



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
28 FEDERAL STREET
BRUNSWICK, ME 04011

ANNA M. BREINICH, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660
FAX: 207-725-6663

**VILLAGE REVIEW BOARD
AGENDA
BRUNSWICK STATION
16 STATION AVENUE, ROOM 217
TUESDAY, JANUARY 10, 2012
7:15 P.M.**

- 1. Case #11-029 – Continuation: St. John’s Convent Building Certificate of Appropriateness for Demolition** – The Board will review and take action on an application from St. John’s School to demolish the former convent building at the corner of Pleasant and Union Street (37 Pleasant Street, Map U16, Lot 47).
- 2. In-House Reviews and Approvals:**
 - 11-35 – A Little Bit of Everything (Sign): 17 Mill St
 - 11-36 – Margaret Miller (Sign): 10 Pleasant
 - 11-37 – Len’s Fish and Chips (Sign): 17 Bow St
 - 11-38 – Aki Japanese Cuisine (Sign): 94 Maine St
- 3. Other Business**
- 4. Minutes**

Village Review Board meetings are open to the public. Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. This meeting is televised.



Town of Brunswick, Maine

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT

28 FEDERAL STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-725-6660

FAX 207-725-6663

Memo to: Village Review Board
From: Kris Hultgren, Town Planner
Subject: January 10 meeting

Case #11-029 – Continuation: St. John’s Convent Building Certificate of Appropriateness for Demolition – The Board will review and take action on an application from St. John’s School to demolish the former convent building at the corner of Pleasant and Union Street (37 Pleasant Street, Map U16, Lot 47).

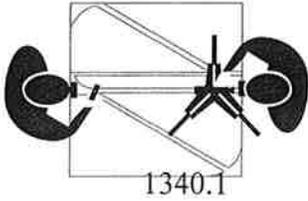
The 90 day moratorium on demolition of the St John’s convent building implemented by the Board at its October 18 meeting is set to expire. This means, according to Section 216.10 in the Zoning Ordinance, the Board must make a decision to grant or deny the application. The applicant submitted additional information detailing maintenance and renovation estimates and it is attached to this memo. Staff also provided draft findings of fact to assist the Board in making a decision.

In-House Reviews and Approvals:

- 11-35 – A Little Bit of Everything (Sign): 17 Mill St
- 11-36 – Margaret Miller (Sign): 10 Pleasant
- 11-37 – Len’s Fish and Chips (Sign): 17 Bow St
- 11-38 – Aki Japanese Cuisine (Sign): 94 Maine St

Staff will provide hard copies of these files at Tuesday’s meeting.

Thanks and please give me a call with questions – 725-6660 x222.



December 28, 2011

Mr. Chris Hultgren
Town Planner
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

**RE: St. Johns Rectory
Demolition**

Dear Chris:

In anticipation of our meeting with the Village Review Board on January 10, 2012, I am submitting this summary of our recent activities.

At our meeting on November 15, 2011, members of the Board suggested that we place a sign on the property to promote the potential to relocate the building. This has been done and a copy of the sign message is attached for your review. We have also enclosed Don Leaver's memorandum dated 12/21/2011 indicating the calls generated by the sign.

A second comment concerned the idea of saving the building in its' present location by splitting off the lot and selling the building. Although we are not in favor of this approach because of the potential incompatibility of a use so close to the church, we contacted CEO Jeff Hutchinson in this regard. Our request and his response is attached. He concludes "to create a new lot by not meeting the required minimum setbacks would create a (illegal) non-conforming setback conditions. To gain a variance from the ZBA would be quite difficult as I don't think the "hardship" criteria could be met and satisfied."

Subsequent to our meeting with the Board, you forwarded a question to me concerning the potential use of existing entrances on the west facing side of the church for handicap access. We passed this idea along to Scott Simons, AIA. Scott indicates the limitations of the three other access points and confirms his recommendation of "church in a park" as shown on our Master Plan.

SITELINES, PA

ENGINEERS ■ PLANNERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS
8 Cumberland Street ■ Brunswick, ME 04011 ■ TEL 207-725-1200 ■ FAX 207-725-1114 ■ www.sitelinespa.com

Under separate cover, we will submit additional financial data supporting our application along with an updated response addressing the Review Standards of Sections 216.9 and 216.10 for consideration by the Board on January 10, 2012.

Very truly yours,

Charles Wiercinski, PE
Founder



Enclosures

cc: Don Leaver



3

**HOUSE AVAILABLE
TO BE MOVED TO YOUR
SITE**

Please call 207-725-2624 or direct inquiries to:
Business Coordinator, All Saints Parish Office
132 McKeen Street Brunswick, ME 04011

2

Charlie Wiercinski

From: Donald Leaver (All Saints - Brunswick) [Donald.Leaver@portlanddiocese.org]

Sent: Wednesday, December 21, 2011 7:27 AM

To: Charlie Wiercinski

Cc: Donald Leaver (All Saints - Brunswick)

Subject: Additional Efforts to Market Property

Charlie,

Attached is the copy of the sign that was installed at the property at 33 Pleasant St. week of November 22, 2011. Since posting the sign we have received several calls:

1. November 29, 2011 received a phone call regarding the possibility of leaving the house. After I explained that the cost would be more than \$100,000 individual said they were not interested.
2. I received a call on November 30, 2011 from an insurance company. I returned his call but he did not call back.
3. I received a call on December 7, 2011 from an individual that may be interested in reclaiming the wood that is in the building. I sent information to the individual and he is evaluating this option, understanding at this time we do not have approval for demolition of the building.
4. I received a call on December 13, 2011 from an individual who said she might be interested. We discussed potential costs for moving and she has not called back at this time.

Donald E. Leaver
Business Coordinator
All Saints Parish
Tel: 207-725-2624
Fax: 207-725-4436

12/21/2011

Charlie Wiercinski

From: Jeff Hutchinson [jhutchinson@brunswickme.org]
Sent: Monday, December 19, 2011 1:22 PM
To: Charlie Wiercinski
Cc: Donald E. Leaver
Subject: RE: St John's Campus plan-Rectory Demolition

Hi Charlie,

You are correct...to create a new lot by not meeting the required minimum setbacks would create a (illegal) non-conforming setback condition. To gain a variance from the ZBA would be quite difficult as I don't think the "hardship" criteria could be met and satisfied.

Jeff

*Jeff Hutchinson
Codes Enforcement Officer
Town of Brunswick
28 Federal Street
Brunswick, ME 04011*

*phone: (207) 725-6651
fax: (207) 725-6663
e-mail: jhutchinson@brunswickme.org
web: www.brunswickme.org*

From: Charlie Wiercinski [mailto:cwiercinski@sitelinespa.com]
Sent: Monday, December 19, 2011 11:29 AM
To: Jeff Hutchinson
Cc: Donald E. Leaver
Subject: St John's Campus plan-Rectory Demolition

Good Morning Jeff,

I just spoke to Carl who suggested that I write you directly concerning our rectory demolition proposal to the Village Review Board. At our November meeting with the Board, it was suggested that the building be sold so that it could be maintained in place and not relocated. I responded that because the buildings were so close together, we could not meet the side setbacks required by Ordinance, and therefore could not subdivide the parcel.

I have attached a copy of a boundary survey which shows that the church and rectory are approximately 15 feet apart. The side setback within the zone is 15 feet which requires 30 feet between buildings to comply with the Ordinance Standards.

As you know, our goal is to demolish the building, but it is important that we address the suggestions of the Board so that they can make a fully informed decision with regard to our proposal. Please let me know if I have correctly interpreted the Ordinance in this regard.

12/20/2011

**Thank you for your assistance,
Charlie**

*Charles R. Wiercinski. PE
Founder
Sitelines, PA
8 Cumberland Street
Brunswick, Maine 04011
207-725-1200 x20*



Scott Simons Architects

75 York Street
Portland, Maine 04101
phone 207 772 4656
fax 207 828 4656

November 30, 2011

Donald Leaver
All Saint's Parish
132 Keen Street
Brunswick, ME 04011-2980

Re: HC Access to St. John's Church

Dear Don,

Handicap access to the St. John's Sanctuary space and the basement social space is currently provided by a lift inside the building on the east side of the church. The lift is located in the center of an existing stairway. The proposed removal of the former rectory building will greatly enhance accessibility to the church by allowing handicapped parishioners to drive right up to the corner of the building where the lift is located. The current situation requires that they park more than 100' from the door to the elevator and navigate a long walkway between the church and the rectory.

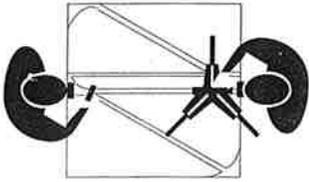
There are three other grade level access points to the church, two on the west side of the church accessed from the main parking lot, and a second one on the east side, more towards to center of the church. These doors provide access to an interior landing and stairways to the sanctuary and basement social spaces. None of them is suitable for providing handicap access to the interior spaces because they do not have the overhead space required for the installation of a lift or elevator. In addition, the church is an historic structure. Adding an elevator tower on the outside of the building, especially in the location of the existing grade entrances/stairways would destroy the character of the original structure and would not be approved by the Brunswick Historic District Review committee.

We recommend that handicap access to the St. John's sanctuary and basement social spaces via the existing lift be maintained in its current location and that the All Saint's Parish improve access to the lift by removing the rectory and installing more handicap parking spaces closer to the doors leading to the lift. We further recommend that the concept of the "Church in a Park", as shown on the SSA Master Plan drawing, be further enhanced by removing paving abutting the south, east and west sides of the church, and new landscaping be installed in its place. This will provide an architecturally stronger setting for the church in the context of the residential neighborhood, and will reduce the impact of the parking lots on the character of the stone church building.

Sincerely,

Scott Simons, AIA, RA

Cc: C. Wiercinski



1340.1

January 3, 2012

Mr. Chris Hultgren
Town Planner
Town of Brunswick
28 Federal Street
Brunswick, Maine 04011

**RE: St. John's Rectory
Demolition**

Dear Chris:

Submitted for review, consideration and action by the Village Review Board is additional information and discussion to support our application for Certificate of Appropriateness for the demolition of the former St. John's Rectory at 33 Pleasant Street.

In accordance with Section 216.10 "Certificate of Appropriateness for Demolition" we approach the end of the 90 day moratorium for consideration of our application.

We have posted a sign at the site to advertise the buildings availability for relocation, without serious inquiry. We have determined that the original Architect design plans are housed at the Pejepscot Historical Society, and finally we have considered alternate access points to the church by our project architect, Scott Simonds, to adequately address handicap access in conjunction with our Master Plan.

At this time we seek the Boards approval to demolish the rectory building.

In accordance with paragraphs C.1, C.2, and C.3 we offer the following for consideration by the Board:

C.1 The structure is not listed on the National Register of Historic Places. The building has been expanded and modified over the last 30 years and can no longer be maintained in an economical manner.

SITELINES, PA

ENGINEERS ■ PLANNERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS
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Mr. Chris Hultgren
January 3, 2012
Page 2

C.2 The condition of the structure continues to deteriorate over time. We have enclosed correspondence from Peter Harrington of Malone Commercial Brokers who provides a professional opinion as to value and cost of renovation. Key in his opinion is the current unfavorable market conditions for real estate in the Brunswick market.

We have also enclosed correspondence from Greg Simard a local builder, who provides a range of estimates to renovate the structure. Based on these inquiries, it is evident that the cost of relocation, or renovation on site would be speculative at best.

With regard to property expenses, we have enclosed a summary prepared by Don Leaver for expenses and taxes since 2004 / 2005. Over the last seven years, the annual cost averaged \$11,000. Understand that during that period, there were no priests residing in the building. It is no longer economically viable to maintain a substantially vacant building.

C.3 This section concerns alternate uses of the structure to maintain its economic viability. During our deliberations, alternate uses off-site were considered. Housing or office uses could be possible if the economics were justified. Based on our research to date with Clayton Copp regarding moving the building, the cost could not be justified in this market under current conditions. We have received no credible inquiries since the property has been signed.

As to maintaining the building on site, the church has no compatible uses for the structure. On separate occasions, the building was a residence for either teaching nuns or parish priests. Over the last 10 years, the building has been essentially vacant but for a small adoration chapel.

As stated in Father Murray's letter of November 8, the Parish Council, School Board and Planning Committee have come together to develop a master plan. Phase one focuses on providing safe and convenient parking for our aging population.

We also address pertinent standards of Section 216.9 of the Town of Brunswick Zoning Ordinance. As it turns out 216.9.A.1 subsections b, c, d, and e refer to building alterations and new construction. Only subsection a (216.9.A.1.a) refers to demolition and requires the Village Review Board determine if a structure contributes, TO THE GREATEST EXTENT PRACTICAL to the character of the Village Review zone and therefore remain unchanged.

