



**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, February 12, 2013**

**7:00 P.M.**

1. **WORKSHOP** – The Planning Board and the Village Review Board will hold a joint workshop session to discuss potential amendments to the Town Zoning Ordinance, Chapter 2, Section 216, Village Overlay Zone. This workshop will focus on the issue of geographic and substantive jurisdiction of the Village Review Board.
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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February 7, 2013

**To:** Brunswick Planning Board and Brunswick Village Review Board  
**From:** Anna Breinich, AICP and Pat Scully  
**Subject:** Village Review Zone Jurisdiction Alternatives

A number of key Village Review Zone (VRZ) ordinance elements were discussed at your first joint workshop on January 29th in order to provide staff guidance in developing a concept draft. Those key elements included Village Review Board composition, geographic and substantive jurisdiction, and review criteria for non-demolition and demolition applications. The purpose of the concept draft is to provide more detail to alternatives discussed at your first workshop for your review and recommendation from which a draft ordinance could then be developed.

As we began this task, it became evident that a very key component is the question of geographic and substantive jurisdiction of the Village Review Board as it will influence all other ordinance sections. We are requesting that you review these options and give your preference on a jurisdiction alternative. We would then bring the options and your preferences to the Council for consideration.

Based on our work to date, we have identified a few alternatives:

1. Keep Village Review Board jurisdiction as is, both geographic and substantive, including jurisdiction of demolitions, with improved review criteria.
2. Same as Option 1, but expand the Village Review Board jurisdiction geographically as suggested in the 2008 Comprehensive Plan (include the west side of Maine Street between Pleasant Street and Bath Road/Noble Street).
3. Same as Option 1, but alter VRB jurisdiction to apply only to the portion of the existing or expanded VRZ that is designated as an historic sub-district.
4. Change the Village Review Board's jurisdiction to make it more of an Historic Preservation Review Board with jurisdiction over all MHPC designated contributing properties within the Town's three National Register listed Historic Districts, National Register listed properties, as well as professionally designated local historically significant structures outside the listed Historic Districts. Demolitions, modifications, alterations, additions and new construction involving non-contributing properties within the three Historic Districts would be subject to specific design standards administered by the Planning Department or the Planning Board (in the case of projects otherwise triggering Planning Board jurisdiction).
5. Same as Option 4, but limited geographically to the existing or expanded Village Review Zone.

**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 Boards 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

**BRUNSWICK PLANNING BOARD**  
**NOVEMBER 27, 2012**

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

**STAFF PRESENT:** Anna Breinich, Patrick Scully-Town Attorney

A meeting of the Brunswick Planning Board was held on Tuesday November 27, 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.

**Public Hearing:** The Planning Board will hold a public hearing to consider an amendment to the Town Zoning Ordinance, Chapter 2, Section 216, relating to the review of demolitions in the Village Review Overlay Zone.

Anna Breinich began by reviewing the history behind the request by the Town Council for the Planning Board to review the Brunswick Zoning Ordinance Chapter 216, relating to the review and approval of demolitions within the Village Review Overlay Zone. Anna stated that the Planning Board has held one joint workshop with the Village Review Board and held a Planning Board workshop on November 6, 2012. Anna stated that after the Planning Board packet had been sent out, Emily Swann, Chair of the Village Review Board, questioned whether the proposed time requirements for submittal of review were adequate to include a meeting of the Village Review Board and potential site visits. Anna noted that she made changes to the drafted language and asked that members please refer to proposed November 27, 2012 amendments. Anna stated that the amendments highlighted in yellow in the 11/27/12 copy are revisions to address the time constraints. Anna reviewed the newest revisions to Section 216.8.A and Section 216.10. Margaret Wilson and Charlie Frizzle suggested adding “and then forward the application to” to Section 216.10. B, for clarification. Richard Visser suggested clarifying in Section 216.2.C to refer to the Village Review Zone. Charlie replied that this is language that has been in the ordinance for a while; demolition is all that has been added. Anna suggested stating “within the Village Review Zone”. Charlie suggested limiting changes to demolitions and reviewing the rest of the language during the ordinance rewrite. Margaret Wilson suggested adding “within the Town” to the remaining sentence for clarification as the meaning has changed. The resulting Ordinance section would read as follows:

Section 216.2.C

Act in an advisory role to the Town Council, Planning Board and other Town bodies regarding proposed demolitions or relocations of structures *within the Village Review Zone* and the protection of historic sites, structures, and artifacts *within the Town*.

Dana Totman noted that Section 216.10.B, states that for simple or routine request, the application goes to staff for approval but noted that the way it reads, if disapproved, the appeal would go to the Zoning Board of Appeals and the Planning Board would never be involved. Dana stated that it sounds like the Planning Board is hearing the appeal because they may be unhappy with the staff’s decision. Charlie Frizzle replied that this language refers to whether or not a project should be deemed minor; if the Chair of Village Review Board or the Chair of the Planning Board feels that the project is not minor, they have the right to take it over. Dana

replied that the way this reads, the applicant can make this determination as well. Dana asked whether the applicant can make their determination before or after staff makes their decision. Patrick Scully, the Town Attorney, replied that he believed that the intent of the language is that the applicant or the Planning Board Chair can request or require the initial review of the plan be reviewed at the planning level and not at the staff level.

