

216 Village Review Zone (VRZ)

216.1

Purpose

The purpose of the Village Review Zone is to promote the economic, cultural, educational, and general welfare of the Town of Brunswick by:

- A. Applying design standards in a reasonable and flexible manner in order to maintain Brunswick's traditional features and to ensure compatible construction and rehabilitation in the Village Review Zone without stifling change and development or forcing modern recreations of historic styles.
- B. Developing administrative methods and objective standards that identify, and encourage the preservation and enhancement of buildings, sites, and structures that have historic or architectural ~~or~~ significance in the town.
- C. Promoting economic development by enhancing the attractiveness of the Town to businesses, shoppers, home-buyers and home-owners, residents, tourists and other visitors to Brunswick.
- D. Fostering civic pride in the Town's history and development patterns as represented in distinctive sites, structures, and objects.
- E. Promoting and protecting neighborhood character.
- F. Providing a review mechanism to ensure that new construction and alterations in the Village Review Zone are compatible with the zone's traditional development patterns and building styles.
- G. Promoting and protecting significant features of the historic patterns of development, including traditional landscaping, densities, street widths and public amenities.
- H. Stabilizing and improving property values through design review and historic preservation.

216.2

Duties of the Village Review Board

The Duties of the Village Review Board are to:

- A. Review new construction, additions, alterations, relocations or demolitions within the Village Review Zone, and issue a Certificate of Appropriateness where the requirements of this Section are satisfied.
- B. Develop, regularly update, and apply the Board's Design Guidelines in review of applications for Certificates of Appropriateness for proposed new construction, additions, alterations, relocations or demolitions on properties within the Village Review Zone.
- C. Act in an advisory role to the Town Council, Planning Board and other Town bodies regarding the protection of historic sites, structures, and artifacts.
- D. Review and comment upon proposed National Register nominations for properties within the Town.

- E. Conduct or cause to be conducted a continuing survey of architectural resources in the community using guidelines established by the Maine Historic Preservation Commission.
- F. Work toward the continuing education of Brunswick residents regarding historic preservation issues and concerns.
- G. Provide a resource of information and expertise to help those interested in building or rehabilitating structures in the Village Review Zone and elsewhere.

216.3

Village Review Board Membership

- A. The Village Review Board shall consist of seven members.
- B. All members shall be appointed by the Town Council for three year terms except that, for the first board constituted under this ordinance, the initial terms shall be staggered so that no more than two vacancies are opened during any given year.
- C. Annually, on or about February 22, the Village Review Board shall choose a Chair and Vice-Chair from its membership.
- D. A quorum shall consist of four members.
- E. The Village Review Board shall adopt its own rules of procedure and shall establish appropriate meeting times.
- F. The membership should include Brunswick citizens with interest, expertise or experience in the fields of architecture, history, architectural history, planning, law, construction or other related fields. At least one member shall be a representative from the Pejepscot Historical Society and another resident of the Village Review Zone.

216.4

Certificate of Appropriateness

- A. A Certificate of Appropriateness is required for any of the following in the Village Review Zone:
 - 1. Construction of a new structure.
 - 2. Addition to an existing structure.-
 - 3. An alteration to the exterior appearance of any structure with the exception of normal maintenance and painting. This includes, but is not limited to, any construction requiring a building permit, the creation of new impervious surfaces, the construction of fences, changes in windows or façade materials, or the elimination or addition of any ornamentation,. This does not include replacement of windows, facades and building ornamentation with articles that are identical in design and materials.-