First we offer that the structure is not on the National Register of Historic places and the building is not part of a designated National Historic District.



Mr. Chris Hultgren
January 3, 2012
Page 3

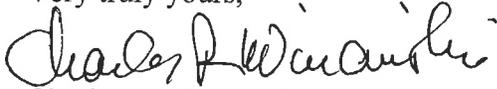
If demolished, the existing church will be visually enhanced as part of Scott Simon's vision of the "church in a park". The easterly façade of the church will no longer be shielded by the rectory and enhanced by a proper landscape plan.

And finally from a practical sense, the building cannot be relocated in an economical manner. The cost of moving and rehabbing the structure off-site far exceeds any expected economic return.

The church is no longer in the position to maintain the structure as a residence without the parish priests and is focusing on the future with a broadly supported Master Plan that meets the needs of the congregation.

For these reasons, we request that the Village Review Board grant a Certificate of Appropriateness to demolish the former rectory building at 33 Pleasant Street.

Very truly yours,



Charles R. Wiercinski
Founder

Enclosure

CC: Don Leaver



ALL SAINTS PARISH
132 McKeen Street
Brunswick, Maine 04011
(207) 725-2624

November 8, 2011

Village Review Board,

I am Frank J. Murray and I am a Roman Catholic priest and pastor of All Saints Parish which includes St. John the Baptist Church in Brunswick, Maine. I have been pastor here since July 1, 2009 the day All Saints Parish came into existence. There are many challenges our seven church parish faces but one very important one, namely the St. John Church Campus, is one we share with your committee. Please let me share with you a few of the perspectives I have learned since July 1, 2009. Many St. John the Baptist parishioners have, at least since 1998, a desire to add a multipurpose building (gymnasium, cafeteria and meeting rooms) to their Pleasant Street campus. They have raised some funds over the years for this purpose. There have been several ideas about the proposed building and where it should be located. After hearing about these hopes shortly after my arrival, I asked that we begin again our planning with an evaluation of the present buildings and with the creation of a site plan for the campus. This effort would look at all the needs of the campus and create both short term plans and long-term plans for the St. John's Church campus.

The Parish Council, the Finance Council, the School Board, and members of a Planning Committee along with members of the parish and school staffs have been the major collaborators with me in creating a Site Plan (master plan) and plans for a future multipurpose building. St. John the Baptist Church we have determined is not only the "jewel in the crown" of the St. John's Campus but rather it is the "jewel in the crown" of our entire seven church All Saints Parish. Since this church holds over 900 people is often the location for major parish activities. We have determined through our planning efforts that one of the primary needs of the campus is parking for the handicapped person and parking in general. The access to the church which is accommodating (a ramp and elevator presently) to handicapped people is on the Northeast corner of the church, yet this entrance is farthest away from all present parking and also located near our old rectory (sometimes also referred to as the convent). This is the building we are seeking to demolish.

The former residence on the corner of Pleasant and Union Streets has been vacant as a home for about 11 years. In recent years (since 2007) a small room at the back of the building has been used as an adoration chapel. After this building is moved

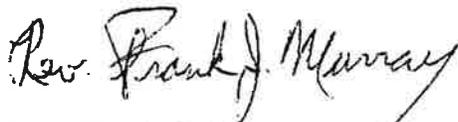
or demolished the adoration chapel would be moved to another of our existing buildings. The present situation of this building can be explained quite simply by our parish with the following statements:

- It is impeding access to our church for a growing number of our parishioners (our population is aging and the ramp and elevator are necessary for more and more people).
- It is a financial liability that is getting harder each year to shoulder (current annual operating expenses are approximately \$10,000 per year with real estate taxes over \$6,000 per year).
- It is becoming a growing detraction from our property and the beauty of our church.
- It is impeding plans for future growth of other campus buildings (taking up space we need to utilize in another way).

We are willing to give this property to anyone who is willing to pay the expense of moving it to their property. We have advertised in the newspaper of this offer and as of now have not heard from anyone who is interested. We simply do not have the need for this building and the rehabilitation cost of the building are so great that even if we had a need these costs would unfortunately still prohibit our ability to save this building.

Thank you for your time in reading and considering the points of this letter. Also thank you for your community service to Brunswick. If I can be of further assistance to you please do not hesitate to contact me.

Sincerely in Christ,



Rev. Frank J. Murray
Pastor



MALONE

Commercial and Investment Real Estate

Malone Commercial Brokers, Inc.
5 Moulton Street
Portland, Maine 04101

Tel (207) 772-2422
Fax (207) 774-5114
www.malonecb.com

Via Email: Donald.Leaver@portlanddiocese.org

December 28, 2011

Donald E. Leaver
All Saints Parish
132 McKeen Street
Brunswick, ME 04011

Subj: Broker Opinion – St. John's Rectory

Dear Donald:

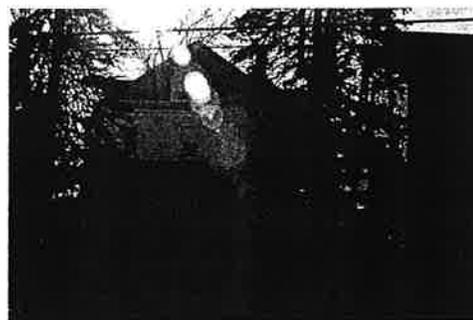
It is my opinion that the former rectory at 33 Pleasant Street in Brunswick has a current market value between \$100,000 and \$120,000. This value is based upon my examination of the property and a review of similar properties currently available for sale and recently sold in Brunswick.

The subject property is in poor condition overall. In my opinion, the property would need a complete gut rehab to make it habitable again. The potential cost to do this could be well over \$200,000 to \$275,000. I reviewed two comparable properties in similar condition that sold for \$60,000 to \$70,000. These were however, a little smaller than 33 Pleasant Street.

If 33 Pleasant Street were in good to very good condition, it could be sold between \$275,000 and \$300,000 based on the comparable sales in the area.

Residential Use

Pleasant Street is a very busy, high traffic corridor and, if the property is divided, the former rectory would also have a very small lot. It is also too close to the Church. From a residential standpoint, I believe this makes the property not ideal for such use.



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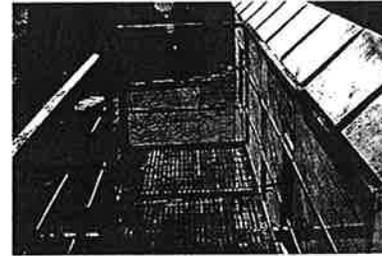
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Commercial Use

As for a commercial use conversion, it may seem more viable however the condition and location will reduce any viability. The costs to convert it to a multi-family will be higher than that of a single-family would be. Currently in Brunswick there is a great deal of office and retail space available. It would be much less expensive to lease than to buy 33 Pleasant Street and renovate.



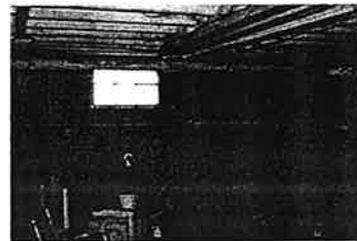
Market Comments

The current real estate market in Brunswick is beginning to recover after years of decline but the recovery does remain fragile. The Brunswick market is also dealing with the Naval Air Station closing and the high number of properties available directly related to the closing. Banks in the area are also still very conservative and may consider financing a project like the purchase of 33 Pleasant Street too risky in the near term.



Conclusion

In conclusion, it is my opinion that the market value is approximately \$100,000 to \$120,000. There is also the possibility, based upon the market and condition of the property, that it might not even meet that value.



If you have any questions, please give me a call.

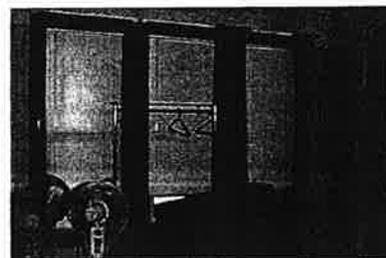
Regards,

A handwritten signature in cursive script, appearing to read "Peter A. Harrington".

Peter A. Harrington
Associate Broker



PAH/ky



All Saints Parish
132 McKeen Street
Brunswick, ME 04011
Attn: Don Leaver

November 14, 2011

RE: 37 Pleasant St / Former Rectory

Mr Leaver,

Per your request, I met with you to review the subject building and to provide an estimate for rehabilitation of the former rectory building.

Best use- As the parish no longer has use for the building, in my opinion, the estimated costs of moving and relocating the building, not including dealing with hazardous materials such as asbestos and lead paint in any potential renovation work, would be prohibitive. Any best use for the building as is would be to divide it into several rental units or to perform an historic renovation for single family use.

Building Condition- The overall condition of the building appears to be structurally sound with several additions made to the original structure. Both exterior and interior fixtures and finishes are dated and worn and in many cases, sub-standard in comparison with today's current sales or rental market.

Estimated Costs for Renovation:

Estimated renovation costs include upgrades for life/ safety codes, energy and insulation standards, hazardous materials mitigation.

Option A – Multi-Family Conversion:	\$275-300,000
Option B - Historic Renovation/ Restoration	\$375-450,000

Common Multipliers:

Building Moving	\$100,000
Permitting/ Temp. Utility Relocation	\$ 25,000
Site Work @ New Location	\$ 25,000
Foundation	\$ 20,000

Approximate costs to relocate building	\$170-\$200,000
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Thank you for considering GSB for assistance with this information. I trust this analysis will help the Parish make an informed decision on a building that has been a part of the St John's community for the past 122 years. Please let me know if you have any questions or if I can be of further assistance.

Regards,
Greg Simard

ALL SAINTS PARISH
132 McKeen Street
Brunswick, Maine 04011
(207) 725-2624

To: File
Date: November 7, 2011
Re: Cost to rehab 33 Pleasant St. building

Work is underway to obtain cost estimates for the rehab of the building at 33 Pleasant Street, Brunswick, ME. The building has been vacant for a number of years, the heating system has been disconnected, the roof and chimney flashing have leaks, outside windows have been broken, and there are numerous building repairs necessary. An inspection was done on Monday, November 7, 2011 by Greg Simard of Simard Builders, Topsham, Maine. Mr. Simard gave a preliminary estimate of \$90-\$100 per square foot to make the necessary repairs on the building. Based on an estimate of 5,000 ft.² of building area, renovation costs would be between \$450,000 and \$500,000. Mr. Simard is currently working on a more detailed estimate of construction cost for rehab of the building at 33 Pleasant St.

Scott Simons of Scott Simons Architects was also contacted regarding a budget estimate for renovation of the building. His estimate, without any detail studies was to assign a cost of \$100-\$110 per square foot or \$500,000-\$550,000 for needed repairs.

Donald E Leaver



Business Coordinator

ALL SAINTS PARISH
132 McKeen Street
Brunswick, Maine 04011
(207) 725-2624

To: File

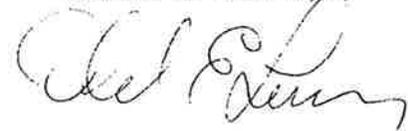
Date: October 11, 2011

Re: Cost estimate to move building at 33 Pleasant Street

I spoke with Clayton Copp today regarding the process for moving the building at 33 Pleasant St., Brunswick, ME. Mr. Copp was referred by Atlantic Regional Federal Credit Union who had used the company to move a building located On Pleasant St., Brunswick, ME a number of years back. Mr. Copp's company is called Copp and Sons Building Movers and is located in Cumberland Ctr., Maine. After review of the size of the building and the objective to move it to a new location the following information was provided by Mr. Copp:

1. The building is 48 foot wide and too wide to be moved on the Brunswick streets.
2. The building would need to be cut into 6 sections in order to be moved.
3. It is estimated that moving costs alone would be well in excess of \$100,000.

Donald E. Leaver,



Business Coordinator

ALL SAINTS PARISH
132 McKeen Street
Brunswick, Maine 04011
(207) 725-2624

To: File
Date: November 7, 2011
Re: 33 Pleasant St. Building Expenses

The property expenses for 33 Pleasant St. averaged approximately \$11,000 per year over the past seven years.