Chairman Charlie Frizzle opened the meeting to public hearing.

Emily Swann, Chair of the Village Review Board, stated that she has discussed these revisions with Charlie Frizzle and Emily stated that she is happy to see things moving forward with improving the demolition process and this is a good step as they move towards working on some of the current problems both for the applicant and for the Board. Emily stated that at the initial meeting timing had not occurred to her until she reviewed the ordinance more closely and she realized that this could be an issue as the Village Review Board makes a site visit and she was concerned that a shorter time frame would make this impossible. She suggested that a joint site visit between the two boards might be helpful in making the final decision. Emily stated that she likes the way Anna and Pat have lengthened the overall review process.

Chairman Charlie Frizzle stated that some of the hope of the interim process was to take some pressure off those who volunteered to review the ordinance and allow them the time necessary to do a good job.

Chairman Charlie Frizzle closed the public hearing.

Dana Totman suggested adding a fourth criteria to Section 216.10.E. He suggested that the fourth criteria be *the recommendation of the Village Review Board*. Pat Scully replied that if they add the Village Review Board in as criteria for approval, does that mean that if the Village Review Board recommends denial or approval then the Planning Board is required to follow suit. Pat stated that by adding it in as criteria it suggests that the Planning Board is compelled to act. Dana replied that he was not suggesting that it be binding; they have set the process up so that the Village Review make recommendation to the Planning Board. Margaret Wilson replied that they need to consider the Village Review Board recommendations. Pat suggested adding a sentence to the end of section E that reads “in acting on the application the Planning Board shall consider the recommendation of the Village Review Board”. Margaret Wilson replied that she is generally comfortable with the language because of the work that has been done but noted that the problem, when reading this, is that there continue to be no standards in the ordinance or at least the same difficult standards that the Village Review Board shared that they were unable to apply; this places the Planning Board in the same position of applying the same inapplicable standards. Margaret stated that she is concerned about this issue. Charlie Frizzle replied that they are aware of this but noted that the review by the Planning Board does bring in another set of eyes and perspectives.

**MOTION BY STEVE WALKER TO RECOMMEND TO THE TOWN COUNCIL THE REVISED ORDINANCE LANGUAGE AS AMENDED ON 11/27/12. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.**

**Case Number: 12-039 10-Unit T-Hangar:** The Board will review and take action on a joint **Sketch and Final Plan** application submitted by MRRA to construct a 10-unit nested T-hangar at Brunswick Executive Airport (**Assessor's Map 40, 0**) in the **Reuse - Aviation Related (R-AR) Zoning District**.

Steve Levesque, Executive Director of MRRA, stated that the project is for a 10 unit T-Hanger on the site of former Hanger 1 that was torn down in 2006. Steve stated that this is part of the overall Airport Master Plan and is the first new construction on the airport. Steve stated that a T-Hanger is essentially a garage for individual private airplanes. Steve stated that for construction they have their site law permit for this and other related activities for this project.

**MOTION BY MARGARET WILSON THAT THE SKETCH AND FINAL PLAN BE DEEMED COMPLETE. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.**

Steve Walker asked why they call it a T-Hanger; Steve Levesque replied that airplanes back in and park in a "T". Charlie Frizzle noted that in the Staff Review Committee meeting minutes, the Deputy Fire Chief requested that no portable heating units be permitted on site. Charlie asked Steve if this was going to be followed through or if there was a reason that they might entertain portable heaters in the unit. Steve replied that they have no desire to put portable heaters in. Steve stated that the hangers themselves will not have any water either, but they will have a bathroom. Margaret Wilson asked for clarification on the impervious surface; the Nils Gonzalez, Engineer, replied that the limits of construction are 100% impervious. He stated that the total parcel itself is 70% and noted that the entire parcel is over 700 acres.

**MOTION BY STEVE WALKER THAT THE BOARD WAIVES THE FOLLOWING REQUIREMENTS:**

1. Section 412.2.B.8 – Name, location and width of paving for proposed roads
2. Section 412.2.B.14 – Location of proposed cross section of sanitary sewers
3. Section 412.2.B.16 – Class A Soil Survey
4. Section 412.2.B.23 – Landscaping Plan

**SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.**

**MOTION BY MARGARET WILSON THAT THE SKETCH AND FINAL PLAN IS APPROVED WITH THE FOLLOWING CONDITIONS:**

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 a review and approval in accordance with the Brunswick Zoning Ordinance.

**SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.**

Other

No other business.

Minutes

No minutes reviewed at this meeting.

Adjourned

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

Attest

Tonya D. Jenusaitis  
Recording Secretary