



**TOWN OF BRUNSWICK**

**PLANNING BOARD**

BRUNSWICK STATION  
16 STATION AVENUE, BRUNSWICK, ME 04011  
ROOM 217

**PLANNING BOARD  
\*REVISED AGENDA**

**Tuesday, March 12, 2013  
7:00 P.M.**

1. **Case Number: 13-002 - Zoning Amendment Request** : The Planning Board will hold a public hearing to consider an application by the Midcoast Regional Redevelopment Authority to amend the language for the R-AR (Aviation Related) Zoning District in BNAS Reuse District to allow additional non-aviation-related professional office uses.
2. **Case Number: 13-005 - Zoning Amendment Request** : The Planning Board will hold a public hearing to consider an application by Bowdoin College to amend the MU3 (Mixed Use / Upper Harpswell Road) Zoning District to include “Residence Hall” as a permitted use.
3. **Workshop**: The Planning Board and the Village Review Board will hold a joint workshop session to discuss substantive amendments to the Town Zoning Ordinance, Chapter 2, Section 216, Village Overlay Zone.
4. **Other Business**
5. **Minutes**

*\*Agenda revised 3/1/13 to include Item #3*

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

PHONE: 207-725-6660  
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March 8, 2013

**Memo to:** Brunswick Planning Board  
**From:** Jeremy Doxsee, AICP, Town Planner  
**Subject:** Public Hearing: MRRA Request for a Proposed Zoning Amendment for BNAS Reuse (BRU) Zoning District, Land Use District R-AR

At the February 26, 2013 Planning Board meeting, the following Midcoast Regional Redevelopment Authority zoning amendment request was reviewed in a workshop session. Upon review and discussion, the Planning Board authorized a public hearing to consider and make recommendation to Town Council on the following zoning ordinance text change:

## A-III.6 Use Table for the Land Use Districts as adopted (condensed)

Use/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Professional Office	P	P	P <sub>3</sub>	P	X	X
Business Office Use	P	P	P <sub>3</sub>	P	X	X
Key: P = permitted use, X= prohibited use						
Notes: 1 = Allowed only as part of a mixed-use building						
2 = Allowed only as an accessory use to another allowed use						
3 = Allowed only in conjunction with aviation related activities or uses						

## Proposed Text Amendment to A-III.6 Use Table for the Land Use Districts (condensed)

Use/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Professional Office	P	P	P	P	X	X
Business Office Use	P	P	P	P	X	X
Key: P = permitted use, X= prohibited use						
Notes: 1 = Allowed only as part of a mixed-use building						
2 = Allowed only as an accessory use to another allowed use						
3 = Allowed only in conjunction with aviation related activities or uses						

Briefly, the amendment requested pertains to the R-AR Land Use District, contained within the BNAS Reuse (BRU) Zoning District.

The R-AR Land Use District currently permits Professional Office uses only in conjunction with “aviation-related activities or uses”. This restriction was originally requested by MRRA during the initial drafting of the 2009 Zoning Ordinance amendment creating the BNAS Reuse District and associated Land Use Districts. The request was made as at that time it was MRRA’s understanding that the FAA restricted any non-aviation use within their conveyance to the Authority. Since that time, the FAA has clarified that non-aviation uses may be located with all revenue generated by such uses restricted general operations of the Brunswick Executive Airport.

MRRA has indicated that it has an opportunity to lease these facilities for non-aviation business uses. Accordingly, MRRA is requesting that Professional Office be allowed in the R-AR District without being in conjunction with aviation-related activities. MRRA has identified two buildings (250 and 554) that could immediately benefit from the amendment, and has indicated that both facilities are ideally suited for non-aviation professional/business office uses.

In terms of ordinance structure, the requested amendment would change “Professional Office” and “Business Office” in the use table from a “P<sup>3</sup>” (allowed only in conjunction with aviation-related activities or uses) to a “P” (Permitted Use). As stated in the Planning Board workshop, staff further recommends that the same restriction on “Business Office” be removed at this time.