33 Pleasant St. Property Expenses

<u>year ending June 30</u>	<u>property expenses</u>	<u>Real Estate Taxes</u>	<u>Total expenses</u>
2004/2005	\$9,810	\$5,987	\$15,797
2005/2006	\$5,249	\$5,987	\$11,236
2006/2007	\$8,344	\$5,987	\$14,331
2007/2008	\$4,254	\$6,069	\$10,323
2008/2009	\$2,723	\$6,162	\$8,885
2009/2010	\$2,442	\$5,734	\$8,176
<u>2010/2011</u>	<u>\$2,488</u>	<u>\$5,818</u>	<u>\$8,306</u>
	\$35,310	\$41,744	\$77,054

Donald E Leaver,



Business Coordinator

ALL SAINTS PARISH
132 McKee Street
Brunswick, Maine 04011
(207) 725-2624

To: File
Date: November 4, 2011
Re: Other Information regarding 33 Pleasant St.

Assessed Value of the Property: The City of Brunswick currently has an assessed value of \$273,400 for the property at 33 Pleasant St., Brunswick, ME.

Property Taxes Paid since the Property Was Underutilized: Average annual property taxes have been \$6,000 per year. A detailed schedule will be provided.

Any Appraisal of the Property: The owner does not have any recent property appraisals.

Any Offers Received for the Property: The property has been advertised in the Times Record Newspaper for the "cost of moving only" by the buyer. There have been no offers or inquiries regarding the property.

Expense Statements for the Property: Annual expense statements will be compiled and provided for review.

Form of Ownership of the Property: The property is owned by the Bishop of the Diocese of Portland, Maine as "Corporation Sole."

Donald E. Leaver,



Business Coordinator

Preservation Law Educational Materials . . .

ASSESSING ECONOMIC HARDSHIP CLAIMS
UNDER HISTORIC PRESERVATION
ORDINANCES

Historic preservation ordinances in effect around the country often include a process for administrative relief from preservation restrictions in situations of “economic hardship.” Under typical economic hardship procedures, an applicant may apply for a “certificate of economic hardship” after a preservation commission has denied his or her request to alter or demolish a historic property protected under a preservation ordinance. In support of an application for relief on economic hardship grounds, the applicant must submit evidence sufficient to enable the decisionmaking body to render a decision. The type of evidence required is generally spelled out in preservation ordinances or interpreting regulations. The burden of proof is on the applicant.

The exact meaning of the term “economic hardship” depends on how the standard is defined in the ordinance. Under many preservation ordinances economic hardship is defined as consistent with the legal standard for an unconstitutional regulatory taking, which requires a property owner to establish that he or she has been denied all reasonable beneficial use or return on the property as a result of the commission’s denial of a permit for alteration or demolition.

Requests for relief on economic hardship grounds are usually decided by historic preservation commissions, although some preservation ordinances allow the commission's decision to be appealed to the city council. In some jurisdictions, the commission may be assisted by a hearing officer. A few localities have established a special economic review panel, comprised of members representing both the development and preservation community.

Economic Impact

In acting upon an application for a certificate of economic hardship, a commission is required to determine whether the economic impact of a historic preservation law, as applied to the property owner, has risen to the level of economic hardship. Thus, the first and most critical step in understanding economic hardship is to understand how to evaluate economic impact.

Commissions should look at a variety of factors in evaluating the economic impact of a proposed action on a particular property. Consideration of expenditures alone will not provide a complete or accurate picture of economic impact, whether income-producing property or owner-occupied residential property. Revenue, vacancy rates, operating expenses, financing, tax incentives, and other issues are all relevant considerations. With respect to income-producing property, economic impact is generally measured by looking at the effect of a particular course of action on a property’s overall value or return. This approach allows a commission to focus on the “bottom line” of the transaction rather than on individual expenditures.

In addition to economic impact, the Supreme Court has said that “reasonable” or “beneficial use” of the property is also an important factor. Thus, in evaluating an economic hardship claim based

on the constitutional standard for a regulatory taking, commissions will need to consider an owner's ability to continue to carry out the traditional use of the property, or whether another viable use for the property remains. In *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978), the landmark decision upholding the use of preservation ordinances to regulate historic property, the Supreme Court found that a taking did not arise because the owner could continue to use its property as a railroad station.

The Supreme Court has also said that the applicant's "reasonable investment-backed expectations" should be taken into consideration. Although the meaning of this phrase has not been delineated with precision, it is clear that "reasonable" expectations do not include those that are contrary to law. Thus, an applicant's expectation of demolishing a historic property subject to a preservation ordinance at the time of purchase, or likely to be subject to a preservation ordinance, would not be "reasonable." Also pertinent is whether the owner's objectives were realistic given the condition of the property at the time of purchase, or whether the owner simply overpaid for the property. Under takings law, government is not required to compensate property owners for bad business decisions. Nor is the government required to guarantee a return on a speculative investment.

Commissions may also be able to take into account whether the alleged hardship is "self created." Clearly relevant is whether the value of the property declined or rehabilitation expenses increased because the owner allowed the building to deteriorate.

Application of the takings standard in the context of investment or income-producing property is usually fairly straightforward. The issue can be more complex, however, in situations involving hardship claims raised by homeowners. In the context of home-ownership, it is extremely difficult for an applicant to meet the standard for a regulatory taking, that is, to establish that he or she has been denied all reasonable use of the property. Even if a commission insists that houses be painted rather than covered with vinyl siding, and windows be repaired rather than replaced, the applicant can still live in the house. The fact that these repairs may be more costly is not enough. Even if extensive rehabilitation is required, the applicant must show that the house cannot be sold "as is," or that the fair market value of the property in its current condition plus rehabilitation expenditures will exceed the fair market value of the house upon rehabilitation. See *City of Pittsburgh v. Weinberg*, 676 A.2d 207 (Pa. 1996). It is also important to note that "investment-backed expectations" are different in the context of home ownership; owners often invest in home improvements or renovations without the expectation of recouping the full cost of the improvement in the form of increased property value.

In addressing hardship claims involving historic homes, commissions must be careful to be objective and consistent in their approach. Otherwise, a commission may undermine the integrity of its preservation program and raise due process concerns as well. Ideally, grant money, tax relief, and other programs should be made available to historic homeowners who need financial assistance.

Special standards for economic hardship may apply to nonprofit organizations. Because these entities serve charitable rather than commercial purposes, it is appropriate to focus on the beneficial use of their property, rather than rate of return, taking into account the particular circumstances of the owner (i.e., the obligation to serve a charitable purpose.) In such situations, hardship analysis generally entails looking at a distinct set of questions, such as: the organization's charitable purpose; whether the regulation interferes with the organization's ability to carry out its charitable purpose; the condition of the building and the need and cost for

repairs; and whether the organization can afford to pay for the repairs, if required? (Note, however, that while consideration of financial impact may be appropriate, a non-profit organization is not entitled to relief simply on the basis that it could raise or retain more money without the restriction.)

The Proceeding

Under a typical hardship process, the applicant will be required to submit specific evidence in support of his or her claim. Once a completed application has been filed, a hearing will be scheduled, at which time the applicant generally presents expert testimony in support of the economic hardship claim on issues such as the structural integrity of the historic building, estimated costs of rehabilitation, and the projected market value of the property after rehabilitation. Once the applicant has presented its case, parties in opposition or others may then present their own evidence. The commission may also bring in its own expert witnesses to testify. As noted above, the burden of proof rests on the property owner.

In hearing economic hardship matters, commissions must be prepared to make a legally defensible decision based on all the evidence presented. In the event of conflicting expert testimony, which is often the case in economic hardship proceedings, the commission must be prepared to weigh the evidence, making specific findings on the relative credibility or competency of expert witnesses.

In evaluating the evidence, the commission should ask itself five distinct questions:

- 1) **Is the evidence sufficient?** Does the commission have all the information it needs to understand the entire picture, or is something missing. The application is not complete unless all the required information has been submitted. If additional information is needed, ask for it.
- 2) **Is the evidence relevant?** Weed out any information that is not relevant to the issue of economic hardship in the case before you. Commissions may be given more information than they need or information on issues that are not germane to the issue, such as how much money the project could make if the historic property were demolished. The property owner is not entitled to the highest and best use of the property.
- 3) **Is the evidence competent?** Make an assessment as to whether the evidence establishes what it purports to show.
- 4) **Is the evidence credible?** Consider whether the evidence is believable. For example, ask whether the figures make sense. A commission will need to take into consideration the source of the evidence and its reliability. (If the evidence is based on expert testimony, the commission should determine whether the expert is biased or qualified on the issue being addressed. For example, it may matter whether a contractor testifying on rehabilitation expenditures actually has experience in doing historic rehabilitations.)
- 5) **Is the evidence consistent?** Look for inconsistencies in the testimony or the evidence submitted. Request that inconsistencies be explained. If there is contradictory evidence, the commission needs to determine which evidence is credible and why.

In many instances the applicant's own evidence will fail to establish economic hardship. However, in some situations, the question may be less clear. The participation of preservation organizations in economic hardship proceedings can be helpful in developing the record. Commissions should also be prepared to hire or obtain experts of their own. For example, if a

property owner submits evidence from a structural engineer that the property is structurally unsound, the commission may need to make an independent determination, through the use of a governmental engineer or other qualified expert, as to the accuracy of that information. It may be impossible to evaluate the credibility or competency of information submitted without expert advice.

The record as a whole becomes exceedingly important if the case goes to court. Under most standards of judicial review, a decision will be upheld if it is supported by substantial evidence. Thus, in conducting administrative proceedings, it is important that evidence provides a true and accurate story of the facts and circumstances and that the commission's decision is based directly on that evidence.

EVIDENTIARY CHECKLIST

The following checklist is a useful tool for local commissions and other regulatory agencies considering economic hardship claims:

1. Current level of economic return

- Amount paid for the property, date of purchase, party from whom purchased, and relationship between the owner of record, the applicant, and person from whom property was purchased;
- Annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years;
- Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations;
- All appraisals obtained within the last two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
- Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;
- Any state or federal income tax returns relating to the property for the last two years.

2. Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:

- Any real estate broker or firm engaged to sell or lease the property;
- Reasonableness of price or rent sought by the applicant;
- Any advertisements placed for the sale or rent of the property.

3. Feasibility of alternative uses for the property that could earn a reasonable economic return:

- Report from a licensed engineer or architect with experience in rehabilitation as to the

structural soundness of any buildings on the property and their suitability for rehabilitation;

- Cost estimates for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a certificate of appropriateness;
 - Estimated market value of the property: (a) in its current condition; (b) after completion of the proposed alteration or demolition; and (c) after renovation of the existing property for continued use;
 - Expert testimony or opinion on the feasibility of rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and rehabilitation.
4. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property.
 5. Knowledge of landmark designation or potential designation at time of acquisition.
 6. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Memorandum November 8, 2011

To: Chris Hultgren
From: Charlie Wiercinski and Donald Leaver
Re; St. John's Rectory Demolition

As directed by the Village Review Board at our meeting of October 18, 2011 we take this opportunity to cooperate with the Board in addressing the requirements of section 216.10 "Certificate of Appropriateness for Demolition" of the Brunswick Zoning Ordinance.

ITEM A. 1 To consider the option of relocating the structure... Mr. Donald Leaver, business manager of the Parish has communicated with Copp Brothers to determine the cost of moving the structure. Because of the overall size, we understand that it would be cut into six (6) sections. The cost of moving the structure is estimated to be well in excess of \$100,000 depending on the final location.

Because of the difficulty of the move, we looked for the most convenient location possible. We have considered a move to the north side of Pleasant Street in a green space across from the front door of the church, land formerly owned by William Lovell. The parcel would require considerable site development and is not large enough to support a garage and vehicle access while meeting zoning setbacks. We considered this option as NOT viable.

Alternatively, we reviewed the properties on Cedar Street for consideration primarily on the basis of close proximity to the rectory building. Again the parcels are small and open space is limited to support the structure, a garage and driveway access. Again this option is NOT viable

While this concept may be possible in other locations, it would require significant third party involvement and financial resources. The Parish has neither the financial resources nor the need for additional housing or office space.

ITEM A. 2 To produce photographs or scaled drawings...Based on the work of John V. Goff regarding Samuel B. Dunning, it is understood that the Pejepscot Historical Society has in its archives the following plans: site plan, foundation plan, first floor plan, second floor plan, attic plan, front (north) elevation, side (east) elevation, section details, and wall section. We have been in contact with Mr. John Briley, Interim Executive Director who will make these documents available for review by all interested parties.

ITEM A. 3 To examine alternate ways to meet our needs (for handicap parking).... Although this item is beyond the issue of demolition, we considered the idea of determining if adequate parking could be provided in front of the rectory building with safe vehicular access. With the capacity of the church at 900, and a parking goal of 300 vehicles (on-site and on-street), we would look for a minimum of 12 spaces with a goal of 20 or more. We will provide scaled drawings to demonstrate the physical limitations

of the space in front of the rectory. Vehicle access to the area would be too close to the signalized intersection and would require the loss of 2 or more convenient on street parking spaces.

