations from Town Arborist, Peter Baecher, for ZORC discussion.	<p>12/17: ZORC agreed. Planning staff to draft Town Arborist recommendations into ordinance language. Apply provisions to development review applications only, including minor modifications of approved site plans or subdivisions. Staff to determine entity responsible for long-term maintenance of street trees located in public right-of-way. 1/8: ZORC corrected above to state provisions would apply to all development (excluding additions/renovations of existing structures-staff added) within the designated growth area.</p>

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
10/23	4.5.2.C.3-4 Buffers 4-30	<p>These standards are overly prescriptive and inconsistent with the intent of 4.5.2.C.1 which allows for some flexibility in accomplishing smooth transitions within a site plan. It is unclear where the provisions of #3 and #4 regarding year-round visual screens would be applicable. Requiring visual screening between properties does not always meet the wishes of abutters. For example, Bowdoin worked with neighbors of 52 Harpswell Road to determine appropriate screening along the property lines. Some neighbors wanted to view the Bowdoin Organic Garden, while others requested fencing.</p> <p>In addition, the requirement for evergreen trees, four to eight feet in height in section 4.5.2.C.3, is inconsistent with the Landscaping standards for parking areas in section 4.7.3.B.c.</p> <p>Recommend either eliminating provisions in sections 4.5.2.C.2- 4 or qualifying the provisions in some way so as not to preempt creative solutions to buffering where appropriate.</p>		<p>The intent is to provide consistency and predictability in what is required as screening materials. However, as raised in this comment, at times it is highly appropriate to work with neighboring property owners to develop acceptable buffering/screening. Recommend Clarion to address language that would provide for such situations.</p>	<p>11/12: Agreed.</p> <p>Clarion to combine both sections. Include staff prepared chart of planting materials with acceptable plant size. Also reference alternative equivalent compliance section as option.</p>

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
116		<p>Note on screening: screening is defined in section 1.7.2 but there are references in the draft ordinance to “opaque screen” (4.7.3.B.c) and “opaque fence” (4.10.2.C). “Opaque” is new terminology in the ordinance and it would be helpful to have a better understanding of what meets the definition of an opaque barrier. Recommend adding a definition of “opaque screen” and “opaque fence” and include examples of what constitutes each type of opaque barrier.</p>	<p>Please clean up discrepancies between Sections 4.7.3 (Parking Lot Landscaping), 4.5.2 (Landscaping) and 4.13.2 (Landscape Maintenance). Recommend that ALL landscaping requirements be in section 4.5.2.</p>	<p>Agree. Recommend requesting Clarion for examples/images of acceptable screening/buffering. For ZORC discussion: if using opacity as a measure, should we reference percent opacity? Not finding many examples or definitions. A definition of opacity is as follows: The screening effectiveness of a bufferyard or fence expressed as the percentage of vision that the screen blocks.</p> <p>Recommend requesting further advice from Clarion.</p>	<p>11/12: Clarion to remove “opaque” and replace with “solid/completely blocking from view.”</p>
117	<p>10/23 4.5.2.E 4.13.2.A-B 4-30 4-54</p>	<p>These sections appear to be two separate and somewhat duplicative sets of standards for Landscape Maintenance.</p> <p>Section 4.5.2.E.2. does not appear to be a standard, but rather required demonstration of fiscal capacity. Recommend this section be incorporated into section 5.1.7.</p> <p>Recommend consolidation of standards or reference to relevant sections so that applicants can easily understand which standards apply.</p>		<p>Agree. Recommend deleting maintenance section and incorporating each subsection in related standards section.</p> <p>Further ZORC discussion needed regarding Section 4.5.2.E.2.</p>	<p>11/12: Clarion: Keep Section 4.13 and refer in each section where applicable. Include lighting in 4.13.</p> <p>11/12: Agreed. Move to section 5.1.7. Fiscal Responsibility.</p>