Staff will be in attendance at our meeting for questions or clarification.



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March 8, 2013

**Memo to:** Brunswick Planning Board  
**From:** Anna Breinich, AICP  
**Subject:** Public Hearing for Case #13-005: Request by Bowdoin College for a Zoning Amendment in MU3 District to Permit Residence Halls

At the request of Town Council the Brunswick Planning Board is considering a request from Bowdoin College to amend the Town's Zoning Ordinance, Mixed Use 3 (MU3) District, to include "Residence Hall" as a permitted use. As you know, the Planning Board held a workshop session to review the proposal and took action to authorize a public hearing to consider and make recommendation to Town Council.

This request is being made as the College has an interest in purchasing the former Steven's Home, a 16-bed residential care facility, 52 Harpswell Road with the intent to reuse the structure as a residence hall. Presently, "residence hall" is a prohibited use in the MU3 District. By an 8-1 vote, the Town Council moved to request the Planning Board review changes to the Zoning Ordinance regarding amending the MU3 column of "Table 206.1 Use Table" to change Residence Hall from a prohibited use (X) to a permitted use (P).

As delineated by the 2008 Comprehensive Plan Update, Future Land Use Map, the MU3 Zoning District is located within the Town Residential area, envisioned to be primarily a residential and educational area of the Town. Allowed uses generally reflect an established development pattern yet are varied within the area. Appropriate uses include a range of residential uses including small scale multi-family housing and accessory apartments, very limited, small scale commercial uses and home-based businesses compatible with neighborhoods, college related residential and nonresidential uses, and a wider range of nonresidential uses in the existing mixed use areas (MU3 and MU6).

Currently, permitted uses in the MU3 District include bed and breakfast, boarding house, congregate care/assisted living, community center, multifamily residential, and small scale commercial uses. Actual uses include a residence hall (Smith House established in 1972 by Bowdoin College), 2-single-family residences, 2 offices, a convenience store and a site approved for 4 condominium units. Based on the current mix of uses and those permitted within the MU3 District, a residence hall use is similar in nature. It should also be pointed out that a primary difference between a boarding house, MU3 permitted use, and residence hall, MU3 prohibited use, is ownership; the latter use defined as "A facility owned by a post-secondary school to house its students." In other words, a private owner could purchase, be permitted to reuse the Stevens home as a boarding home or condominiums and rent to college students, thereby having the same type of use/impact as a residence hall use, albeit under different ownership. As a matter of information, a Boarding House is defined by the Town's Zoning Ordinance as "a building other than a hotel containing a shared kitchen and/or dining room, with sleeping rooms accommodating no more than two persons per room (excepting minor children) which are offered for rent, with or without meals. Includes a college fraternity or sorority."

I look forward to your discussion during the public hearing.

206 GROWTH DISTRICTS/MIXED USE

<u>District Name</u>	<u>Geographic Reference</u>
MU2	Intown Railroad Corridor
MU3	Upper Harpswell Road
MU4	Fox Run
MU6	Lower Harpswell Road

Note: MU Districts located in Rural Areas (MU1 & MU5) are found in Section 208

Table 206.1 USE TABLE

Use/District	MU2	MU3	MU4	MU6
Bank	P	-	-	-
Bed and Breakfast	P	P	P	P
Boarding House	P	P	P	P
Business Office	P	P	P	P
Car Wash	X	X	X	X
Congregate/Assisted Living	P	P	-	- (Amended 9/4/01 R)
Convenience Store	-	P	P	P (Amended 7/5/05 R)
Club or Lodge	P	-	-	-
College Dining Facility	X	X	X	X
Community Center	P	P	-	-
Contractor's Space	-	X	-	-
Drive-Through	P	X	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	P	P	P
Dwelling, 3 or More Units	P	P	P	P
Gasoline Sales	-	X	X	X
Golf Course	X	X	X	X
Greenhouse or Florist	P	P	-	-
Educational Facility	P	X	-	-
Farm	X	X	P	X
Hotel	P	-	-	-
Industry Class I	P	X	-	-
Industry Class II	-	X	X	-
Kennel	-	X	X	X
Library or Museum	P	-	-	-
Media Studio	P	-	-	-
Motor Vehicle Sales	P	X	X	X
Motor Vehicle Repair/Service	P	X	X	X
Parking Facility	P	P	-	- (Amended 6/6/11 R)
Photographers/Artists Studio	P	P	-	-
Professional Office	P	P	P	P
Recreation Facility	P	-	P	P
Religious Institution	P	P	P	-
Residence Hall	X	X	X	X
Restaurant	P	P	-	-
Retail Class I	P	X	P	-
Retail Class II	P	X	-	-
Service Business Class I	P	-	-	-
Service Business Class II	P	-	-	-
Veterinary Office	P	-	-	-
Warehousing and Storage	P	X	-	-
Theater	P	-	-	-