Alternatively, if the parking were placed behind the rectory, it would not be convenient and require parishioners to walk between the rectory and church subject to winter conditions and falling ice. This is really not an acceptable alternative. While we look forward to meeting with the Board and considering their input, we need to move forward with our Master Plan and meet the overall needs of our congregation.

While the comments above respond directly to the purpose of the moratorium, we will continue to advance appropriate documentation for consideration by the Board to support our application for demolition including:

- The cost of relocation
- The cost of renovation
- The market value in its current condition
- The assessed value of the property
- The property taxes paid since the property was underutilized
- Any appraisal of the property if any
- Any offers received for the property if any
- All listings of the property
- Expense statements for the property
- Form of ownership of the property

ALL SAINTS PARISH
132 McKeen Street
Brunswick, Maine 04011
(207) 725-2624

November 8, 2011

Village Review Board,

I am Frank J. Murray and I am a Roman Catholic priest and pastor of All Saints Parish which includes St. John the Baptist Church in Brunswick, Maine. I have been pastor here since July 1, 2009 the day All Saints Parish came into existence. There are many challenges our seven church parish faces but one very important one, namely the St. John Church Campus, is one we share with your committee. Please let me share with you a few of the perspectives I have learned since July 1, 2009. Many St. John the Baptist parishioners have, at least since 1998, a desire to add a multipurpose building (gymnasium, cafeteria and meeting rooms) to their Pleasant Street campus. They have raised some funds over the years for this purpose. There have been several ideas about the proposed building and where it should be located. After hearing about these hopes shortly after my arrival, I asked that we begin again our planning with an evaluation of the present buildings and with the creation of a site plan for the campus. This effort would look at all the needs of the campus and create both short term plans and long-term plans for the St. John's Church campus.

The Parish Council, the Finance Council, the School Board, and members of a Planning Committee along with members of the parish and school staffs have been the major collaborators with me in creating a Site Plan (master plan) and plans for a future multipurpose building. St. John the Baptist Church we have determined is not only the "jewel in the crown" of the St. John's Campus but rather it is the "jewel in the crown" of our entire seven church All Saints Parish. Since this church holds over 900 people is often the location for major parish activities. We have determined through our planning efforts that one of the primary needs of the campus is parking for the handicapped person and parking in general. The access to the church which is accommodating (a ramp and elevator presently) to handicapped people is on the Northeast corner of the church, yet this entrance is farthest away from all present parking and also located near our old rectory (sometimes also referred to as the convent). This is the building we are seeking to demolish.

The former residence on the corner of Pleasant and Union Streets has been vacant as a home for about 11 years. In recent years (since 2007) a small room at the back of the building has been used as an adoration chapel. After this building is moved

or demolished the adoration chapel would be moved to another of our existing buildings. The present situation of this building can be explained quite simply by our parish with the following statements:

- It is impeding access to our church for a growing number of our parishioners (our population is aging and the ramp and elevator are necessary for more and more people).
- It is a financial liability that is getting harder each year to shoulder (current annual operating expenses are approximately \$10,000 per year with real estate taxes over \$6,000 per year).
- It is becoming a growing detraction from our property and the beauty of our church.
- It is impeding plans for future growth of other campus buildings (taking up space we need to utilize in another way).

We are willing to give this property to anyone who is willing to pay the expense of moving it to their property. We have advertised in the newspaper of this offer and as of now have not heard from anyone who is interested. We simply do not have the need for this building and the rehabilitation cost of the building are so great that even if we had a need these costs would unfortunately still prohibit our ability to save this building.

Thank you for your time in reading and considering the points of this letter. Also thank you for your community service to Brunswick. If I can be of further assistance to you please do not hesitate to contact me.

Sincerely in Christ,



Rev. Frank J. Murray
Pastor

ALL SAINTS PARISH
132 McKeen Street
Brunswick, Maine 04011
(207) 725-2624

To: File
Date: October 11, 2011
Re: Cost estimate to move building at 33 Pleasant Street

I spoke with Clayton Copp today regarding the process for moving the building at 33 Pleasant St., Brunswick, ME. Mr. Copp was referred by Atlantic Regional Federal Credit Union who had used the company to move a building located On Pleasant St., Brunswick, ME a number of years back. Mr. Copp's company is called Copp and Sons Building Movers and is located in Cumberland Ctr., Maine. After review of the size of the building and the objective to move it to a new location the following information was provided by Mr. Copp:

1. The building is 48 foot wide and too wide to be moved on the Brunswick streets.
2. The building would need to be cut into 6 sections in order to be moved.
3. It is estimated that moving costs alone would be well in excess of \$100,000.

Donald E. Leaver,



Business Coordinator

ALL SAINTS PARISH
132 McKeen Street
Brunswick, Maine 04011
(207) 725-2624

To: File
Date: November 7, 2011
Re: Cost to rehab 33 Pleasant St. building

Work is underway to obtain cost estimates for the rehab of the building at 33 Pleasant Street, Brunswick, ME. The building has been vacant for a number of years, the heating system has been disconnected, the roof and chimney flashing have leaks, outside windows have been broken, and there are numerous building repairs necessary. An inspection was done on Monday, November 7, 2011 by Greg Simard of Simard Builders, Topsham, Maine. Mr. Simard gave a preliminary estimate of \$90-\$100 per square foot to make the necessary repairs on the building. Based on an estimate of 5,000 ft.² of building area, renovation costs would be between \$450,000 and \$500,000. Mr. Simard is currently working on a more detailed estimate of construction cost for rehab of the building at 33 Pleasant St.

Scott Simons of Scott Simons Architects was also contacted regarding a budget estimate for renovation of the building. His estimate, without any detail studies was to assign a cost of \$100-\$110 per square foot or \$500,000-\$550,000 for needed repairs.

Donald E Leaver,



Business Coordinator

ALL SAINTS PARISH
132 McKeen Street
Brunswick, Maine 04011
(207) 725-2624

To: File
Date: November 4, 2011
Re: Other Information regarding 33 Pleasant St.

Assessed Value of the Property: The City of Brunswick currently has an assessed value of \$273,400 for the property at 33 Pleasant St., Brunswick, ME.

Property Taxes Paid since the Property Was Underutilized: Average annual property taxes have been \$6,000 per year. A detailed schedule will be provided.

Any Appraisal of the Property: The owner does not have any recent property appraisals.

Any Offers Received for the Property: The property has been advertised in the Times Record Newspaper for the "cost of moving only" by the buyer. There have been no offers or inquiries regarding the property.

Expense Statements for the Property: Annual expense statements will be compiled and provided for review.

Form of Ownership of the Property: The property is owned by the Bishop of the Diocese of Portland, Maine as "Corporation Sole."

Donald E. Leaver,



Business Coordinator

ALL SAINTS PARISH
132 McKean Street
Brunswick, Maine 04011
(207) 725-2624

To: File
Date: November 4, 2011
Re: Market Value of 33 Pleasant St.

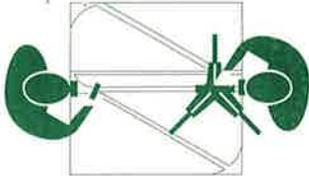
Peter Harrington of Malone Commercial Realty was contacted regarding the market value for the property at 33 Pleasant St. on the St. John the Baptist Church campus. Mr. Harrington will be working on this request.

Donald E. Leaver,



Business Coordinator

From 10/18



September 26, 2011

1340

Anna Breinich
Director of Planning and Development
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

**RE: St. Johns Campus
37 Pleasant Street
Building Demolition**

Dear Anna:

Attached are four (4) copies of our application to the Village Review Board with supporting documentation in anticipation of the proposed demolition of the former convent building on the corner of Pleasant and Union Streets.

The building is substantially vacant and no longer houses the Ursuline Sisters who taught at St. Johns School. We are in the process of offering the building for relocation and will continue to pursue this effort.

Enclosed is a concept plan showing our proposed handicap parking lot adjacent to the church. This improvement will allow parishioners convenient access to the current location of the handicap ramp and elevator. Subsequent to demolition we will advance parking lot and landscape plans through the Planning Board review and approval process.

We have reviewed the ordinance section 216.10 regarding the Certificate of Appropriateness for demolition. The parish will complete a capital campaign for fund raising and will not proceed with the project until funds are available.

The current site lacks sufficient convenient handicap parking. With the reduction of religious teaching nuns and the fact that the building is no longer used as a residence, it is an opportunity to meet the needs of the parish. The project will also improve safety along Union Street with the proposed reduction of curb cuts.

Enclosed with our submission are the historic preservation survey sheets for all buildings on the property. It is noted that the subject building was a rectory constructed approximately in 1900 in a Queen Anne/Colonial Revival style. It was also noted that the siding was artificial in 1979 from the photographs at that time.

SITELINES, PA

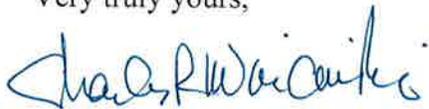
ENGINEERS ■ PLANNERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS
8 Cumberland Street ■ Brunswick, ME 04011 ■ TEL 207-725-1200 ■ FAX 207-725-1114 ■ www.sitelinespa.com

With regard to alternative uses of the structure, there is no longer a need for residents at the site in support of either the church or school functions. Although the building has been maintained, it is 110 years old and no longer functional for its original purpose. As indicated in the historic survey, the exterior has not been maintained in its original condition but rather covered with artificial siding at least 30 years ago.

In accordance with the ordinance section 216.10.C, we have reviewed section 216.9 for additional criteria that may apply. It is our sense that by removing the building, we will be able to construct a functional handicap parking lot with appropriate landscaping to improve the view of the church from the east which is currently shielded by the building. It will be our goal to enhance the historic character of this important corner in our community.

We look forward to presenting our project to the Board for its review and approval on October 18, 2011.

Very truly yours,



Charles R. Wiercinski, PE



Don Leaver-Business Coordinator
All Saints Parish



Received: _____
By: _____

VRB Case #: 11-029

**VILLAGE REVIEW BOARD
CERTIFICATE OF APPROPRIATENESS
APPLICATION**

1. Project Applicant:

Name: DON LEAVER - BUSINESS COORDINATOR
Address: 132 MCKEEN STREET BRUNSWICK
Phone Number: 725-2624X112

2. Project Property Owner:

Name: ROMAN CATHOLIC BISHOP OF PORTLAND
Address: PO BOX 11559
PORTLAND MAINE 04104
Phone Number: 207-773-6471

3. Authorized Representative: (If Different Than Applicant)

Name: CHARLES R. WIERCINSKI
Address: 8 CUMBERLAND STREET
Phone Number: 725-1200 x 20

4. Physical Location of Property Being Affected:

Address: 37 PLEASANT STREET

5. Tax Assessor's Map # U16 Lot # 47 of subject property.

6. Underlying Zoning District TR1 & M112

7. Describe the Location and Nature of the Proposed Change, including a brief description of the proposed construction, reconstruction, alteration, demolition, proposed re-use, or other change. (use separate sheet if necessary):

DEMOLISH FORMER CONVENT
BUILDINGS AT THE CORNER OF UNION STREET TO
CONSTRUCT HANDICAP PARKING ADJACENT TO
THE CHURCH.
SEE COVER CORRESPONDENCE

Applicant's
Signature


Charles R. Wiercinski PE - AGENT

**VILLAGE REVIEW BOARD
APPLICATION FOR CERTIFICATE OF COMPLIANCE
APPLICATION CHECK-LIST**

This checklist will be completed by the Department of Planning and Development. In order to ensure the timely processing of your application, please be sure that ALL materials are submitted. The process does not begin until your application is considered complete. For assistance please contact the Department of Planning and Development.

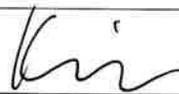
1. Completed application form.
2. A copy of the building survey prepared by the Pejepsco Historical Society pertaining to the structure under review and submitted by the applicant.
3. A drawing showing the design, texture, and location of any construction, alteration, demolition for which a certificate is required. The drawing shall include plans and exterior elevations drawn to scale, with sufficient detail to show their relations 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.
4. Photographs of the building(s) involved.
5. A site plan showing the relationship of proposed changes to walks, driveways, signs, lighting, landscaping and adjacent properties.
6. A site plan which shows the relationship of the changes to its surroundings.

This application was Certified as being complete on 10.11.11 (date) by KMH
of the Department of Planning and Development.