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses	
10/23	4.6.2.B.2 Common Driveways 4-34	Footnote #545 indicates this section was revised from Chapter 5, Section 513.7. Section 513 only has two sections. The requirement for a recorded maintenance agreement for a common driveway on adjoining lots should not apply when the adjoining lots are owned by the same person or entity (4.6.2.B.2). Recommend exempting common driveways on adjoining lots owned by the same person or entity from the requirements of section 4.6.2.B.2.		Recommend further discussion with Clarion. Agree that maintenance agreement should not be required if properties in same ownership. However, should there be some type of assurance that would apply if properties are no longer owned by same entity? Footnote states Section 513.7 is from Town staff and Planning Board revisions to Chapter 5, not current ordinance.	11/12: Delete requirement for maintenance agreement for common driveways. Instead require legally binding access/easement agreement to insure lot access in perpetuity.	
118	10/23	4.6.4 Access for Persons with Disabilities 4-34	As drafted this standard would require compliance with ADA “in a manner compatible with Brunswick’s historic architecture”. Not all architecture in Brunswick is historic. Note: Footnote 547 references Ch.5 (520). The section on Access for Persons with Disabilities in the current ordinance is section 518. Section 411.18 (Review standards)of the current ordinance references the compatibility with historic structures and refers to the sections of the ordinance relating to historic structures (i.e. Village Review Zone, Preservation of Historic Structures standards, etc.). Without this cross reference, the standard is too broadly applied. Recommend qualifying the statement in Section 4.6.4 by adding “where applicable” to the sentence.		Recommend Sec. 4.6.4 is revised to read, “Developments shall comply with the American with Disabilities Act (ADA) standards” as a general standard. Recommended Specific Standards are: “If the development is located within the VRO, is a property listed on the National Register of Historic Places or located within a National Register Historic District, ADA compliance shall be compatible with Brunswick’s historic architecture.” “When required, plans shall indicate the location and type of access for persons with disabilities to parking areas, entrances and exits.”	11/12: Agreed. 11/12: Requested deletion as is considered duplicative.
119						

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses	
11/20	4.7.1.B.2	It will be important to consider one-time and long-term costs of parking when determining the “in lieu” fee structure. One-time payments could go toward the purchase of sites for parking, or the construction of parking decks, garages, or lots. But there also will be a need for annual payments to cover maintenance and operation of parking structures or rental fees for parking owned by the private sector.		Draft ordinance includes a provision to assess a one-time in-lieu-fee as an alternative to meeting on-site parking requirements based on a cost per parking space yet to be determined. An annual maintenance fee has not been considered and needs to be further discussed by ZORC with Clarion.	12/3: For further discussion by ZORC and consider the inclusion of maintenance fees.	
120	11/20	4.7.2.B.	Does this apply only to bicycle parking within parking lots? We need designated, secure bicycle parking in other locations – along Maine Street, at the Post Office, Library. I realize some is already well-provided (Curtis Library, for instance) but I find myself hitching my bicycle to lamp posts or railings too often.		This provision would apply to new development with parking lots of 10 or more parking spaces. A sliding scale for bicycle parking is being developed by staff as an alternative to the fixed number presently in the draft. Recommend further discussion by ZORC regarding requiring bicycling parking for small-scale non-residential development review proposals.	12/3: Staff requested to develop a sliding scale for bicycle parking for any project requiring development review.
121	1/21	4.7.3.A.2. and A.3	From VRB (1/16): Do not allow parking in front yard within VRZ (primarily GM6 and GR6 Districts). Consider earlier recommendation by Town Attorney provided during CEI review to clarify whether parking is permitted or restriction in side yards.		Staff agrees with VRB requests. Referenced Ordinance sections are inconsistent with each other. Parking should not be permitted in front setbacks. Town Attorney recommendation is attached for consideration.	1/22: ZORC agrees. Clarion will provide graphic illustrating corner lot treatment/distinguishing rear of structure on corner lots for purposes of locating parking. Staff/Clarion to revise subsections for consistency, prohibiting parking in front of the principle structure in the GM6 District, and allowing for screened/landscaped side parking only if parking needs can not be met through rear
122						

