

BRUNSWICK VILLAGE REVIEW BOARD
January 10, 2012

MEMBERS PRESENT: Emily Swan, Janet Roberts, Jane Crichton, Laurie Leader, Jeff Pelletier, Brooks Stoddard

STAFF PRESENT: Kris Hultgren

Emily opened the meeting at 7:15.

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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).

Kris introduced the application. The Board first heard the application at the October 18th meeting. At that meeting the Board enacted a 90 day moratorium to allow the applicant more time to provide the additional information supporting demolition that was requested by the Board and to explore other options. At the request of the applicant a workshop was held on November 15th where the applicant updated the Board on their efforts to find a buyer for the building and work out a plan to provide the needed parking without demolishing the building. The 90 day moratorium is up and a decision must be made.

Charlie Wiercinski, Don Leaver, Business Manager of St. John’s Parish and several members of the parish community who participated in the master plan were in attendance. Charlie updated the Board on efforts to sell the building, stating that a sign had been posted on the property on November 22nd indicating the property was free to anyone who could move it. He said that no concrete offers had been received.

With regard to subdividing the lot, Charlie stated that doing so would create an illegal non-conforming setback and was therefore not an option. Consideration to utilize other entrances to the church to provide for the handicapped was not possible due to inadequate headroom. The existing handicapped entrance was built to go up and others just to go down.

Charlie provided additional information supporting the Church’s contention that the only option available was to demolish the building:

He referred to the broker’s letter stating that the building was not a prudent investment. Estimates received from Greg Simard were \$170-200,000 to move the building and an additional \$275-450,000 to renovate it.

Taxes and expenses related to the building are \$11,000 per year.
With reference to the Ordinance 216.10 C1, C2, C3 he stated:

- C1 – The building is not historic and is not considered as contributing to the character of the Village Review Zone.
- C2 - The building has been vacant for 10 years and will continue to deteriorate
- C3 – Economically, the building is not viable

Emily referred to the zoning issues for setback requirements stating she had heard of a memo from the town attorney and an applicant could request a variance to place a line between the buildings. The Codes Enforcement Officer indicated that there is a high standard to meet and that certain grandfathering attributes would apply considering it was built before zoning rules went into effect.

The meeting was opened to public comment.

Melinda Gale stated she supports the demolition with the land providing a better use for the church.

Reverend Ann Broomel, Interim Priest for St. Paul's Episcopal Church, said she was very concerned about runoff from a parking lot affecting the foundation of the St. Paul's and the landscaping and lighting if the land were to be used as a parking lot. Many liturgical celebrations are conducted in the dark and it would be bad if light shone through the stained glass windows. She also noted the need for additional affordable housing in Brunswick.

Frank Dillon a former member of the On Campus Committee said that they spent over a year and half trying to determine what they could do to make the area attractive for the neighborhood and its people and the aging with disabilities. He suggested the Board consider whether they value buildings over people.

Bob Judd, 11 Lincoln Street, Secretary of the Northwest Brunswick Neighborhood Association read a letter outlining their objections to the demolition and creation of a parking lot.

Joe Donavick, a parishioner of St. John's stated that the Board seemed to be missing one point and that is the true gem, the true beautiful building, is the church. The parish has gone through a lot of effort and they are not just putting in a parking lot they want to make it a better building. With the white building gone it will enhance the view of the true gem, more trees, more handicapped parking and a better view.

Marie Barbierri, a parishioner and a member of the Catholic school board said there has been a lot of thought given through this process and the idea that thought has not gone into it is absurd in her opinion. The landscaping has been given thought, the parking lot has been given thought and she believes that the most important thing is the handicapped parking. With Maine winters the location of the present handicapped parking is just not feasible.

Chris Ledwick, a parishioner and a resident of Brunswick noted that the Pleasant Street area is changing with more houses disappearing. He compared the handicapped parking areas of St. Charles and St. Johns and noted that St. Johns has more handicapped parking spaces with easier access. He is of the belief that there are repurposed buildings in Brunswick and the location of the convent building would be an ideal location for additional business offices and a better choice than demolishing the building.