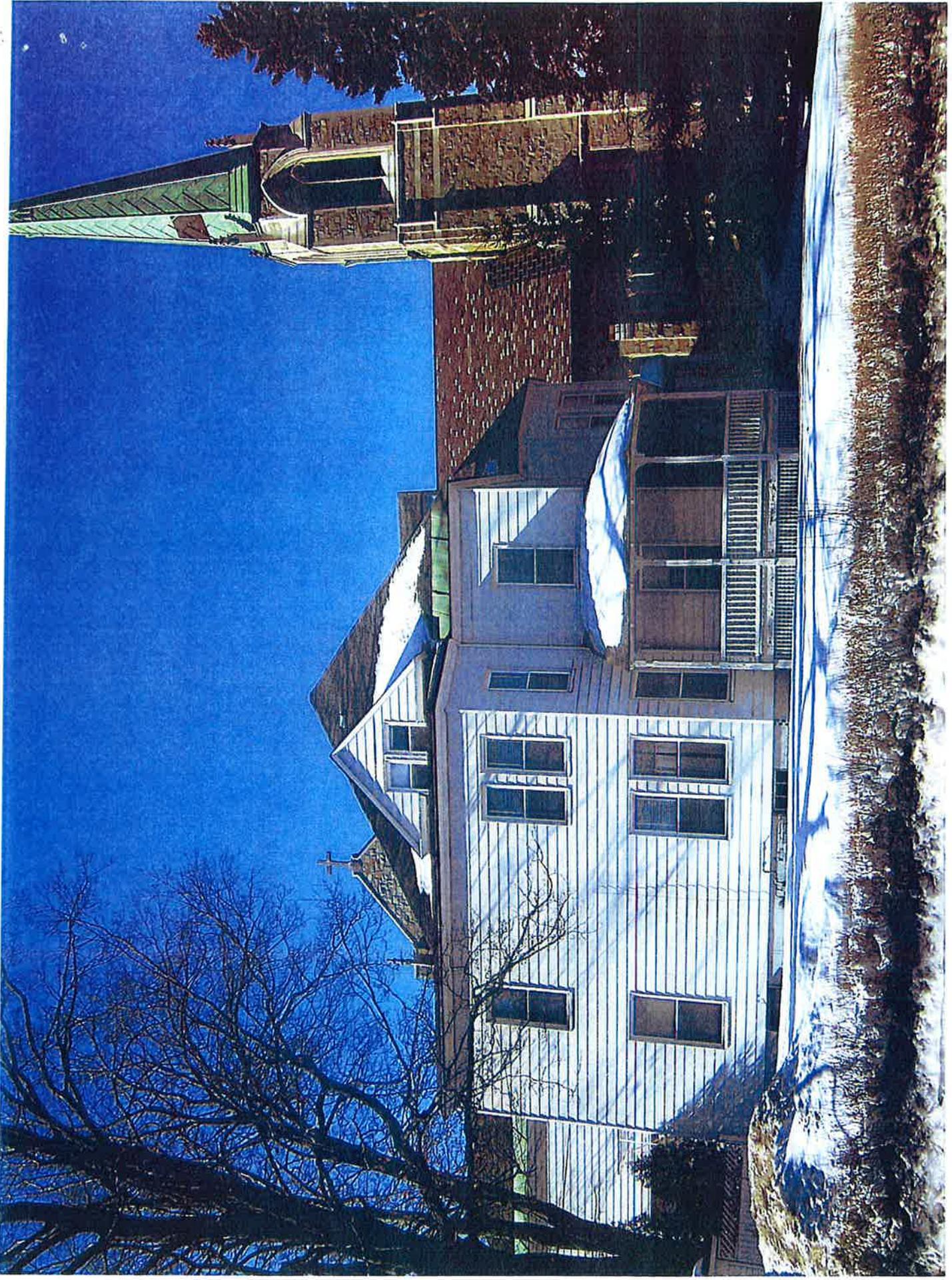
THIS APPLICATION WAS:

- Granted**
- Granted With Conditions**
- Denied**
- Forwarded to Village Review Board**
- Building Permit Required**
- Building Permit NOT Required**

Applicable Comments: _____


Signature of Department Staff Reviewing Application





Maps: earlier structure on site 1910 #39=Mrs. P.C. Merryman

Deeds:

Newspaper re convent Brunswick Record 3/14/1957 p. 11: "Ursuline Convent Nearing Completion...next to St. John's School on Pleasant Street... 117-by-36 foot building...contractor Larry R. Comeau of Auburn..."

Early survey notes re school "school: 1913, 1929, 1950"

Earlier Structures on site: (see 1910 map reference of #39=Mrs P.C. Merryman res.)

1910 map and directories also trace history of #43 Pleasant:
1910-1917= William R. Lincoln
1922-1946=Miss Alice V. Lincoln
1958= last listing with private owner (Chanel P. Allard)
(1961=St. John Convent address)

016-47

HISTORIC PRESERVATION SURVEY

1979 photos L. Borysenko

Cumberland Brunswick (37) Pleasant
County City/Town Street Address and Number

historic: 1924-1927 Church of St. John the Baptist
Name of Building/site: Common and/or Historic

Approximate Date: 1924-1927 Style: Gothic Revival

Type of Structure:
 Residential Commercial Industrial Other: religious

Condition: Good Fair Poor

Endangered: No Yes

Surveyor: J. Goff Organization: Pejepscot Regional Survey Date:

Rating:

Historic Significance to the Community:

(For Additional Information - Use Reverse Side)



Maps: 1910 no #=St. John's Cath. Ch.

37 PLEASANT

Deeds:

Newspaper: Brunswick Record 12/23/1926 p.1 (photograph) "Church of St. John the Baptist ...The exterior of the church was completed in 1924. The Church will be dedicated late in March or the first of April. ...It is one of the most attractive church buildings in Maine. The edifice is of stone of Gothic design with an imposing steeple which towers high above any building in town. Worshippers are called to the services by a set of three bells..."

Earlier Catholic Church: (early survey notes: "original church burned 1912")

Brunswick Telegraph 9/29/1882 p.2: "...Why do the Catholics erect so large a building?..."

Brunswick Telegraph 11/24/1882 p.2: "Catholic Church--Mounting the Cross. The cross surmounting the spire of the Catholic church was put in place on Tuesday...of galvanized iron, weighing of 40 lbs., the cross proper gilded (work nicely done by O'Brien)--the base and corners painted in bronze color."

Brunswick Telegraph 7/2/1886 : Dedication St. John the Baptist Church

Brunswick Telegraph 8/26/1899 p.3: (obituary Charles E. Muir) "He was an industrious man a master builder by trade and has built several of the important buildings in Brunswick, among others being the greater part of our Catholic Church..."

Maps: 1910#37= Cath. Rectory

Deeds:

Directories: 1917= Rev. Theophilus J. Remy
1922-1928=Rev. Etienne Vinas
1930-1932=Rev. Claude Chombard
1934-1938=Rev. John B. Andre
1940-1944=Rev. William J. Dauphin
1949-1953=Rev. Claude M. Carton
1955 =Rev. Edmund J. Soucy
1961-1963=Rev. Wilfred J. Cote
1965- =Rev. Leopold Brunelle
1975-1979=Rev. Emil Guilmette

016-48

HISTORIC PRESERVATION SURVEY

Cumberland Brunswick 39 Pleasant
 County City/Town Street Address and Number
 historic: ca. 1913, 1929, 1950 St. John's School, also
 Name of Building/site: 1957 Ursuline Convent
 Common and/or Historic
 school: 1913, 1929, 1950 Art Deco
 Approximate Date: convent: 1957 Style: Modern



1979 photo L. Borysenko

Type of Structure:
 Residential Commercial Industrial Other: religious, educational, and residential.

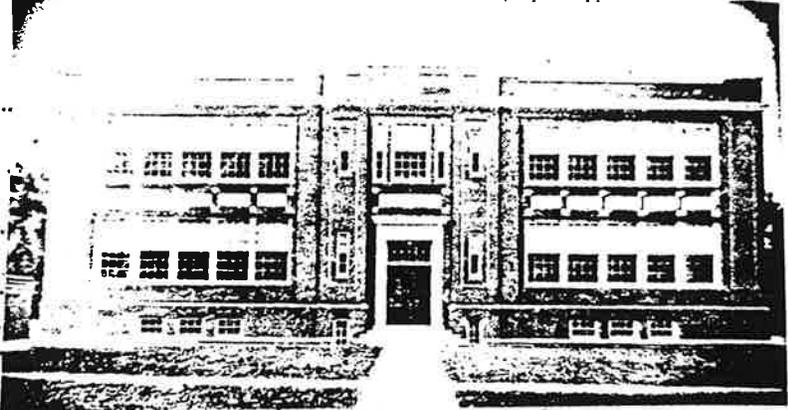
Condition: Good Fair Poor

Endangered: No Yes

Surveyor: J. Goff Organization: Pejepscot Regional Survey

Rating:

Historic Significance to the Community:



(For Additional Information - Use Reverse Side)

photo PHS archives

016-47

HISTORIC PRESERVATION SURVEY

Cumberland Brunswick 37 Pleasant
 County City/Town Street Address and Number
 historic: Catholic Church Rectory (ca. 1900?)
 Name of Building/site:
 Common and/or Historic
 Approximate Date: ca. 1900? Style: Queen Anne/Colonial Revival



1979 photo L. Borysenko

Type of Structure:
 Residential Commercial Industrial Other: religious residential

Condition: Good Fair Poor
 artificial siding

Endangered: No Yes

Surveyor: J. Goff Organization: Pejepscot Regional Survey Date:

Rating:

Historic Significance to the Community:

Samuel B. Dunning

Brunswick's First Architect

By
John V. Goff



Pejepscot Historical Society
Brunswick, Maine

Catholic Rectory
37 Pleasant Street
1888-1889, Altered

The Catholic Rectory exhibits Dunning's first significant use of the hip roof, another Colonial Revival roof form which stimulated the architect's imagination. Built in 1888-89 to augment the Catholic Church and provide a home for Father Gorman, the rectory is two stories tall and topped with a pyramidal hip roof, pierced for pedimented dormer windows.

The Rectory faces Union and Pleasant Streets on the east and north, but originally it was built west of its present site, so that the east front faced the church. Towards the church, the Rectory presented a pavilion, central like Oddfellows Block or the Chaney residence, but semi-octagonal in plan, similar to the projecting oriel windows of the Brackett Block. The pediment of this pavilion was embellished with characteristic Queen Anne half-timbering, perhaps derived from contemporary journals. English in origin and a new device for Dunning, it was repeated with equal effect on his Everett house of 1890-91. Though obscured beneath later siding, Dunning's half timbered decoration probably still survives on the Rectory. Other notable design devices are an attic window sun-burst motif, and a two-story bay window on the front pushed to one side by a large veranda. While certain details were employed on earlier work, the roof form and off-center bay of the Catholic Rectory looked forward to Dunning's I.P. Booker residence, built later on School Street.

RESIDENCE FOR
REV. FR. GORMAN
BRUNSWICK ME.
Scale $\frac{1}{4}'' = 1$ ft.
N. B. Dunning



North Elevation

Figure 17. Catholic Rectory, North Elevation.