4. Relocation of any structure, or portions thereof.-
 5. Demolition of any structure or portions thereof.-
 6. Construction, installation or alteration of any sign, with the exception of directional signage with an area of less than three square feet.
- B. The power to grant a Certificate of Appropriateness for new construction, additions, alterations, relocations or demolitions under this Section is vested in the Village Review Board; however that power is hereby delegated in accordance with the following provisions:
1. The Director of Planning and Development shall have the power to grant a Certificate of Appropriateness in cases where, in her/his judgment, the impact of the proposed activities will be minor and in keeping with the review standards of the Ordinance.
 2. The Director of Planning and Development shall regularly apprise the Village Review Board of Certificates of Appropriateness granted in accordance with paragraph 1, above, so that the Board may provide guidance to the Director regarding the exercise of its delegated authority.
 3. Notwithstanding the authority delegated to the Director of Planning and Development, the applicant and the Village Review Board Chair each has the right to require review of an application by the Village Review Board.
 4. The Director of Planning and Development may find proposed changes to an approved certificate of appropriateness or related materials to be a minor modification in which case approval by the Village Review Board shall not be necessary.
- C. If a structure or property has been damaged by fire, flood, storm or other natural disaster, and emergency temporary repairs are required in order to protect health or safety, or to prevent further damage to the structure or property, the Codes Enforcement Officer may waive temporarily the requirements of this Article for a Certificate of Appropriateness and issue a building permit for such emergency temporary repairs, including demolition or partial demolition. No later than 30 days after the issuance of the permit, the permit applicant must apply for a Certificate of Appropriateness if the repairs already made or any planned permanent repairs or additional demolition work require a Certificate of Appropriateness under Section 216.5 paragraphs A, B or C.

216.5

Limitation on Granting of Other Permits

No building permit or final development review approval may be issued until a Certificate of Appropriateness is granted. Where an application requires both a Certificate of Appropriateness and Development Review, the application for Development Review may be submitted prior to the granting of the Certificate of

Appropriateness; however, should the Certificate of Appropriateness not be granted, the application for Development Review shall be denied. If the Certificate of Appropriateness is granted with conditions, those conditions may be added to the Development Review approval as a minor modification pursuant to Section 403.3B.

216.6

Application for Certificate of Appropriateness

Applications for Certificates of Appropriateness shall be available on a form provided by the Department of Planning and Development, which will forward completed applications to the Village Review Board. The applicant shall provide the following information:

- A. Name, address and interest in the property.
- B. Location and nature of the proposed change.
- C. A brief description of the proposed construction, reconstruction, alteration, demolition and proposed re-use, or other change. The description shall include the reason for the change, and will demonstrate how the proposal is in compliance with Section 216.9.
- D. A drawing illustrating the design, texture, and location of any construction, alteration, or demolition for which a certificate is required. The drawing shall include plans and exterior elevations drawn to scale, with sufficient detail to show their relation to exterior appearances and the architectural design of the building. Proposed materials and textures shall be described, including samples where appropriate. Drawings need not be prepared by an architect or engineer, but shall be clear, complete, and specific.
- E. Photographs of the building(s) involved and of immediately adjacent buildings. The Pejepscot Historical Society may be contacted for information about the building(s).
- F. A Site Plan showing the relationship of proposed changes to walks, driveways, signs, lighting, landscaping, and adjacent properties.
- G. The Board may grant a waiver of submission requirements if it finds that the submission of that information is not relevant to a determination that the proposal will satisfy the applicable review standards.

216.8

Review Process

A. Village Review Board

An application for a Certificate of Appropriateness from the Village Review Board shall be filed at least 14 days before the meeting at which it will be discussed. The Town shall notify the owners of all property within a 200-foot radius of the boundaries of the property under review, giving a general description of the project and specifying its location. Notifications shall be mailed via first class mail, at least 10 days prior to a scheduled review, stipulating the time and place of the Board's meeting. At the meeting, the Village Review Board shall determine whether to accept the application as complete, accept the application with the condition that additional materials or information be provided prior to decision, or return the application to the

applicant as incomplete. Within 30 days after accepting the application, the Village Review Board shall decide whether to grant a Certificate of Appropriateness. The Village Review Board shall set forth the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the applicant and any interested member of the public of the basis for the decision. Appeals of decisions by the Village Review Board are decided by the Zoning Board of Appeals.

B. Department of Planning and Development

When the Department of Planning and Development reviews the Certificate of Appropriateness, it shall either render its decision or refer the application to the Village Review Board within 10 days of receipt of complete application materials. Appeals of decisions by the Department are decided by the Village Review Board.