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
10/23	4.7.3.A.4 -5 Design and Construction of Parking Areas 4-39	Item #5 is duplicative of the second sentence in #4. Recommend deleting second sentence of #4	Agreed.		
123	4.7.4 Parking Alternatives 4-41	Sections A.2 and B.2: The Shared Parking and Off-Site and Satellite Parking provisions require that parking be within 600 feet walking distance of the uses served, unless shuttle service is provided. Bowdon has several parking facilities that have allowed the College to move parking outside the core of the campus. A requirement to maintain a shuttle service may not be feasible and may be counterproductive to the goal of reducing traffic congestion. We recommend deletion of this shuttle service requirement. (Bowdoin August 19, 2014 memo)		Discuss with Clarion to increase walking distance for campus-type facilities and include definition of campus or include GC districts and GM6 in exemptions, and/or increase walking distance to 750 feet. Is shuttle service realistic?	11/12: To Clarion, revise section to exclude shuttle service requirement. Refer to Section 4.14.2 to allow for alternative equivalent compliance. In under single ownership, treat multi-structure campuses as one site in terms of providing parking. Keep 600 ft. as maximum distance for locating off-site and shared parking. Include definition of campus facility.
124	4.7.4. Parking Alternatives	Review Authority – who is it? Making decisions for functioning of downtown?		Review Authority is determined by size of development; either Staff Review Committee or Planning Board. Parking alternatives are included as options for an applicant to achieve off-street parking requirements. Presently allow for reduced parking if applicant can provide evidence for such a reduction (e.g. less workforce)	11/20: Per ZORC request define "Review Authority."
125	4.7.4.B.1. Parking in Lieu	Lots of issues with this: fees too small to make a difference; new parking solutions must be near the locations of those that paid the fees; reduced spaces available for downtown use, in the meantime. Requires yet another study.		No fees have been established and, if this specific provision remains in the ordinance, a fee would be established based on costs associated with providing on-site parking per space. See 11/12 ZORC recommendations to consultant above.	11/20: ZORC agreed. Also wants to consider long-term maintenance fees.
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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
11/20	4.9.2.B.	For corner properties, e.g. the corner of Pleasant and Middle Streets where the UU Church was built, the design for both facades needs to enhance street orientation.		No change from existing provision Sec. 516. In this specific case, VRB and Planning Board determined that Sec. 516 was met. Further discussion by ZORC? For VRB 12/16 discussion as to whether additional standards are needed regarding facade treatment for buildings on corner lots.	VRB (12/16) response: As VRB considers design only, façade treatment for buildings on corner lots will be addressed during the updating of the VRZ design guidelines. VRB agrees with ZORC that additional standards are needed but do not have any specific recommendations at this time. Did agree with revising Section 4.9.2.B. as proposed by Margaret Wilson: "New buildings shall be oriented toward public streets through the location of the main entrance to the building or the provision of windows or facade improvements designed to enhance <u>the view from the street orientation.</u> "

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
10/23	4.10.1 4.10.2.C Neighborhood Protection Standards 4-45	As drafted, these protection standards would apply to College development located on land that abuts or is across the street from a GR district lot with an existing dwelling. The wording of 4.10.1.A. suggests that the neighborhood protection standards would not apply to residential uses. Please note that Residence Hall is included with Residential Uses in the Use Table (Table 3.2). We believe, based on the discussions during ZORC meetings, the intent of the Committee is to have Neighborhood Protection standards apply to Group Living Residential Uses. Please clarify.		Agree with basic recommendation. However, we also need to ensure that existing setbacks from residential neighborhoods as well as to include Harpswell Place neighborhood, be included. As per ZORC discussions, Neighborhood Protection Standards would appear to apply to all Group Living Residential Uses. Need to confirm.	11/12: Further discussion needed upon receipt of additional information regarding existing setbacks from Residence Halls to existing neighboring residential uses. 11/12: Delete last phrase of 4.10.2.D., beginning at “unless...” 11/12: Reference applicability of noise standards, also in application checklist/criteria. 11/12: For additional discussion after Clarion responds to large lot buffering question. 12/17: 1/8 meeting discussion item. 1/15: See earlier response in table.

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
		<p>The College is not opposed to the concept of the Neighborhood Protection Standards. The applicability as drafted may be problematic for areas of GC1 and GC4. For example, the existing CU2 is one lot. If the College were to locate some development in the center of this lot, would we be required by 4.10.2.C to fence the entire perimeter of the lot along GR2, GR3, and GR5, where there are abutting residences? Similarly, the properties in GC4 are currently two lots, one of which is 114 acres. This lot abuts GR5 and GR3 along its western boundary. We do not believe the intent of the protection standard would be to require fencing along an entire lot line if the development was not located near that lot line.</p>			