Inventory of Identified Dunning & Campbell
Architectural Drawings:

- 1883 Stetson Block (Union and Cumberland Streets, Brunswick)
site plan, 1st floor plan, 2nd floor plan
O'Brien Street (south) elevation, Union Street (west) elevation
section of frame
- 1883 Oddfellows (Storer) Block (Maine and Bank Streets, Brunswick)
site plan, foundation plan, 1st floor plan, 2nd floor plan, 3rd floor plan
front (west) elevation, side (north) elevation
wall section
- 1884 James F. Chaney Residence (21 Summer Street, Topsham)
front (south) elevation, side (east) elevation
sections of frame
- ca. 1884 Outbuilding to James F. Chaney Residence (21 Summer Street, Topsham)
1st floor plan, 2nd floor plan
front elevation, side elevation
cladding detail, bracket details, cornice detail
- 1888 Brackett Block (Maine and Town Hall Place, Brunswick)
2nd floor plan
front (east) elevation, side (north) elevation, rear (west) elevation
wall section
- 1889 Catholic Rectory (137 Pleasant Street, Brunswick)
site plan, foundation plan, 1st floor plan, 2nd floor plan, attic plan
front (north) elevation, side (east) elevation
section details, wall section

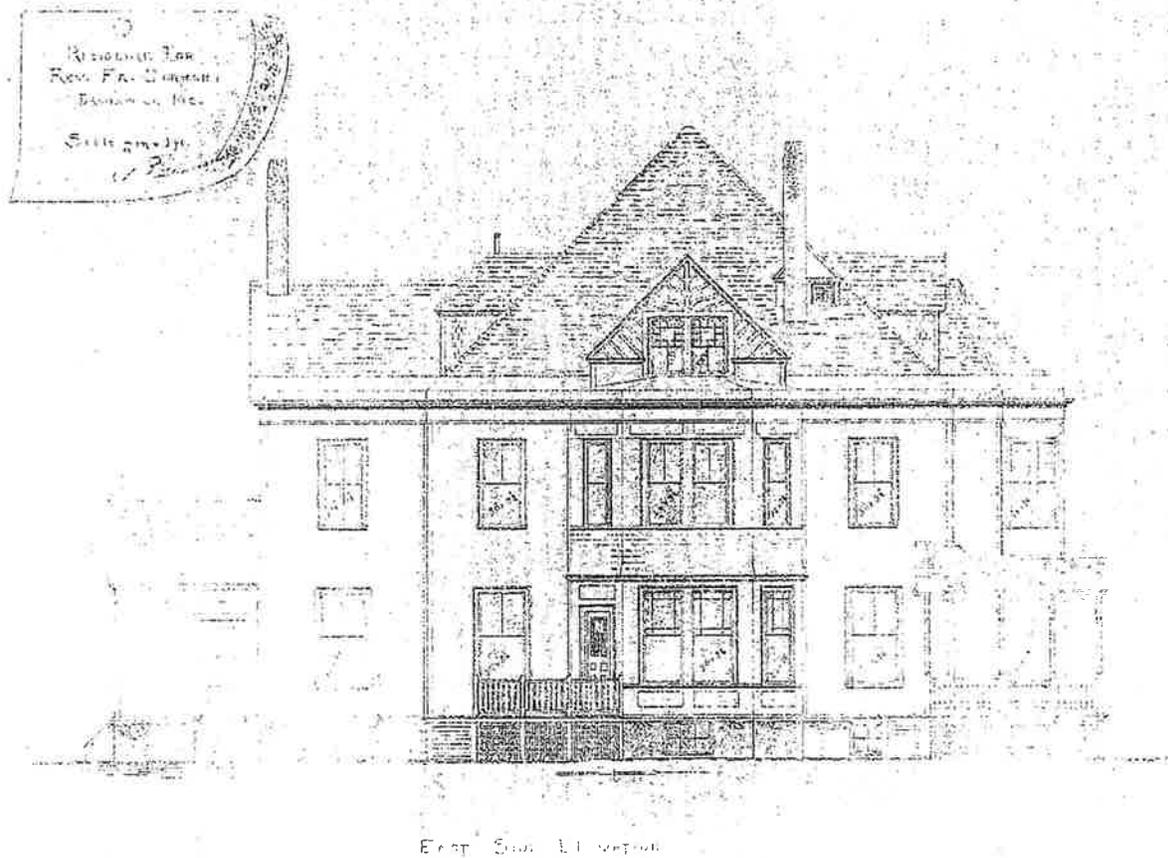
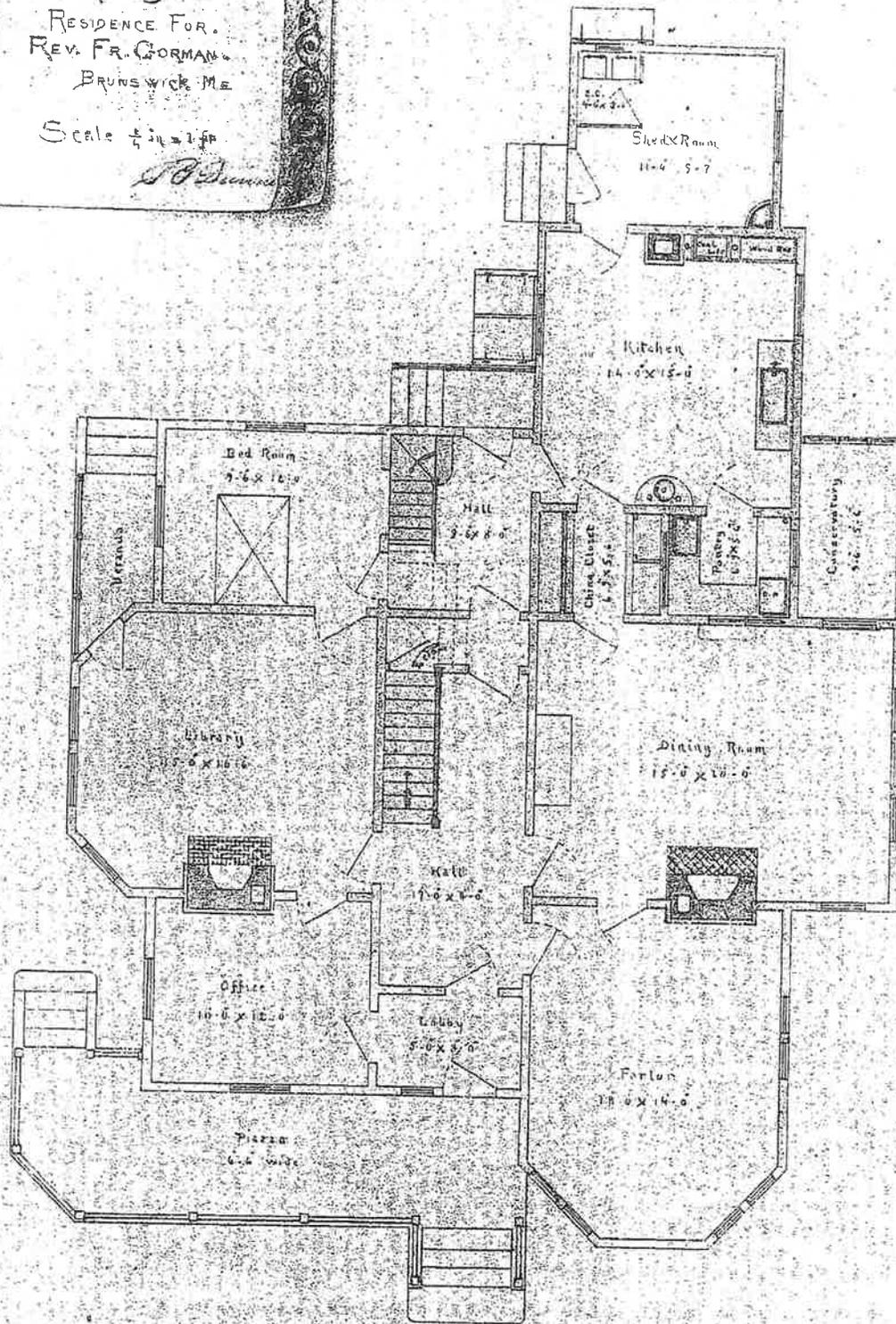


Figure 31. Catholic Rectory, East Elevation.

RESIDENCE FOR.
 REV. FR. GORMAN.
 BRUNSWICK, ME.
 Scale $\frac{1}{4}$ in = 1 ft.
J. P. Adams



1st. FLOOR PLAN

Figure 18. Catholic Rectory, First Floor Plan.

10 GILMAN AVE



**Draft Findings of Fact
Certificate of Appropriateness for Demolition
Village Review Board
Review Date: October 18, 2011, January 10, 2012**

Project Name: St John's Demolition

Case Number: VRB – 11-029

Tax Map: Map U16, 47

Applicant: Don Leaver
132 McKeen Street
Brunswick, Maine

Authorized Representative Charles R. Wiercinski
8 Cumberland Street
Brunswick, Maine

PROJECT SUMMARY

The applicant, Don Leaver, and the property owner, the Roman Catholic Bishop of Portland, seek approval for the demolition of the former convent building on the corner of Pleasant and Union Streets. The property is located at 37 Pleasant Street (Map U16, Lot 47). The reason for the demolition is to clear area for a parking lot primarily for the church's handicapped members. The building is not part of the National Register of Historic Places nor is the building part of a designated National Historic District. Additionally, the building is not listed on the town's list of the "100 Most Significant Properties" as determined through an historical survey in 2001.

No additional reviews and approvals by the Brunswick Planning Board or Zoning Board of Appeals are required.

Review Standards from Section 216.9 of the Town of Brunswick Zoning Ordinance

216.9.A. Buildings and Other Structures

- 1.a)** *To the greatest practical extent, structures that contribute to the character of the Village Review Zone shall remain unaltered. The Village Review Board finds the convent building proposed for demolition at the corner of Pleasant and Union Street contributes to the character of the Village Review Zone; however, it has been demonstrated by the applicant that the building cannot be renovated in a way that is economically viable. The Board finds the provision of Section 216.9.A.1.a. is satisfied.*

- 1.b) *Any alteration of existing properties shall be compatible with their historic character, as well as with any surrounding properties. The building is proposed for demolition and as a result this standard is not applicable. The Board finds the provision of Section 216.9.A.1.b. is not applicable.*
- 1.c) *New construction shall be compatible with surrounding historic properties. No new construction is proposed because this is a demolition of an existing structure. The Board finds the provision of Section 216.0.A.1.c is not applicable.*
- 1.d) *All Certificates of Appropriateness for new construction, alterations or demolition shall be in accordance with applicable requirements of both this Ordinance and the US Secretary of Interior's Standards for Rehabilitation of Historic Buildings. The Certificate of Appropriateness for Demolition is not applicable to the U.S. Secretary's Standards for Rehabilitating Historic Buildings. The Board finds the provisions of Section 216.9.A.1.d. are not applicable.*
- 1.e) *The Village Review Board's application of the US Secretary of Interior's Standards will be in accordance with the Board's Design Guidelines. The Village Review Board's application of the U.S. Secretary's Standards for Rehabilitating Historic Buildings and the Board's Design Guidelines do not apply to the demolition of structures. The Board finds the provisions of Section 216.9.A.1.e. are not applicable.*

Demolition Standards from Section 216.10 of the Town of Brunswick Zoning Ordinance

- C.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. The structure is not listed on the National Register of Historic Places and is not so significant as to preclude demolition. The Board finds the provision of Section 216.10.C.1. is satisfied.*
- C.2) *The condition of the structure provided that the applicant has not contributed significantly to the deterioration of the structure. The applicant has not contributed significantly to the existing condition of the structure. The Board finds the provision of Section 216.10.C.2 is satisfied.*
- C.3) *The availability of permitted alternative uses of the structure that would maintain its economic viability. The building is in a*

deteriorating state and would require significant financial investment to make the building available for permitted alternative uses based on the renovation cost estimates submitted by the applicant. The availability of permitted, alternative uses of the structure that would maintain its economic viability does not exist with the building in its current condition and costs to improve the structure to make it economically viable are prohibitive. *The Board finds the provision of Section 216.10.C.3 is satisfied.*

DRAFT MOTIONS
37 Pleasant St
Case Number 11-029

Motion 1: That the Certificate of Appropriateness application is deemed complete.

Motion 2: That the Board approves the Certificate of Appropriateness for demolition of the structure located at 37 Pleasant Street with the following condition:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, its representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification, shall require further review and approval in accordance with the Brunswick Zoning Ordinance.

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BRUNSWICK VILLAGE REVIEW BOARD
October 18, 2011

MEMBERS PRESENT: Emily Swan, Janet Roberts, Betsy Marr, Jeff Pelletier, Brooks Stoddard

STAFF PRESENT: Anna Breinich, Kris Hultgren, Chandra . Town Attorney

Emily opened the meeting at 7:15.

Unitarian Universalist Church Reconstruction Consultation. Representatives from the church will update the Board on plans to reconstruct the church at 15 Pleasant Street (Map U13, Lot73).

Judy Chamberlain, Chair of the Recovery Plan, introduced Neil Smith, Architect and Sylvia Stoddard, Pastor of the Church.

Judy stated that they have long been aware of the limitations of the building and have wanted to have better congregation space, better facilities for children's religious education and for the many community groups that use the space weekly. Land was purchased several years ago on Route 24 with the thought to building a new church at that site.

After the fire, and many discussions, the congregation voted to remain at the Pleasant Street site and keep their presence in the community. During discussions with several engineers it was found that the front of the building is not safe and the congregation decided to take down the rest of the building, salvaging as much material as possible and rebuild on the Pleasant Street site. The plan is to build a structure both architecturally in keeping with that area and with more usable space. They will return to the Board with more definite building plans when completed, but wanted to keep the Board apprised of their plans.

Emily asked if they had explored options to keep the steeple and tower. Judy said that the tower actually is unsafe and was even before the fire and they are concerned that it could come down during a winter storm. Many members of the congregation have indicated they would like to have a steeple on the new church. Judy said that they definitely want something to house the old bell that is in the tower, but their main concern is that the structure is very unstable and is even leaning as a result of the fire. Janet Roberts said she was pleased to learn that the congregation has decided to stay in town and rebuild at that site.