Kevin Twine, of 21 Oak Street noted that he retired to Brunswick and enjoys walking into town and frequently walks past the building in question. He brought a document published by the Pejebscot Historical Society titled *Samuel B. Dunning, Brunswick's First Architect*. Mr. Twine referenced several of the prominent buildings in Brunswick designed by Dunning. The importance to him of the convent site is its location. The

intersection is highly visible and one of the key locations in Brunswick. He noted that when you take an intersection like this that has four historic buildings and remove one to be replaced by a parking lot is a very significant change to that intersection. He understands that one of the primary needs for demolishing the building is for parking and questioned if the actual number of people requiring handicapped parking is known He noted that in the drawing of the plan for 30 parking spaces only 12 are designated handicapped, and felt that there were many missing pieces in the puzzle. He concluded in saying that if demolition is granted he would hope that St. Johns would get the neighborhood more involved than they have thus far.

Peter Asquith a Brunswick resident stated that he served as the past president of the pastoral council of St. John's Parish. In the context of that history the thought of addressing the needs for handicapped parking is not new and has been an ongoing problem, which could not be solved in a different way. In addition, he noted they looked very hard to find a use for the old convent and it became apparent at that time that it was cost prohibitive.

Andree Tostevin, the principal of St. John's Catholic School said that the school sits in the middle of what is the parking lot and the children go back and forth several times a day. It is a safety issue that they deal with continually and has to do with parking to a great extent. When they host Grandparents Days they have children whose grandparents cannot come simply because they cannot get into the church in a way that makes it comfortable. When they have pageants and memorial masses many of the children are left out because of the parking issue. Parking as it is currently designed is not safe and the current planning has been very thoughtfully conducted.

Maureen Donavick a parishioner for the past twenty-five years stated that she also did not have numbers of people needing handicapped access. She stated that St. John's is a church, and one person is enough; to be able to allow one or two more people to participate in their liturgical spiritual life is really important and they don't need to have hundreds. She spoke of a woman who attended St. John's for many years, but because of her physical incapacities was not longer able to attend the church. Although she found an alternative, she spoke of her sadness of not being able to participate in the church that she felt most comfortable in and most at home.

Public comment period was closed.

Emily stated that the Board needs to ask any questions they may have and then discuss the standards and findings of fact that support whatever decision they make. The draft findings of fact that they have from staff support a granting of the application for demolition, so what they need to do is talk about it and entertain a motion for either approving or denying the applicant.

Janet and Emily noted that looking at the planned view it appears that the proposed handicapped spaces look farther away from the entrance than those currently in place. Charlie noted that the access from the westerly side to the easterly side across the front of the church is part of the problem. The problem is both the distance and the condition of the sidewalk and the fact that the big steps are not as wide as it appears. He said it was not the final design but what they wanted to show was that it was the master plan. He said he could assure the Board that all the spaces on that side would be designated handicapped because they will be the closest and the easiest to get into without conflict either from pedestrians or vehicles or traffic. They will be in their own little parking lot.

He pointed out that in the design plan most of the pavement immediately adjacent to the church has been removed and the reason for that is that in the winter there have been snow and ice slides which are unsafe. Their intention would be to have a formal landscape plan around the building that would be safe for pedestrians and then they would snug up the parking as best they could.

Emily addressed the Findings of Fact in Standard 216.9.a. indicating that the last 4 are not applicable as they deal with reconstruction. The only standard applicable is the one that states *to the greatest possible extent structures that contribute to the character of the Village Review Zone shall remain unaltered.*

The factors that need to be considered in the Demolition Standards are

1. *The significance of the structure proposed for demolition as evidenced by the status as listed or eligible for listing on the National Register of Historic Places.*
2. *The condition of the structure provided that the applicant has not contributed significantly to the deterioration of the structure.*
3. *The availability of permitted alternative uses of the structure that would maintain its economic viability*

Emily noted that the factor that is important to her in the 216.9 standard is that which states *“structures that contribute to the character of the Village Review Zone shall remain unaltered”*. She believes that the building does contribute to the character of the Village Review Zone because of its role in anchoring a corner of an important intersection. She referred to the corner of Maine and Pleasant Streets as an example of where the loss of a building on an important corner and turning it into a parking lot is detrimental. It is important because the ordinance charges the Board with preserving traditional patterns of development and streetscape.