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
130		<p>Additionally, the requirement in 4.10.2.C. for an ‘opaque fence’ may be overly prescriptive. Please see comment #8 regarding buffers. A buffer would be appropriate but an abutter may or may not prefer some alternative screening to a fence. The standard should allow some flexibility to meet the buffering requirement.</p> <p>Recommend revision of Section 4.10.2.C. so that buffering of development be limited to those shared lot lines impacted by the development footprint. Also recommend broadening the buffering option by substituting “screen” or “buffer” for “fence” and adding definition of “opaque” relative to these terms.</p>			
131	4.11.3.E.1	Does 8’ minimum height apply to banners and “Open” flags? It seems that some currently are lower than that and impede pedestrian traffic.		Banner signs are being addressed separately as part of the staff rewrite of this section.	12/3: Waiting for staff rewrite. 1/15: For 1/22 discussion topic.
132	4.11.4.H.	Can sandwich signs be confined to specific locations on the sidewalk – curbside or near buildings?		Under consideration as part of staff rewrite of sign section.	12/3: Waiting for staff rewrite. 1/15: For 1/22 discussion topic.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
11/17	4.12. Performance Standards	Noise, Smoke and Particulate Matter; Dust and Fumes; Odors; Vibrations: All from our current zoning ordinance except Vibrations. And, how did we tell the FRA that the MLF did NOT violate ANY of our Town Ordinances?		Unrelated to the draft zoning ordinance. MLF is exempt from local zoning.	11/20: Clarion to combine 2. and 3. Delete second sentence of 4.12.1.A.1. Further review to be completed by Codes Enforcement Officer.
11/21	4.12.1.A.1.	Trains are not listed as exempt under noise. Is that because they are regulated by the federal government?		Correct. Per discussion at 11/20 ZORC work session, staff recommends the following text revision to Section 4.12.1. Operation of Uses and Development. “Unless otherwise preempted by federal or state law, the following standards shall apply to all development activities and uses regulated by this Ordinance, and shall be enforced by the Codes Enforcement Officer.”	12/3: ZORC agreed.
11/21	4.12.2 (smoke); 4.12.4 (odors); 4.12.5 (vibrations)	Is train activity governed by the Zoning Ordinance, or is it regulated by the federal government or some other authority?		Train activity is preempted from local zoning. Regulated under applicable state and federal laws. See proposed revised text above.	12/3: ZORC agreed.
10/23	4.14.1 Administrative Adjustment 4-55	This section is a little vague as to what point in the development review process an applicant would request an administrative adjustment. Is the intent to grant, based on review thresholds, all reviewing authorities this power? Recommend clarification of procedures in this section.		Confirm that intent is to allow for administrative adjustments at any review authority (staff, Staff Review Committee, Planning Board) during development review process. Staff recommends that Sec. 4.14.1.B. (Applicability) clearly state “as part of development review process.” Additional questions. Should admin adjustment also apply to building permit approvals? Should the Ordinance provide for both admin adjustments and alternative compliance?	11/12: Agreed. 11/12: Admin adjustment should apply to building permit approvals. 11/12: Ordinance should provide for both admin adjustments and alternative equivalent compliance. Revise to require alternative equivalent compliance decisions be made by one review authority higher than original review entity.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses	
10/23	4.14.2.A-B Alternative Equivalent Compliance 4-56	<p>There is inconsistency between paragraphs A and B. Paragraph A states “the Staff Review Committee may grant” and Paragraph B states that a request for alternative equivalent compliance shall be approved only if the Town Council finds...” Additionally, section 4.12.2.B. is incomplete.</p> <p>We understand this section is under review and discussion but as drafted, it is unclear what reviewing authority would grant this provision. Would Town Council approve requests for alternate equivalent compliance for standards other than those in sections 4.5, 4.6, and 4.7? Recommend clarification of procedures in this section.</p>		Agree with inconsistency present. Further discussion with Clarion needed per comment above.	12/3: Replace "Staff Review Committee" with "Review Authority." Clearly state that Review Authority approves requests for alternative equivalent compliance. Add "ands" at the end of subsections B.1. and B.2.	
137	11/21	4.8 Outdoor Lighting	When looking at photometrics for a site, light trespass into a public right-of-way should be okay. This would allow commercial sites to illuminate their entrances for safety without some convoluted lighting design.		Staff/Planning Board draft requires avoiding “disability glare” so as not to be a nuisance to motorists. Staff does not recommend this change.	12/3: Under 4.8.1. Applicability, delete A. and renumber B. to A. Review Clarion outdoor lighting examples, attached. 12/17: Additional follow-up needed by Code Enforcement Officer.
138	11/21	5.1.1	Add Town Council to list of “Reviewers and Decisions Makers” if it is to retain authority to establish zoning policy through the adoption of a Zoning Ordinance and subsequent amendments to the code and the maps, review and to approve Special Permits, and serve as “court of last resort” for appeals to ZBA decisions.		As this section now includes former Section 108, addressing zoning text and map amendments, it would be appropriate for Town Council Membership and those powers and duties directly related to zoning amendments and plan/permit approvals. For ZORC discussion.	12/3: ZORC agreed. Clarion to revise section to include Town Council membership and zoning-related powers and duties.
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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
11/17	5.1.1.A.2.a and b.	“The authority of the Planning Board to review certain Minor Development Review applications is hereby delegated to the Staff Review Committee in accordance with the provisions of Section 402.2. Whenever such delegation occurs, the term ‘Planning Board’ shall also refer to the Staff Review Committee”.		Same process as presently exists. Section 402.2 is current ordinance reference. Insert new section reference.	11/20: ZORC agreed. Correct Section references.
10/23	5.1.1.D.1. Staff Review Committee 5-2	We recommend changing reference to BNAS Reuse District to the appropriate new zoning districts (i.e. GR1, GM7, GA, GI, GO, GN etc.)	Agreed.		
11/21	5.1.1.A.2	It appears that the Planning Board has no authority other than to review projects. Does issuing a Building Permit not require approval of the Planning Board for projects they review?		Building Permits are reviewed and approved by the Codes Enforcement Officer. Recommend that power and duties for Planning Board, Village Review Board, Staff Review Committee reference both review and action responsibilities. Existing provisions taken from the current zoning ordinance do not clearly state both.	12/3: ZORC requested to leave language as is. No change.
10/23	5.1.1.B.2. Zoning Board of Appeals A-5-1	As drafted, this section reads that the ZBA has power “to hear applications for Conditional Use Permits and Special Permits”. This is in conflict with the process described in section 5.2.2.A.1.and 5.2.3.A.1 which states that applications for Conditional Use Permits/Special Use Permits shall go to the Planning Board. (p. 5-12). (Bowdoin August 19, 2014 memo)	Agreed. Planning Board reviews and approves Conditional Use and Special Permits. Delete from ZBA Powers and Duties and move to Planning Board Powers and Duties.		