Key: P="permitted use"; X="prohibited use"; "-"=Special Permit required, see Section 701.  
See Section 306. Supplementary Use Regulations

## **Demolition Concepts (3/8/13 skeleton outline for discussion only)**

### **1. Architectural or historical significance basis of determination**

#### **a. Define significance/non-significance**

- 1) Most significant structures:**
  - a) National Register listing or eligible for listing**
  - b) Contributing structure within a National Register District**
  - c) Locally designated landmarks on a voluntary basis (could use "top 100 prioritized list as a start)**
- 2) Other contributing structures having identifiable regional or local architectural, cultural or historical significance built prior to 1930 (1950?)**
- 3) Noncontributing structures (other structures with no identifiable architectural, cultural or historical significance; loss of historical or architectural integrity due to additions or substantial alterations)**

### **2. Demolition Standards and Procedural Options (*Note: these are optional standards for discussion purposes and may not all be desired.*)**

#### **a. Most significant structures (granted under very limiting circumstances)**

- 1) Must meet one of the following criteria:**
  - a) Proposed replacement is more appropriate and compatible with the neighborhood character (would include contemporary design)**
  - b) Structure proposes imminent threat to public health or safety**
- 2) 90-day delay period during which the applicant shall consult with Village Review Board and Maine Preservation in seeking alternative to demolition, including relocation of structure.**
- 3) Publically list property for resale/removal from site.**
- 4) Demonstrate that structure cannot be adapted for other permitted use w/reasonable return on investment.**
- 5) Demonstrate economic hardship (more specific than what is currently in our ordinance, quantifiable/verifiable)**
- 6) Structurally unsound based on structural engineering inspection/analysis, risk to public health, safety and welfare (follow-up by Code Enforcement and Life Safety Officers?)**
- 7) Partial demolition may be permitted**
- 8) Demolition for a replacement project of special merit (having significant/high priority benefit to the Town/residents; serve the public interest)**
- 9) Require plans for reuse of site**
- 10) Require documentation of resource and conserve special architectural features/ornamentation**

#### **b. Other contributing structures having identifiable regional or local architectural, cultural or historical significance built prior to 1930 (1950?)**

- 1) Must meet one of the following criteria:**
  - a) Proposed replacement is more appropriate and compatible with the neighborhood character (would include contemporary design)**
  - b) Structure proposes imminent threat to public health or safety**

- 2) Consultation with Village Review Board is encouraged to discuss alternatives to demolition.
  - 3) Publically list property for resale/removal from site.
  - 4) Demonstrate that structure cannot be adapted for other permitted use w/reasonable return on investment.
  - 5) Demolition for a replacement project of special merit (having significant/high priority benefit to the Town/residents; serve the public interest)
  - 6) Require documentation of resource and conserve special architectural features/ornamentation
- c. Noncontributing structures (other structures with no identifiable architectural, cultural or historical significance)
- 1) Require application and approval of COA for replacement structure consistent with design standards.
  - 2) No COA required if not visible from public right-of-way.

**Note:** To date, definitions for the following terms are suggested

- Contributing Structure
- Noncontributing Structure
- Historic District
- Economic Hardship