Kris suggested that the Board make a motion and then opening up to comment and discussion before the vote.

Brooks commented that he remains convinced that this building, despite its deteriorated condition, would be eligible for historic register if it were restored and could rank as the same quality as the Victorian houses across the road.

Emily noted the comments of the builder stated that the building is structurally sound.

Jeff stated that although he agrees with Brooks that the building, with effort and money could be quite beautiful, he has a problem with the fact that the applicant has no need or use for the building. The church has changed and the intended use of the building does not apply anymore and its proximity to the church eliminates many uses. Where does the Board’s role fit? Emily said that she struggled with the same problem, but pointed out that as stated by other people, demolition is irrevocable. She believes that a use of the building might be found which would not be hampered by its close proximity to the church since many buildings in Brunswick are very close to each other and seem to function fine. She thinks that spaces in front of the church could be made handicapped accessible.

Jeff added that parking issues aside, what do you do with the building; it will continue to deteriorate and could become a safety issue and an incredible eyesore.

Brooks said that he was impressed with the due diligence of the church in their planning process, but he was wondering if there is not some way the building could be mothballed for a while to search for alternate uses. He just thinks that taking a building down without every option being pursued on a large basis is something they might come to regret.

Janet noted that no one seemed to have contacted the Maine Preservation before. Don Leaver said he was pretty sure he had submitted another memo to file, that he was in conversation with Chris Closs at the recommendation of someone in the first meeting. His indication was that the only suggestion that Mr. Closs could offer is to do it with tax credits if someone was willing to invest and develop the building. Don said they stopped the conversation because they don't want a commercial building 10 feet from the entrance of the church so they did not pursue that further. That was the only option Chris gave them as far as any investment and when they looked at commercial realty, Malone Realty said they would not have the money to invest in a commercial building.

Brooks noted that he thought of a professional building which is a little different than a commercial building. Don stated that adjacent to their school and church was something they did not want.

Jane stated that she notes the church has big future plans for an event center and she is a proponent of reuse. It occurred to her that if they moved the property to within their own sphere they could have a very interesting reuse of the building and perhaps use it as part of the event center. She is only talking about the original Dunning property not the entire building, just moving and restoring the front portion and somehow incorporating it into the overall scheme. She asked if anyone had considered that option.

Charlie responded by saying they had not provided a copy of the building layout but he does have a copy he could show her. The plan for the event center is combination of a gymnasium for the kids at the school and a social hall where gatherings could occur. It is not something that could be served by smaller rooms, a bedroom type building that is on the corner at this time.

Charlie went on to state that the 4 items to be judged in terms of standards do not include whether or not they have a parking lot. They cannot get a variance, are not interested in getting a variance, the building has been so called mothballed for ten years and they are now at a point of action.

Emily noted that the question of parking was raised because part of the issues of the 90 day moratorium was to see if there were other ways for the applicant to achieve their goals, and parking is the goal of the demolition. Charlie said no, their goal is demolition and that is the way the application is worded, Certificate of Appropriateness for Demolition.

Janet stated that if the request for demolition was just for the purpose of demolition she would not approve, it is related to whether or not the applicant can meet their needs, it is demolition in relation to needs. Charlie responded stating that he believes that is technically incorrect.

Emily stated that there is no doubt that the structure does contribute to the character of the Village Review Zone and therefore they have to have a compelling counter argument to take it down. That is why they are discussing those matters. Charlie responded that he understood, but some of those matters include if they could subdivide and sell it, that would be a possibility. The opinion has already been given that said that is not available to them, they cannot get a variance. They now have a church property that the Board is discussing with various options of commercial or residential space. They are not in that business, it does not meet their goals and it does not meet

their criteria. Charlie stated he understand the goals in terms of maintaining historic structures and he appreciates that, and for the most part when they were there before they were on the same page, but they are not on the same page tonight.

Emily asked if they were ready for a motion...

MOTION BY JEFF PELLETIER TO GRANT A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION. SECONDED BY JANET ROBERTS.

