

**BRUNSWICK PLANNING BOARD
NOVEMBER 6, 2012**

MEMBERS PRESENT: Chair Charlie Frizzle, Dann Lewis, Dana Totman, Richard Visser, and Steve Walker

STAFF PRESENT: Anna Breinich

A meeting of the Brunswick Planning Board was held on Tuesday November 6, 2012 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

WORKSHOP: The Planning Board will hold a workshop session regarding the Town Zoning Ordinance, Chapter 2, Section 216, relating to the issuance of Certificates of Occupancy for demolitions in the Village Review Overlay Zone.

Charlie Frizzle opened the workshop and reviewed that this workshop is the result of a joint workshop with the Village Review Board as requested by Town Council. Charlie stated that some of the issues they are faced with are inadequacies within the ordinance itself and lack of objective substantive guidance and perhaps even the makeup of the Village Review Board itself. Charlie stated that this review will involve a significant overhaul of the ordinance and will take longer than previously envisioned. In order to be responsive to what the Town Council has asked and to allow for the ordinance rewrite to move forward, Charlie suggested that for the interim period, the Village Review Board's decisions with respect to demolition be made advisory to the Planning Board. Charlie stated that this will alleviate some of the pressure on the Village Review Board. Steve Walker clarified that these changes would mean that the Planning Board would review demolition projects that would not normally come before them and asked if this would increase the Planning Board workload. Charlie replied that this would increase the workload but he does not see that this will be significant increase. Charlie suggested that the Board ask Anna Breinich and the Town Attorney to develop formal language; when that is completed, they will schedule a public hearing. Anna asked if the Board would want to hold another workshop or assuming there is a consensus at the end of the meeting, move toward a public hearing; Charlie replied that assuming they reach a consensus, he would suggest moving toward the public hearing. Steve asked if it would be possible for Village Review Board to weigh in; Charlie replied that the Village Review Board would have time to respond and reply. Dana Totman stated that the Planning Board as well as the Village Review Board for the most part, largely serve as a judicial function; if the Village Review Board will now be more advisory to the Planning Board then they will be a more legislative and the Planning Board will making the same decisions with the same lack of criteria. Charlie replied that Dana was correct and that the Planning Board would have to do the best that they could with the vague criteria provided by the ordinance. Dana replied that he is comfortable with the idea but pointed out that they will be lacking in criteria and stated that at a minimum, maybe some of the language that the Village Review Board has should be moved to the Planning Board section. Anna stated that Sections 216.9 and 216.10 may be helpful, but stated that these sections also need to be reviewed. Dana asked if the only criteria with respects to economic viability was that listed in Section 216.10.C.3; Anna replied yes and stated that if you do meet this, you refer to 216.11.B.

Chairman Charlie Frizzle opened to public comment.

Charlie Wiercinski, stated that it seems to him that most of the buildings being requested for demolition have been demolished. Mr. Wiercinski asked, how they would enforce someone to keep a building up that they wanted to demolish. Mr. Wiercinski stated that the Village Review Board also does not want to know what will replace the demolished building whereas the Planning Board wants to know the site plan. Mr. Wiercinski suggested that the Town make a list of historically significant buildings that they do not want demolished. If owners wish a building be demolished, they can appeal the list, otherwise the criteria is tough. Charlie Frizzle stated that some of these suggestions are better suited for the ordinance rewrite and not for the interim.

Charlie Frizzle stated that he is an advocate of property rights and recognizes that zoning is an infringement on property rights but one that is probably necessary. Charlie stated that to what extent our zoning wants to go, such as the Village Review Zone, is something that will need to be looked at during the rewrite. Dana Totman agreed and stated that some of this discussion should be reserved for further down the road.

Curt Neufeld, from Sitelines, asked what criteria the Planning Board will use and if the intent is that the Planning Board will be making the final decision. Curt stated that you don't usually demolish a building without having the intent to replace it with something better than what was there and hopefully what is new and in purview of the Village Review Board will go back to them to make sure it fits. Curt asked what would be the expectations of the Planning Board once they have gone through the Village Review Board as the interim decision maker. Curt echoed the property rights and stated that they help preserve the character and quality. Curt asked how the Town would enforce someone to maintain a building that is being requested for demolition or that has no viable use. Curt stated that this is a problem and it seems inappropriate to say that you cannot demolish a building simply because it fits in the neighborhood. Charlie Frizzle stated that during the interim period, it may be that the Planning Board decision is no better than what has been rendered before but will at least bring in a wider perspective of viewpoints to the process. Richard Visser asked if the Planning Board would also see what is being proposed as replacement; Charlie replied that the Planning Board would be able to bring in whatever level of expertise that they felt was pertinent to the discussion. Anna Breinich stated that right now this is not what is built into the overlay but the Village Review Board knows that proposed plans will come back for review. Steve Walker stated that this could open up another level of review that would typically stop at staff level and noted that they will need some parameters. Charlie stated that there is that danger but that the Planning Board will have the ability to limit these. Anna suggested that they consider demolitions almost like they do with development review within the Village Review Board zone, a two-step process.

Curt Neufeld stated that another concern is if a building/residential or office space is not up to code, has serious issues and has to go through the economic analysis of bring it up to code, is not an option, then what are they to do. Another issue Curt raised is if someone does not have a lot of resources and has a building that is no longer habitable; he hopes that all the issues will be reviewed.

Consensus among the Board that they move forward and wait for Anna and the Town Attorney to develop language to make the Village Review Board advisory to the Planning Board with respects to demolition permits and that a formal public hearing be scheduled when such language is drafted.

Other

- Anna Breinich stated that the Planning Board recommendations in respect to Brunswick Landing had been approved at the Town Council meeting.
- Possible Sketch and Final plan of 12,000 square foot T-Hanger at Brunswick Landing.
- Final plans for Brunswick Subdivision.

Minutes

MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF SEPTEMBER 11, 2012. SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY.

Adjourned

This meeting was adjourned at 7:45 P.M.

Attest



Tonya D. Jenusaitis
Recording Secretary