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144 11/17	5.1.1.D.	Staff Review Committee – no Planning Board members, etc. “shall exercise all of the powers exercised by the Planning Board...to grant waivers, and the power to approve, approve with conditions or deny applications for Site Plan approval.” Et al.		Same process as existing.	11/20: ZORC agreed.
145 11/17	5.1.1.E.1.a. & b.	Director of Planning and Development and Codes Enforcement Officer		Unsure of question. This section outlines powers and duties for both. No changes proposed from that which is existing.	11/20: ZORC agreed and added delete "or related materials."
146 11/21	5.1.4.	Delegating determination of application completeness to staff prior to review by any board or committee makes sense. The current two-step vote (completeness, then approval) does not.		Per Planning Board request determination of completeness would be delegated to staff. Further recommend first sentence in Section 5.2.7.G.2.b.i. (Final Plan procedure) be revised to refer to staff determination of completeness instead of by Planning Board.	12/3: ZORC agreed.
147 10/23	5.1.5.A.3 Community Facility Impact Analysis 5-4	Please clarify the intent of the new language in section 5.1.5.A.3 regarding the Community Facility Impact Analysis and the optional assessment of impact on traffic systems to adjacent towns. As drafted, development of a certain size within the GC districts could trigger a traffic analysis of adjacent towns. We would recommend deleting this provision or narrowing its applicability. (Bowdoin August 19, 2014 memo)	This section was removed by staff/Planning Board in 2010 during the Chapter 5 rewrite. Not sure why this is back in?		
148 10/23	5.1.6.B.2 Fees Required 5-5	We recommend the next to last sentence in the paragraph be moved to the end of the paragraph.	Agreed.		
149 11/21	5.1.9.D.	Do we need a section “E” to define how citizens can appeal decisions of the Zoning Board of Appeals to the Town Council, or is the ZBA decision final?		Appeal process already stated in 5.1.9.D.8., “Appeals may be taken as permitted by law from any decision of the Zoning Board of Appeals to Superior Court.”	12/3: ZORC agreed.