Case #11-029 – Four Buildings at the Corner of Pleasant and Stanwood Street Certificate of Appropriateness for Demolition – the Board will review and take action on an application from the Brunswick Development Corporation to demolish buildings located at 1 Stanwood Street (Map U15 Lot 76), 3 Stanwood Street (U15 Lot 77), 85 Pleasant Street (Map U15 Lot 75) and 81 Pleasant Street (Map U15 Lot 74).

Kris Hultgren introduced the application. The Brunswick Development Corporation (BDC) is back with a new application seeking a Certificate of Appropriateness to demolish four buildings on Pleasant and Stanwood Streets. The application includes information about the construction of a new police station on the site and addresses the three standards that were not satisfied (216.9A, 216.10.C.2 and 216.10.C.3) when the Board last considered this project on July 19th. The Board

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concluded that the remaining five standards that need to be met to approve a Certificate of Appropriateness for Demolition were either met or is not applicable to the application.

John Bannon, Attorney with Murray, Plumb & Murray representing Brunswick Development Corporation, addressed the legal aspects of the application using the ordinance guidelines. It is their belief that the Board has determined that the building at 81 Pleasant Street is in very poor condition therefore making it a legitimate candidate for demolition. With reference to the structure at 1 Stanwood Street, the zoning ordinance 216.9.A.1a. states that structures that contribute to the character of the Village Review Zone shall remain unaltered. The structure at 1 Stanwood Street does not in any way meet the threshold for contributing to the character of the VR zone and he submits that based on that requirement alone, the BDC is entitled to a Certificate of Appropriateness for Demolition.

Mr. Bannon stated that he believes the buildings at 85 Pleasant Street and 3 Stanwood Street are the only remaining properties the Review Board needs to grant for demolition. He suggested looking at to what extent these two buildings contribute to the character of the VR Zone and how practical is it to keep those structures standing. He noted it was established in July that neither of the buildings are eligible to be listed on the National Registers, and neither of the buildings were chosen to be among the 100 Most Significant Properties in the Town's 2001 historical survey. The buildings do have some remaining character of historic capes but have been modified in many ways. The BDC therefore submits that the buildings contribute to the character of the VRB only in a nominal way.

With regard to the practicality of maintaining the buildings, he referred to Section 216.10 considering the physical condition of the buildings and whether there is any alternative economic viability uses for the buildings. The evidence presented by the BDC in its latest submission concludes that it is not practical to require that the buildings be maintained. The cost of rehabbing 85 Pleasant is \$86,276 and the cost for 3 Stanwood Street \$80,150. These costs include abating asbestos which was found in both buildings. The cost alone indicates the impracticality of maintaining the buildings. In addressing the issue of any economically viable alternative uses of the building, BDC submitted an analysis from a realtor Paul Clark. According to Paul Clark the minimum rate of return that an average investor would be looking for is 9.82%. Clark's analyses lead him to determine that the anticipated rate of return in rental of the properties after rehabbing would only be approximately 3%. BDC therefore submits that there are no economically viable alternative uses for the buildings. Leaving the buildings in their current state should demolition be denied would only lead to further deterioration and increase blight in the town's gateway.

Based on the above information, Mr. Bannon submitted that it would be appropriate for the Board to grant a Certificate of Appropriateness for Demolition of all four buildings. He stated that as an attorney, he felt that the redevelopment of the property is irrelevant to the determination of demolition of the buildings.

Emily asked a question regarding the source of a statement in Mr. Bannon's memorandum saying that if BDC had not purchased the buildings in question, it is likely that the owners of the building would have stopped paying taxes. Mr. Bannon replied that the statement was an inference based on every day experience, once a building gets past a certain point, the owners simply abandon it and the town eventually becomes the owner of a blighted property.

Janet referred to the investors expected rate of return and asked if that applied to Maine and whether it was true under the current state of the economy. Mr. Bannon replied that yes it is

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based on actual data from the present state of the economy and the statistical analysis is used across the country and is a standard figure that is considered accurate.

Brooks asked if the subcommittee had decided on the location for the new police station, why did they not just take it by eminent domain. Mr. Bannon replied that the eminent domain process is very complicated and most municipalities try to avoid that if at all possible. This was a much simpler way for the town to acquire control of the property and avoid that process.

Janet asked if the estimates for rehabbing the property were for minimal or high-end apartments. Gary Brown, Brunswick Town Manager stated that he asked for the estimates from the individual hired by the BDC to block off the doors and windows. The request was for the bare minimum it would take to make the units available for occupancy, they are certainly not anticipated to be high end.

Emily asked for public comment, there was none.

As a point of clarification in the attorney's memo regarding the Board's denying demolition without knowing what would replace it, Emily noted that part of the Village Review Board's purpose (Section 216.1) is to promote economic development by enhancing the character of the town, protecting streetscapes, promoting and protecting neighborhood character, etc. Mr. Bannon understood the intention and noted that in their packet was a photograph of what was intended if the property was not proposed to be developed, adding green space, etc. Brooks explained that the problem they face if they are acting for the town as custodians of the historic fabric, it puts them at a great disadvantage not having a point of comparison. Mr. Bannon replied that the ordinance does not allow them to disallow demolition without knowing what is coming next.

Shanna Cook Mueller said as the town attorney, she wanted to make sure that the Board understands that they are deciding on the application based on the particular review standards. If they can connect one of those review standards to the concept of what will be replaced that would be fine. Emily said it was not what it would be replaced with, but does it allow them to meet their obligation to the purposes cited earlier.

Emily referred to a previous memo from Kirk Mohoney stating the properties were not listed in the National Register and to his knowledge they had not previously determined whether they are or are not eligible. She asked whether they know whether they are or are not eligible. Anna Breinich stated that Kirk did in fact come back saying that because of the changes and editions made to the buildings they were no longer eligible.

After brief discussions, Emily asked if they were ready to go to a motion. Shana Cook Mueller, Town Attorney reminded the Board that they need to look at the three standards in play before they go to a motion.

Review Standards from Section 216.9 of the Town of Brunswick Zoning Ordinance

216.9a) To the greatest practical extent, structures that contribute to the character of the Village Review Zone shall remain unaltered.

Demolition Standards from Section 216.10

216.10 C.2) The condition of the structure provided that the applicant has not contributed significantly to the deterioration of the structure.

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216.10.C.3) The availability of permitted alternative uses of the structure that would maintain its economic viability.

MOTION BY JEFF PELLETIER THAT THE CERTIFICATE OF APPROPRIATENESS APPLICATION IS DEEMED COMPLETE. SECONDED BY JANET ROBERTS, APPROVED UNANIMOUSLY.

MOTION BY BETSY MARR THAT THE BOARD APPROVES THE CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF THE STRUCTURES LOCATED AT 81 AND 85 PLEASANT STREET AND 1 AND 3 STANWOOD STREET WITH THE FOLLOWING CONDITION:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification, shall require further review and approval in accordance with the Brunswick Zoning Ordinance.

SECONDED BY JEFF PELLETIER, 4 IN FAVOR, 1 OPPOSED, MOTION PASSED.

Case #11-029 – St. John's Convent Building Certificate of Appropriateness for Demolition – The Board will review and take action on an application from St. John's School to demolish the former convent building at the corner of Pleasant and Union Street (37 Pleasant Street, Map U16, Lot 47).

Charlie Wiercinski of Sitelines presented the application. The All Saints Parish currently includes 7 churches and 3 priests. At St. Johns where at one time there were as many as 5 priests serving the population, right now there are 3 priests serving 7 churches. St. Johns also had Ursuline Nuns that served the school and there are no nuns now at the school and no priests housed in that location. So the particular building at the corner of Union and Pleasant Street has been vacant for about ten years.

They would like to demolish that building to provide handicapped parking. They want to move a few of the handicapped spaces from the westerly side of the church to the easterly side of the church immediately adjacent to the handicap access and elevator in the church facility. They have not prepared financial statistics on what it would cost to renovate the building but there is age deterioration and it is about 110 years old and has been used as a rectory and a convent and is not a residential property as previously talked about. In the future, after fund raising they would like to build a multi-purpose building as shown in the provided diagram.

In terms of economic viability, they understand it is not on a historic register. From an economic standpoint, they have advertised the building to be moved and building movers have indicated that it would require separating the building into six pieces due to its size, if it could be moved. Charlie noted that they have not attempted to get any financial information on renovating the building to be used in its present location because it is not an alternative residential use.

Betsy asked if anyone has any idea of the beauty and history of the building and asked if anyone has knowledge of what is under the siding, originally it was a beautiful building. Charlie noted

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that if anyone wanted the building they could certainly have it. The movers they contacted will try to preserve whatever possible.

Emily asked for public comment. Kevin Twine of 21 Oak Street said he walks past that building practically every day. He noted that Samuel B. Dunning, is regarded as the first architect of Brunswick and designed about 20 buildings in the area and Topsham, the building in question is one them. From that point alone it is significant locally.

He said he is most concerned about the impact on the neighborhood and on the entry into Brunswick, if that building is removed. Visually, the intersection of Union & Pleasant is one of the most significant in that corridor and all four corners have structures. on them. He believes that removing this building will significantly alter the character of the neighborhood, making a big hole in the neighborhood. He urged the Town to try to figure out how to deal with this building and how to make the building into something viable.

Chris Leavitt of 4 High Street, a Queen Anne style house about 120 years old. He stated that he does not necessarily think that it is the Town's responsibility to determine what to do with the house. He commented about the present parking lot and believes that there is plenty of parking available. The notion of the building not being used as a residential building he feels indicates that there has not been enough imagination put into thinking about it. He feels the building could be an asset to both the Church, the community and the Town and believes that those types of compromises should be explored before just tearing it down.

Mary Heath living on Cedar Street right around the corner from the building says she objects to the building being torn down. The house was built in around 1899 has historic significance and is worth saving. The destruction of historic buildings in downtown Brunswick gradually erodes the character of the town and once they're gone, they're gone. Over time the town begins to lose much of the charm and character these old buildings provide. The building is in a significant location on Pleasant Street, one of the gateways into downtown Maine Street. The building is not a derelict nor an eyesore and she believes there are numerous uses for the building if alternatives and creative funding resources were explored. The plan to turn the site into a parking lot is unacceptable. Impervious asphalt is the lead contributor to polluted runoff creating a negative environment effect. She believes that the Church and the School are already surrounded by asphalt, adding more will affect the character of the neighborhood.

Scott Taylor of 11 High Street said that his son attends St. John's School and he is very appreciative of the school. But he is completely against tearing down the building for all the reasons previously stated.

Charlie Wiercinski responded stating they look at the building as an accessory structure and from their standpoint, the view of the Church is diminished by its being there. Regarding the parking area and too much impervious area, the ordinance is divided into two zones and it allows either 50% or 75% impervious coverage and would allow any user or developer to have that much impervious area there. Addressing the statement made that the Church has sufficient parking, Charlie noted if you followed the ordinance requiring 1 parking space for every 3 seats, 900 seats would call for 300 spaces and they have nowhere near that number of spaces.

Don Leaver commented that it might be worth going to the site to see where additional handicapped parking could be placed that would be near the ground level entrance and elevator. That location would be in the lawn of the building in question. He also stated that he just learned that the architect had originally designed the building to be on the westerly side of the church and

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there was a different church there. When that church burned they moved the building to the corner of the site to build the new church.

Janet asked if putting an elevator at a different entrance had been considered. Don Leaver said they had not, but that when it was studied in the 1990's it would have to be an external elevator and it was felt that it would destroy the look of the church.

Jeff Pelletier inquired about salvaging perhaps the front end of the building and making a smaller parking lot. Charlie replied that from the standpoint of the Church the building is just not useful.

Janet asked if they had explored other possible uses for the building. Don Leaver stated that the Parish established a planning process which started about 1 1/2 years ago and the major campus they looked at was St. Johns and determined that was their most important church and they desperately needed handicapped parking. He noted that some people do not go to St. Johns because it does not have adequate handicapped parking. After looking at 5 or 6 different alternatives they came to the current one as being the logical conclusion. The only alternative use they thought of was transitional housing for homeless, but that would not allow them to provide the needed handicapped parking and they deemed that was not a good mixed use with the school.

Emily asked if they explored the possibility of selling the building. Don repeated that it would not allow handicapped access.

Brooks commented that the building has great architectural merit, reflected a little bit by the houses on the street, wonderful Victorian houses. He said he is certainly not convinced that the parish has done everything to figure out how they could keep the building. Perhaps if there was a space on their property, that would be an easy move.