216.9

Standards for Review of Application of Certificate of Appropriateness

A. Buildings and Other Structures

1. In approving applications for a Certificate of Appropriateness, the Village Review Board shall make findings that the following principles have been complied with:

- a. To the greatest practical extent, structures that contribute to the character of the Village Review Zone shall remain unaltered.
- b. Any alteration of existing properties shall be compatible with their historic character, as well as with any surrounding properties.
- c. New construction shall be compatible with surrounding historic properties.
- d. All Certificates of Appropriateness for new construction, alterations or demolition shall be in accordance with applicable requirements of both this Ordinance and the U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings.
- e. The Village Review Board's application of the U.S. Secretary of Interior's Standards will be in accordance with the Board's Design Guidelines.

B. Signs

Signs shall comply with the requirements of Chapter 6 (Sign Regulations).

C. Specific Standards for New Buildings and Major Additions in the TC1 (Maine Street) and TC2 (Fort Andross) Districts

The following provisions apply only to new buildings located within the TC1 and TC2 Districts, and do not apply to renovations of, or major additions to, pre-existing structures:

1. Parking lots shall be prohibited in side and front yards, except if the application involves the renovation of existing structures where such a configuration currently exists. In cases where such parking configurations exist, the parking area shall be screened from Maine Street with landscaping or fencing.
2. Site plans shall identify pedestrian ways and connections from parking areas to roads. Clearly identified pedestrian paths to, from and across parking lots to Maine Street shall be required.
3. All dumpsters and mechanical equipment shall be located 25 feet away from a public street and shall be screened from view of a public road.
4. Where a side-setback exists it shall be at least 10 feet wide. Side yards of more than 10 feet shall be landscaped and may be used as driveways, pedestrian pathways and semi-public spaces, such as restaurant patios.
5. All new buildings and additions on Maine Street may not be set back from the property line. This may be waived if at least 60% of the building's front facade is on the property line, and the area in front of the setback is developed as a pedestrian space.
6. Parapets, projecting cornices or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.
7. Heating, ventilation, and air conditioning equipment on the roof shall be screened from the view of any public street.
8. On Maine Street, all new buildings, or additions that add more than 50% new floor area to a structure, shall be at least two stories high and not less than 20 feet tall at the front lot line.
9. Awnings and overhangs are permitted.
10. The first floor facade of any portion of a building that is visible from Maine Street shall include a minimum of 50% glass. Upper floors shall have a higher percentage of solid wall with between 15% and 40% glass.
11. No building shall have a horizontal expanse of more than 40 feet without a pedestrian entry.
12. No building facing or visible from a public street shall have more than 15 feet horizontally of windowless wall.
13. Building Materials:
 - a. The use of cinder-block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.

- b. The use of vinyl and/or aluminum siding must be in accordance with the Board's Design Guidelines. Asphalt and asbestos siding are prohibited.
- c. Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.

216.10

Certificate of Appropriateness for Demolition

- A. No permit for demolition or removal of a structure or a portion of a structure in the Village Review Zone shall be issued without a Certificate of Appropriateness. Where the demolition or removal is proposed in connection with development of the property, the Village Review Board may require that the developer demonstrate binding financial commitments or provide performance guarantees to ensure that any approved development on the site is properly completed. Within 30 days, the Village Review Board shall either grant the certificate, grant the certificate with conditions attached, deny the certificate, or declare a 90-day moratorium for the proposed demolition. The purpose of the 90-day moratorium is to provide time for the applicant:
 - 1. To relocate the structure.
 - 2. To produce photographs and/or scale drawings to document the structure (in which case two copies of all such materials are to be provided to the Town), and/or
 - 3. To examine, with the Board, alternative ways for the applicant's needs to be met.-
- B. If at the end of the 90-day period, no satisfactory solution has been found, then the Village Review Board shall either grant or deny a Certificate of Appropriateness to demolish the structure.
- C. Any grant or denial of a Certificate of Appropriateness for demolition shall be based upon the criteria in Section 216.9 as well as findings based on the following:
 - 1. The significance of the structure proposed for demolition, as evidenced by its status as listed or eligible for listing on the National Register of Historic Places
 - 2. The condition of the structure provided that the applicant has not contributed significantly to the deterioration of the structure.
 - 3. The availability of permitted alternative uses of the structure that would maintain its economic viability.
- D. A written notice of the determination of the Village Review Board, including findings of fact, shall be sent by regular mail to the applicant and to the Planning Board within 10 days of the Village Review Board's determination.