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses	
11/21	5.2.6.B.6.c.iii	Why is the notice of proposed demolition forwarded to Town Council?		This section relates to what constitutes “good faith” efforts in seeking an alternative to demolition of a contributing structure in the VRZ. The notice of demolition is forwarded to the Pejepscot Historical Society, Town Council and Planning Board for notification purposes only, not to initiate an appeal. FIX TYPO IN THIS SECTION.	12/3: ZORC agreed.	
150	11/18	5.2.2 Conditional Use Permit, footnote 616	New procedure		Yes. New review and approval procedure for uses listed as conditional uses in use table, so long as additional criteria are met. Currently handled as Special Permits.	11/20: ZORC agreed. Additional review of all Conditional Uses regarding compatibility with Permitted Uses in Use Table by ZORC.
151	1/12	5.2.2. Conditional Use Permit and 5.2.3. Special Permits	Please explain the difference in approval criteria for conditional use permit and special permit for unclassified and omitted uses. Concerned that with special permits (Sec 5.2.2.B.d.) the neighboring property owners would be tasked with researching and documenting evidence, shifting the burden of proof away from the applicant. If objectivity in wording is the goal, not sure how phrases such as " extenuating circumstances," "where feasible," "to the greatest extent possible" and similar language found throughout the draft ordinance, meet that standard.		Conditional Use approval criteria is listed in Section 5.2.2.B. Special Permit approval criteria includes all conditional use criteria as well as meeting the planning goals of the comprehensive plan as Special Permits will only be required for omitted or unclassified uses. It has already been noted that Town Council ratification must still be part of the Special Permit approval process and that revision is recommended by staff. Staff also recommends that more terms such as "significantly more" (Sec. 5.2.2.B.b.) be further quantified by Clarion. Regarding concern raised that neighboring property owners would be tasked with researching and documenting evidence regarding a proposed conditional use, as with any application under review, the burden of proof of compliance (also as stated in Section 5.2.2.B.) rests with the applicant.	1/15: ZORC agreed. 1/22: ZORC noted term "documented" was to be removed.
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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
				All comments presented by either staff, public or Planning Board members must be addressed by the applicant.	
153 10/23	5.2.2.C Conditional Use Permit 5-13	Since Conditional Use permits do not apply to unclassified or omitted uses, we recommend the last sentence in this section be amended to say “no application by the applicant or related entity for the same conditional use for the same parcel...”	Agreed.		
154 11/18	5.2.2.1.3	Notice to owners with 200’, based on tax records. Should go to specific owner OR current resident (in case of new owner not on tax rolls as of April 1.)		Every 2-3 months, ownership data is updated through Assessing Department. This data is used consistently for abutter notifications.	11/20: ZORC agreed.
155 11/18	5.2.3.C.	Review of Legally Non-Conforming Special Permit Uses, removes Town Council ratification and grants authority to Director or Staff Review Committee. Not answerable to the taxpayers of Brunswick.		To be consistent with other Special Permits, it is recommended that approval process include Town Council ratification.	11/20: ZORC agreed.
156 11/18	5.2.5.D.1.b.	Disability variance – concern about several of these requirements.		Based on State law.	11/20: ZORC agreed.
157 11/18	5.2.5.E.2	Disability variance – may be required to tear down a garage, etc. if person with disability no longer lives in the dwelling?”		ZBA may impose such a condition on the original variance. Present in existing zoning ordinance.	11/20: ZORC agreed.
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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses	
11/18	5.2.6.C. Review Standards	Footnote 629 – “the relationship between the Secretary of State’s (should be Interior) standards for historic preservation and the VRB review standards as they relate to historic properties is under continuing discussion.” Why? They should align. Why wouldn’t they if we want to preserve our history?	Footnote 629 incorrectly refers to Secretary of State’s standards instead of Secretary of Interior standards as noted. Also incorrectly refers to VRZ design standards instead of design guidelines. Please correct.	This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC. For 12/16 VRB discussion keeping in mind that the Village Review Overlay is not an historic district but a design review district with guidelines, not standards.	11/20: ZORC agreed. VRB 12/16 response: To be addressed during Design Guidelines update next year.	
159	1/21	5.2.6.C.2.b.	From VRB (1/16): Review and rework section standards to ensure consistency with GM6 (Maine Street) requirements. Recommendation that standards specific to Maine Street should be applicable to all non-residential structures.		Staff agrees with VRB recommendations.	1/22: ZORC requested further staff review by planning, as well as business development staff.
160	11/18	5.2.6.C.2.b. viii. and xii.	Do these conform to historic or VRB standards?		This section is from existing zoning ordinance, the newly rewritten Section 216. Per comment above to Clarion, the town’s VRZ has design guidelines, not standards. The zoning ordinance standards are required and enforceable, not the design guidelines. It is anticipated that the VRZ Design Guidelines will be updated for consistency with the rewritten zoning ordinance upon adoption.	11/20: ZORC and VRB (12/16) agreed.
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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/21	5.2.6.B.5	<p>From VRB (1/16): The VRB supports changes to the procedures for approval of demolitions, preferring to see demolition considered in the same motion (joint Certificate of Appropriateness) as the proposed design for replacement development. Under current procedure, the board is required to vote on demolition before it has considered the replacement structure.</p>		<p>Staff agrees with VRB recommendation. Such an approach would streamline the Certificate of Appropriateness approval process.</p>	<p>1/22: ZORC agreed and noted that demolition and new construction requests need not be submitted at the same time; that a Certificate of Appropriateness may still be issued only for demolition if caused by fire or other emergency removal.</p>

