



**TOWN OF BRUNSWICK**

**PLANNING BOARD**

28 FEDERAL STREET, BRUNSWICK, ME 04011-1583

**TOWN OF BRUNSWICK**

**PLANNING BOARD**

**AGENDA**

**BRUNSWICK STATION**

**16 STATION AVENUE, BRUNSWICK, ME**

**ROOM 217**

**Tuesday, September 11, 2012**

**7:00 P.M.**

1. **Public Hearing:** The Planning Board will hold a public hearing to consider the rezoning of the west side of Federal Street between Mason and Center Streets, from Town Residential 2 to Town Center 1.
2. Other Business
3. Minutes

It is the practice of the Planning Board to allow public comment on development review applications and all are invited to attend and participate.

Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521. This meeting will be televised.



## 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

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August 28, 2012

**To:** Brunswick Planning Board  
**From:** Anna Breinich, AICP  
**Subject:** Public hearing to consider zoning change from TR-2 to TC1: West side of Federal Street between Mason and Center Streets

At their July 23<sup>rd</sup> meeting, the Brunswick Town Council unanimously voted to request Planning Board's consideration of options to amend the zoning ordinance to allow other uses at 28 Federal Street (Town Hall and Recreation Facility), once the buildings are no longer used as a municipal facility, and make recommendation to Council.

As requested by Town Council, we researched zoning of 28 Federal Street in effect at the time of construction of the Municipal Building and, thereafter, to determine if its functional use as an office would be considered a legally-established nonconforming use.

In 1959, the Town of Brunswick acquired the 28 Federal Street property. We are unable to confirm whether the Parks and Recreation Building, 30 Federal Street, was also acquired at that time or earlier. At the time of purchase and it is assumed, at the time of construction of the municipal building, the property was zoned as General Residence. Municipal Use was a permitted use; office use was not.

In 1969, the Zoning Ordinance was significantly updated with the creation of new zoning districts and changes made to existing zoning district boundaries. The west side of Federal Street from Mason to Center Street was rezoned from General Residence to C-1, Downtown Commercial District. This district generally included Maine Street from Fort Andross to Pleasant Street, then continuing south on the west side of Maine Street to Noble Street. Permitted uses included multi-family residential only by "exception" approved by the Board of Appeals, a mix of commercial, institutional, recreational and educational uses. Single-family residential was not a permitted use. With regard to 28 Federal Street, "governmental building or facility" was a permitted use as well as offices. The Municipal Building continued as a governmental building or facility use and was not reclassified as an office.

The C-1 Zoning District remained as adopted in 1969 until September 1986, at which time an updated zoning ordinance was adopted. Zoning districts were again redrawn and all previously zoned C-1 properties fronting Federal Street were now rezoned a new Intown Residential 11 District, as was all Federal Street. Unfortunately the rezoning from C-1 to Intown Residential 11 created 5 non-conforming uses/properties out of 7 properties located between Mason and Center Streets. For the most part, these non-residential uses were legally established between 1969 and

1986 and still exist today as nonconforming uses today. In hindsight, this area should have remained C-1.

Presently, as a municipal facility, the town offices and recreation center are permitted uses by ownership alone. As to their functional use, offices and recreational facilities are prohibited uses in the current Town Residential 2 Zoning District (TR2) established in 1997, as part of a comprehensive Town-wide rezoning. Single-family and multi-family residential uses are the only permitted uses in the TR2 District encompassing Federal Street with the exception of an area near Cleveland Street. Bed and breakfast establishments, greenhouse and florist, photographer and artist studios and religious institutions are permitted by Special Permit. Therefore, if the existing Town offices and recreation uses are vacated, the buildings/parcels cannot be used for the same non-municipal functional use.

At the Board's July 31, 2012, staff suggested two alternatives to address the issue:

- 1) To rezone the west side of Federal Street, between Mason and Center Streets, back to what is now known as Town Center 1 (formally C-1), thereby reflecting the majority of existing nonconforming uses established by right between 1969 and 1986 – primarily non-residential uses, compatible with residential uses; or
- 2) To amend the existing municipal facilities standards (Section 306.17) to allow the continuation of existing prohibited functional uses of municipal facilities, as a legally-established nonconforming use. Essentially, the functional use of the municipal facility would be considered non-conforming having the same restrictions as any other nonconforming use town-wide.

After much deliberation, the Planning Board took unanimous action to schedule a public hearing on September 11, 2012 to consider the rezoning of the west side of Federal Street between Mason and Center Streets, from Town Residential 2 to Town Center 1.

I will be in attendance at the Planning Board to answer questions.