Discussion. Emily said that the criteria in the ordinance are addressed in the proposed Findings of Fact as prepared by staff and would support a yes vote on application for demolition.

1. *Structures that contribute to the character of the Village Review Zone* - Emily stated that what is important to her is the streetscape pattern on this important corner and the significance of the architect. Janet agreed with the importance of contributing to the character of the neighborhood and felt that it all hinged upon the phrase “*to the greatest possible extent*” and how that plays out. Emily felt that tied into the third part of the demolition standard dealing with availability of permitted alternative uses of the structure that would maintain its economic viability. Emily noted that the main item that gave her concern is it is not impossible to find other uses for the building, which might mean collaborating with other groups or sale or seeking variances and things that one does not want to do. She feels that not enough has been done to explore those options. Janet said she was somewhat persuaded by the argument of enhancing the look of St. John’s because if someone were going to design a campus they would never place the building like that. For her, that is a mitigating design factor. She was not entirely persuaded based on track record that all the wonderful layouts will come to fruition and they won’t end up with a sea of asphalt.

Jeff noted that they can’t completely consider the design of the parking lot as drawn. Ultimately if the building were to go away then they would see the applicant again in the future with a proposal for design. Emily noted that they Board would not because the Village Review Board does not have authority to review parking lots. Kris added that it is likely that a parking lot would create enough impervious surface in that location that it would need to go through a development review process either with the Planning Board or Staff Review Committee where lighting standards, landscaping standards exist. If it did go to development review those issues would be addressed at that point. Jane asked if they have any control over the layout of the parking lot. She is concerned about St. Paul’s runoff issues and asked if they could they create a much larger block of green space. and can they have assurances that more of it would be green space. Charlie Wiercinski responded by saying that they are prepared to meet with the Planning Board, Planning Staff, with the neighbors and be as good neighbors as they can. Issues like lighting and drainage and such are normally the purview of the Planning Board. The ordinances are there the standards are there, they are familiar with them and they would expect to meet them.

Jeff noted that when they talk about a structure contributing to the character of the Village Review Zone, he thinks that one of the things that he thinks of when he thinks of the Town of Brunswick is its vibrancy. It is entirely livable and lived downtown, as a resident he knows that for a fact. It is multiuse, active thriving urban space and that’s what makes Brunswick special. To that end they need institutions, they need thriving churches, thriving schools. If the institutions move out of town then everyone has lost. This is what he is struggling with, are they cutting off their nose to spite their face. Janet

said she thinks that certainly St. Johns is not talking about doing that. they are talking about investing in downtown and she thinks that is a good point. But still staying within their mission, they do want to support their institutions.

Brooks added that having worked in France he had chances to see what churches do to preserve their sacred space, that is a factor that can't be overlooked; preserve history. The building is still a part of the history of the parish.

Emily said regarding the criteria of alternative uses, the area being a mixed use area of commercial space, B&BS, religious space, and many residences her understanding was that there is some precedent in the law or the interpretation of ordinance that gives more flexibility for variances in these kinds of situations. Kris stated that he did not know if there was any special considerations in the past, all he knows is after discussions internally with staff and with the town attorney ,that with respect to the setback issue, it is available to them but is a high standard and would be difficult to meet.

Emily asked if they were ready to vote. Kris asked to clarify the motion before the Board to approve the application with the Findings in place as they are. Emily clarified that the motion was just to approve, they would then finalize the Findings of Fact. They might not necessarily want to adopt the Findings as they are. Kris clarified the fact that if they were to approve the project there needs to be positive findings for each one.

VOTE ON MOTION TO APPROVE THE APPLICATION FOR CERTIFICATE OF DEMOLITION, 3-3. MOTION FAILED.

Kris stated that now the Board should go forth with each finding and create language so that as the ordinance states, the decision for denying the project is in writing.