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11/18	5.2.6.C.4.a. & b. Demolition and Relocation	<p>a. Violated with Town Hall and Rec Center demolitions as both are on Appendix C in this document as Contributing Structures (28 and 30 Federal Street). Whole section is self-contradictory.</p> <p>b. "if it is determined that the proposed replacement structure or reuse of the property is deemed more appropriate and compatible with the surrounding contributing resources than the resource proposed for demolition"</p>		<p>For a. As noted previously, the inclusion of 28 and 30 Federal structures in the listing of Contributing Structures was made in error. The original application for the National Register of Historic Places designation of the Federal Street Historic District listed both properties as "intrusions" to the proposed district, not contributing. The correction has been made administratively in the current ordinance. The VRB will be reviewing this section and offering additional recommendations to ZORC.</p> <p>For VRB 12/16 discussion: Based on project review experience relative to the new ordinance standards for demolition, staff recommends further clarification of what is meant by "more appropriate and compatible."</p>	<p>11/20: ZORC agreed. VRB 12/16 response: Reference Section 5.2.6.C.2. in Section 5.2.6.C.4.b.</p>

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/13	5.2.7.	Request made by Marine Resources Committee to be included in development review process, possibly for any development review application within the RP1, RP2 or RR Districts that may present a direct interference to overall health and vitality of the commercial shellfish resources.		Staff agrees with this request and would like to institutionalize same for Conservation Commission and Bike/Ped Advisory Committee. Presently, staff does forward applications as applicable. Would be better to state when such review is needed to better inform the applicant and public.	1/15: ZORC agreed. Add in Recreation Commission and Marine Resources Committee.
11/18	Table 5.2.7.B. Review Authority	Tables for Development Review Authority Threshold Criteria. Reviewing Authorities – have they, in some cases, been changed and taken away from Planning Board (appointed body) to staff? I thought Planning Board got their authority from the Council and were assigned certain responsibilities? Why are they being reassigned?			11/20: To be further reviewed by ZORC at a later date. 1/15: To be discussed on 1/27.

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167				<p>The Planning Board, as charged by the Town Council makes recommendations to the Council regarding land use ordinances as will be the case with the zoning ordinance rewrite. The draft proposal provides for an increase size and units “triggering” Planning Board as is the case with all site plans located in Brunswick Landing. As originally drafted by the staff and Planning Board, it is recommended that those thresholds presently in place for Brunswick Landing be consistently utilized throughout Brunswick. Having “tested” the standards over the past few years, it appears that they work well for both the applicant and the Town.</p>	
168	10/23 5.2.8.B.1 Revisions to Approved Development Permits 5-44	Recommend making the language in section 5.2.8.B.1. (Minor Modifications) consistent with wording of section 5.1.1.E.1.b. on page 5-3 by adding “Conditional Use Permit, or Special Permit or related materials”.		Agreed.	
169	11/21 5.3.2.B.	Is there no appeal if the Codes Enforcement Officer declines to take action on a complaint? Or can the matter be taken to the Zoning Board of Appeals under Section 5.1.9.A.1?		No. If the person disagrees with the CEO decision, it would become an administrative matter.	12/3: ZORC agreed.
170	31-Dec N/A	Limit future right-of-way access to Rossmore Road as part of a planned subdivision due to rural nature of existing roadway.		Zoning ordinance does not identify future access points. That determination would be made as part of the development review process.	1/8: ZORC agreed.

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