Charlie said he believed that if a properly landscaped parking lot were created on that site, it would greatly enhance the overall appearance of the church. Kevin Twine stepped back up and commented that if they wanted to enhance the property put a lawn in there. He felt it was ridiculous to state that any parking lot anywhere in Brunswick looks as good as that lawn across the street from the rectory. The problem is the expense of maintaining the building.

Mary Heath added the thought that she is hearing a lot about handicapped parking and not so much about the building, its historical value and value to the neighborhood. Emily clarified the tasks before the Board assisting the applicant to achieve their goals in as minimally invasive as possible. Kris referred to a section of the ordinance that allows the provision for the 90 day moratorium. The moratorium would allow the applicant to reassess the situation based on the board's comments, and come back to the board within 90 days.

Emily stated that she believes this case is an excellent candidate for granting a 90 moratorium.

MOTION BY BETSY MARR TO GRANT A 90 DAY MORATORIUM. SECONDED BY, JEFF PELLETIER, APPROVED UNANIMOUSLY.

Emily expressed the hope that they applicant could work out a way to get the parking they need and possibly sell the building.

Don Leaver asked the board what they like them to address during the moratorium. Emily responded that they have never done demolitions before and asked staff for guidance. Anna stated ordinance 216.10 provides time for the applicant to either relocate the structure, to produce

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photos and scale drawings or to examine with the Board alternate ways for the applicants needs to be met. She said she would also suggest that if the applicant is prepared sooner than the 90 days they would be able to schedule another meeting. Emily indicated that a workshop might be a good choice. She reminded the applicant of the criteria they follow to make their decision; the significance of the structure, the condition of the structure and the availability of permitted uses that would provide economic viability.

OTHER BUSINESS

1. The brochure is almost complete schedule for next meeting.
2. Every agenda having administrative approvals, start up again bringing the folders to the meeting for people to look at if they choose.
3. 8 Lincoln Street fire escape, Kris will follow up with the applicant to see if he is ready for November Agenda. Scott Taylor, representing the Northwest Brunswick Neighborhood Association, read a resolution they submitted requesting that the VRB reject the application for a Certificate of Appropriateness and that the Village Review Board meet expeditiously with the owner of the building, and with appropriate architectural consultant expertise to achieve the fire safety goals of the owner in a way that adheres to the purposes of the Village Review Zone and the Lincoln Street Historic District National Register of Historic Places.

MINUTES

Tabled to next meeting.

Meeting adjourned at 9:40pm.

Attest:

Joan Edwards
Recording Secretary

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BRUNSWICK VILLAGE REVIEW BOARD
November 15, 2011

MEMBERS PRESENT: Emily Swan, Janet Roberts, Brooks Stoddard, Jane Crichton

STAFF PRESENT: Anna Breinich, Kris Hultgren

Emily opened the meeting at 7:15.

1. WORKSHOP – Case #11-020: St. John’s Convent Building Certificate of Appropriateness for Demolition- The Board will hold a workshop on an application from St. John’s School to demolish the former convent building at the corner of Pleasant and Union Street (37 Pleasant Street, Map U15, Lot 47.

Kris introduced the application. At the Board’s last meeting on October 18, it voted to adopt a 90-day moratorium on the demolition of St. John’s Convent Building in accordance with Section 215.10 to allow time to relocate the structure, document the structure and explore alternative ways to meet the applicant’s needs. The workshop is intended to allow the Board and the applicant to discuss options without making final decisions. The final decision must be made at the end of 90 days.

Charlie Wiercinski from Sitelines presented a scale drawing of the site and used an overlay of the building to determine the possible relocations of the building. The most economically feasible place for the building would be on the immediate adjacent property which has many very large trees. The building could conceivably be placed on that site but would not allow a driveway and would not meet the side setbacks required by the ordinance. This option was considered not viable.

The other option was to go to Cedar Street where the lots are occupied by houses and there really isn’t a big enough space to support the structure, a garage and driveway access. They determined that this option was not viable

Donald Leaver, the business manager of the Parish. communicated with Copp Brothers to determine the cost of moving the structure. The Copp Company said that the building would need to be cut into six sections and the cost of moving it would be in excess of \$100,000 depending on the location. Charlie said that they just wish to get rid of the building and are willing to give it away to anyone that would want it and move it. They have advertised with the Times Record and Forecaster and have not received any inquiries. He noted that with the current economy it is more feasible to build new rather than work with something old. Members of the Board made other suggestions in ways to get the word out about the availability of the building such as a press release and photos since the architect of the building is well known Charlie agreed to look into those additional recommendations

Charlie addressed the requirement to produce photographs or scaled drawings. He contacted the Pejepscot Historical Society and it was understood that they have plans in their archives and Mr. John Briley, Interim Executive Director will make these documents available for review.

The third issue was ways to meet the needs for handicap parking. They considered determining if adequate parking could be provided in front of the rectory building with safe vehicular access. With a parking goal of 300 vehicles (on-site and on-street) they would look for a minimum of 12 spaces with a goal of 20 or more. The physical limitations of the space in front of the rectory and vehicle access to the area would be too close to the signaled intersection and require the loss of 2 or more on-street parking spaces. Alternatively, parking places behind the rectory would require parishioners to walk between the rectory and church, subject to winter conditions and falling ice which is not an acceptable alternative.

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Jane noted that on the recent walkability tour someone suggested that the church could sell the building as a separate lot, remove the back side and use that money to put handicapped parking on the other side. She asked if there was any possibility of adding another entrance that would allow handicapped entrance on the other side of the building. Charlie noted that the elevator, the lift and at grade entrance right now is on the northeast corner. There is no at grade entrance on that side and they would have to modify the front of the church to get people in there. Don Leaver stated that a number of years ago the pastor at that time looked into putting an elevator on the other side. In addition to being cost prohibitive because it would have to be an exterior elevator, it would have required changing the front of the church.

Father Murray provided some additional information regarding costs that have been incurred thus far in operating expenses and taxes when the building is really not used. Additional costing by Greg Simard on renovating the building, either as a multi-family or historic renovation would be in the area of \$400K apiece. In addition, costs for moving and relocating the building would be approximately \$600,000.

Brooks commented that from the information provided at the last meeting and the architect for this, he feels pretty certain that if the building were somewhat restored it could be eligible for historic preservation. Were it to be sold and restored it would be quite a significant contribution to that corner.

Emily asked if there were parking standards for churches. Kris said that he believed it is 1 space for every 3 or 4 congregants. Emily noted that many of the other churches do not have parking areas and park wherever possible. Anna clarified that the ordinance states 1 space for every 4.

Emily asked for public comment. Chris Ledwick from High Street noted that suggestions for sale of the building are very appealing. He believes that the former rectory of the UCC is now used for businesses. The building in question at the present time is a burden to the church but keeping the building in use could be a tremendous value to the Church and the Town. He thinks that there are adequate handicapped and general parking spaces.

Emily noted that a resolution must be made by the January meeting and asked if there was anything further that the Board needs to do. Kris said nothing else is required and that the applicant will come back with more information prior to the December or January meeting and the Board is required to make a decision at that time before the 90 days is up. He noted that the January meeting is just past the 90 days and they will need to move it up before the normal meeting date of January 17th.

Charlie Wiercinski said that he wished there was something more they could say to convince the Board to allow the building to be moved off site and allow them to park where they like to park. They will do the suggested further advertising and will look at the idea of selling the building. They are not in the business of leasing or developing or renting the building. The idea of selling the lot would be a possibility but knowing the rules of side setbacks, the distance from the building and the church there is not enough to meet any legal setback requirements. Selling would not allow the church to meet their agreed upon parking requirements.

Janet stated that ideally, from the Board's perspective, moving the building instead of destroying it is a poor second to keeping it where it is to anchor the corner rather than having a parking lot.

Brooks noted that everyone is struggling to save historic buildings and asked what length do they need to go to save it and try to see what could be worked out and still solve the church's needs. He thinks not all the possibilities have been explored.

Emily asked what the rules are for setbacks. Kris said there is a 15' setback requirement in that zoning district and if you were to create parking you need that setback. The biggest challenge would be between the buildings you would need 30'. With regard to parking spaces they need to meet the setback as well.

DRAFT

Janet felt that the 20 handicapped spaces was a pretty big wish list and if that is reasonable to tear down a building for.

Jane noted that the building is an ugly duckling now and from the Sam B. Dunning building drawings, the way it was originally was very lovely and quite compelling. She thinks if people saw what it could be it might be very persuasive.

Charlie said they will put together a supplemental package probably for the December meeting, and asked if there will be a meeting in January prior to the moratorium deadline. Kris felt that it would be reasonable to schedule before the moratorium expiration date.

WORKSHOP – 10 Gilman Avenue – The Board will hold a workshop and review preliminary designs for a mixed-use structure at 10 Gilman Avenue.

Jim Shipsky, the architect and his partner Peter Taggart who will be the contractor on the project, presented ideas for developing a vacant lot on Gilman Avenue. The proposal is for a six unit co-housing project with a common space for community activities at street level and the other half at street level as rental for professional offices. He explained why the proposed building appears as it does. It is all about climate change and decreasing energy costs. They want to put up a model that is sustaining, a connection with nature with no carbon emissions. The location in downtown Brunswick offers so many places to walk to from Gilman Avenue. Every apartment will have a south facing sunny terrace just outside the main sitting area in the kitchen. Each will have a solar greenhouse so that residents can grow hardy greens all winter long and other vegetables all summer long. The apartments will be passive solar heated and setback so that no other apartment shades the apartment below.

Peter Taggart said that the building will be set back from the street the same as the adjoining buildings which he owns through Taggart Realty. The siding will be clapboard which is the siding material of the building, with asphalt shingled roof same as the other buildings, but will be a much more modern design

Emily asked about the project timetable, Peter said he would like to start in the spring when the snow is gone. Brooks commended the design as very exciting with the new technology. Jane asked if there was enough space for parking, Peter said there will be enough space behind the building. Janet asked how it compared height-wise with the other buildings, Peter said it is 3 ½ stories with a hip roof and does meet the ordinance requirements. Janet said it was a very interesting concept especially in terms of in town density. Emily asked if it would be a passive house, Peter noted that it will be built to passive house standards, his firm has actually designed and had approved a passive house. There are 3 criteria for passive houses; heating, lighting and infiltration. They will be mostly concerns with net zero not necessarily getting a certification from an organization, mostly interested in the residents not having energy bills. The building will be super insulated using passive solar design.

Emily stated that she looks forward to seeing their presentation.

3. Unitarian Universalist Church (15 Pleasant Street, Map U13, Lot 73) – The Codes enforcement Officer is implementing Section 216.4.C of the Zoning Ordinance waving temporarily the requirement to receive a Certificate of Appropriateness for Demolition of structures damaged by fire so the church may be demolished due to the unsafe nature of the structure.

Kris informed the Board that the Codes Enforcement Officer decided to grant a demolition permit to the Unitarian Church because of the structural instability of the church in accordance with Section 216.3.C of the Zoning Ordinance. A copy of the report by a structural engineer detailing the condition of the church is included in the packet. A Certificate of Appropriateness for Demolition will still be required simply as a housekeeping measure.

DRAFT

Tom Rumpf a member of the recovery team, in addition to several other members of the team and Reverend Sylvia Stockard were present to answer any questions the Board might have.

Emily asked if they have identified architectural pieces that can be saved. Tom said at the request of the congregation they will recycle all that can be saved. Judy Chamberlain said they have some very specific things that they will save provided they can be taken out without breaking. The stained glass window that has the 1885 when the church was built and the bell from the old church that burned. Other stained glass will be saved if they can, although the lead is pretty melted. Probably the most damaged window was the Swanson window and the Swanson family hopes that will be restored. Some of the other structural things were either ruined by the fire or rotted. The weathervane will come down and be kept including the wrought iron fence from the front.

Brooks asked if they had chosen an architect yet. In his point of view that was a wonderful building that was lost and he is hoping that something wonderful will replace it. The architect should be someone that will be sensitive to old buildings. Judy said they have been working with an architect that they worked with some five years ago, when they were considering renovating the building. The architects are very excited to do something in keeping with what they had, but they are also lead certified and the church wants a green building and a building that is far more handicapped accessible than what they had.

Janet asked if there was a timeframe to start rebuilding. Tom Rumpf indicated they were hoping to start in the spring.

Report on Department Reviews

The following in house-reviews were approved:

11-33 Great Impasta -New windows-42 Maine Street

11-34 Aki Restaurant – Sign – 90 Maine Street

Other Business

Emily asked if the fire escape on Lincoln Street would be on the December Agenda. Kris indicated that he has been in contact with them and he believes they will be ready for December.

Minutes – Tabled for next meeting.

Meeting adjourned at 8:25pm.

Attest:

Joan Edwards
Recording Secretary