Emily referred to their first vote on the corner of Stanwood and Pleasant that they explicitly said their vote was without prejudice and they could appear again. She stated that further exploration of future uses was the key element in her vote and asked if after earnest effort to pursue other uses none, could be found, could this come back

Charlie Wiercinski asked if he could make a suggestion, and stated that he would ask them to reconsider their vote. It seems to him that with a vote of 3-3 they really know where it stands, something is going to happen to the building. The church's recourse as their next step is to go the Zoning Board of Appeals to appeal the decision on economic grounds. What they have tried to do is give the Board the economic grounds and they would hope that in the findings they would see that the economics do not support the opportunity to put the building in any kind of shape. They are not in the business commercially or residentially and based on the evidence provided, the cost of rehab or relocation of the building is prohibitive. So it seems to him that in the findings, if they agree that the presentation is correct that it is prohibitive, then to the greatest extent possible they agree with the proposal. He understands that they are 3-3 and they still have to give them the findings and what they will do is take them to the Zoning Board of Appeals based on almost the same basis, and ask them to make the same decision they are asking the Village Review Board to make. He said he appreciates the desire to save the building but it doesn't meet their needs and needs to be moved, they will give it to anybody who made an offer. What they are doing is merely taking more time and more expense but are really not addressing the issue. From their perspective, the Church is the #1 spot on their campus and they have much larger plans that that building can start to service if the rectory is not there. He said he could go on but he would ask the Board to

reconsider their vote because they do need to come up with findings. He does not understand how you can do findings for both sides of the ledger, it makes no sense.

Janet said she would assume that they would do just as if it were a 4-3 vote and the 4 would be adding the language for the findings so that the people who prevail are the ones that come up with the findings. Kris said that he would agree with Janet that the 3 members of the Board who voted against the motion need to specify which standards were not met.

Emily indicated her finding would be for 216.9.a *to the greatest possible extent structures that contribute the character of the Village Review Zone shall remain unaltered.* The Village Review Board finds that the convent building proposed for demolition at the corner of Pleasant and Union Street contributes to the character of the Village Review Zone, its demolition would be detrimental to the traditional streetscape and development pattern of the area and would constitute the loss of a building designed by one of Brunswick's most important architects. The next 4 do not apply.

Janet suggested that although contributing to the character of the zone was addressed, to the greatest extent was not. Emily suggested adding that the Board finds that further exploration of collaborative uses with social service agencies, religious organizations or sale or other uses consistent with those found on the same street to the greatest possible extent have not been achieved yet.

C1 – *the significance of the structure proposed for demolition as evidenced by its status as listed or eligible for listing on the National Register-* change to: the structure is not listed on the National Register of Historic Places however it appears to be National Register eligible because it was designed by one of Brunswick's most important architects and therefore has considerable local significance.

C2 – *the condition of the structure:* change to the condition of the structure is fundamentally sound as indicated by the applicants own builder and the applicant has not contributed to any significant deterioration of it.

C3 – *the availability of permitted alternative uses to maintain economic viability* change to: the Board finds that the applicant has not yet explored a range of creative options including collaborative uses with social service agencies, religious organizations or sale of the building or other uses The pattern of development on this street suggests that the building could be used for residential and commercial purposes since both uses are found in similar structures along this street.

Kris indicated that if the other two members were satisfied with that, he could certainly compile that language and finalize it with the chair.

In House Reviews and Approvals:

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

Other Business

Kris stated that the Lincoln Street applicant withdrew the application to build fire escape stairs but expressed interest in keeping the railing that provided some protection for anyone that might be on top of that roof. The stairs are now gone. In discussions with Emily, she gave the go-ahead in consultation with staff for just the railing to be approved in house as long as it is consistent with the other trim.

Other items to keep on a future agenda are historic preservation month and the brochure. She asked if the brochure was finalized and Jeff replied it was not and will need to be added to another agenda.

When discussing the changing of this meeting date to accommodate the 90 day church application moratorium it was thought than when the ordinance review is conducted it would be helpful to change the moratorium to 120 days to avoid changing meeting dates in the future. If everyone thinks it is a good idea, Kris will add it to a housekeeping list.

Emily has been contacted by Laura Leinert about a group being spearheaded by the Northwest Brunswick Neighborhood Association to plan the creation of a program for historic markers for buildings in downtown Brunswick. Jane Crichton agreed to be the Village Review Board representative to this group..

Minutes

Minutes for August, October and November postponed until the next meeting.

Meeting adjourned at 9:25pm.

Attest:

Joan Edwards
Recording Secretary