Appeal to Zoning Board of Appeals**A. Applicability**

1. Any applicant whose application for Certificate of Appropriateness has been denied, or approved with conditions unacceptable to the applicant, may, within 30 days of such denial, file an appeal with, or make application for a Certificate of Economic Hardship from, the Zoning Board of Appeals.
2. The Zoning Board of Appeals shall approve an application for a Certificate of Economic Hardship to allow the proposed activity or demolition only if it finds that the denial of approval will result in the loss of the reasonable use of the property.

B. Standards to be Applied with Certificate of Economic Hardship

In determining loss of reasonable use, the Zoning Board of Appeals shall consider among other things any information presented concerning the following:

1. Any opinions from a licensed engineer or architect with experience in renovation, restoration, or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration, or rehabilitation.
2. Any estimates of the cost of the proposed new construction, additions, alterations, relocations or demolitions, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Village Review Board for changes necessary for it to be approved.
3. Any estimates of the market value of the property:
 - a. In its current condition.
 - b. After completion of the proposed alteration, construction, demolition, or removal.
 - c. After any expenditures necessary to comply with the recommendations of the Village Review Board for changes necessary for it to approve a Certificate of Appropriateness.
 - d. In the case of a proposed demolition, after renovation of the existing structure for continued use.
4. In the case of a proposed demolition, any estimates from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation, or rehabilitation of any existing structures or objects.
5. The cost to relocate the structure, object or artifact as determined by a written estimate(s) from professional(s) in the field.

C. Information to be Supplied by the Applicant with Certificate of Economic Hardship

The applicant shall submit the following information for an application to be considered complete. The applicant may request that certain information below be confidential to the extent permitted by State Law.

1. The assessed value of the property and/or structure for the two most recent assessments.
2. The real property taxes paid for the previous two years.
3. The amount paid for the property by the owner, the date of purchase, and the party from whom the property was purchased (seller), including a description of the relationship, if any, between the owner and the seller.
4. The current balance of any mortgages or any other financing secured by the property and the annual debt service, if any, for the previous two years.
5. All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing, or ownership of the property, or statement that none were obtained.
6. All listings of the property for sale or rent, price asked, and offers received, if any, within the previous four years, or a statement that none were obtained.
7. All studies commissioned by the owner as to profitable renovation, rehabilitation, or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
8. For income-producing property, itemized income and expense statements from the property for the previous two years.
9. Estimate of the cost of the proposed new construction, additions, alterations, relocations or demolitions, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Village Review Board for changes necessary for it to approve a Certificate of Appropriateness.
10. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

D. Lack of Information Made Available

In the event that the information required to be submitted by the applicant is not reasonably available, the applicant shall submit a written statement indicating which information is unavailable, and shall describe the reasons such information is unavailable.

E. Public Hearing

The Zoning Board of Appeals shall hold a public hearing on the application within 30 days of receipt of the complete application. Notice of the public hearing shall conform to the requirements found in Chapter 4 of this ordinance for public hearings.

1. When the applicant requests the demolition of a landmark or a contributing structure within the Village Review Zone, the applicant will, at the time of submission of the appeal, place a notice supplied by the Codes Enforcement Officer in a prominent place on the structure and maintain it there at all times during the pendency of the demolition application. The notice shall be substantially in the following form:

This structure has been proposed to be demolished by its owner. For further information, contact the Brunswick Codes Enforcement Officer at 725-6651.

216.11 Expiration of Certificate of Appropriateness

If two years after issuance of a Certificate of Appropriateness, the approved work is not found to be complete by the Codes Enforcement Officer, the approval shall lapse. The applicant may, at any time before the date of approval expiration, make a written request to the Village Review Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if the Board grants an extension. The Board may consider any changes to the Zoning Ordinance or any other new information relevant to the application when considering an extension request. (Amended 9/4/01 R)

(Section 216 was amended in its entirety on 4/18/06 R)