



**TOWN OF BRUNSWICK**  
**PLANNING BOARD**  
BRUNSWICK STATION  
16 STATION AVENUE, BRUNSWICK, ME  
04011  
ROOM 217

**PLANNING BOARD**  
**AGENDA**

**Tuesday, May 7, 2013**  
**7:00 P.M.**

- 1. WORKSHOP** – The Planning Board and the Village Review Board will hold a joint workshop session to discuss the final draft of the proposed changes to the Town Zoning Ordinance, Chapter 2, Section 216, Village Overlay Zone. The goal of this workshop will be to finalize proposed demolition criteria and standards for the May 21<sup>st</sup> public hearing.

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

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May 3, 2013

**Memo to:** Brunswick Planning Board  
Brunswick Village Review Board  
**From:** Anna Breinich, AICP  
**Subject:** Joint Planning Board and Village Review Board Workshop: Review of final draft of Section 216, Village Review Zone, amendment to the Brunswick Zoning Ordinance

In preparation for your next workshop session on May 7<sup>th</sup>, please find attached two versions of the final draft amendment to Section 216, Village Review Zone, of the Brunswick Zoning Ordinance; tracked and clean formatting for your review. This draft incorporates the revisions discussed at your last workshop and those suggested by the Town Attorney, Pat Scully, Esq. Pat will also be attendance at the upcoming workshop.

I look forward to our discussion next Tuesday.

**216 Village Review Zone (VRZ)**

**216.1 Purpose**

The purpose of the Village Review Zone is to protect and preserve the architectural context and historical integrity of downtown neighborhoods in the Town of Brunswick by:

- A. Applying Ordinance standards and design guidelines in a reasonable and flexible manner to maintain Brunswick's traditional character and to ensure compatible construction and rehabilitation of existing structures in the Village Review Zone without stifling change or forcing modern recreations of historic styles.
- B. Developing administrative processes and objective standards that identify and encourage the preservation and enhancement of neighborhood character, sites, and structures having historic or architectural significance.
- C. Promoting economic development by enhancing the attractiveness of the Town to businesses and their patrons, residents, and visitors to Brunswick.
- D. Fostering civic pride in the Town's history and development patterns as represented in distinctive sites, structures, and objects.
- E. Promoting and protecting significant features of the historic patterns of development, including traditional landscaping, densities, street widths and public amenities.

**216.2 Duties of the Village Review Board**

The duties of the Village Review Board are to:

- A. Review new construction, additions, alterations, relocations or demolitions within the Village Review Zone, and issue a Certificate of Appropriateness for applications satisfying requirements of this Section.
- B. Develop, regularly update, and consult the Village Review Zone Design Guidelines in review of applications for Certificates of Appropriateness.
- C. Act in an advisory capacity to the Town Council, Planning Board and other Town entities regarding the protection of historic sites, structures, and artifacts.
- D. Review and comment upon proposed National Register of Historic Places nominations for properties within the Town.
- E. Maintain and update the existing historic building/structure survey using forms and guidelines established by the Maine Historic Preservation Commission.
- F. Provide educational and informational opportunities for Brunswick residents and businesses regarding historic preservation.

**216.3 Village Review Board Membership**

- A. The Village Review Board shall consist of seven members.
- B. The membership of the Village Review Board shall include a resident of the Village Review Zone and a Brunswick resident who is a representative of the Pejepscot Historical Society. To the extent possible, the remaining members shall include Brunswick residents with expertise or experience in the fields of architecture, historic preservation and construction engineering.
- C. All members shall be appointed by the Town Council for a three year term.
- D. Annually, on or about February 22, the Village Review Board shall choose a Chair and Vice-Chair from its membership.
- E. A quorum shall consist of four members.
- F. The Village Review Board may adopt its own rules of procedure and shall establish appropriate meeting times.

**216.4**

**Classifications**

- A. Contributing resources shall include:
  - 1. Properties listed on the National Register of Historic Places.
  - 2. Properties eligible for listing on National Register of Historic Places, as determined by the Maine Historic Preservation Commission.
  - 3. Contributing resources within a National Register Historic District as determined by the Maine Historic Preservation Commission.
  - 4. Other contributing structures over 50 years of age and having identifiable regional or local architectural, cultural, and historic significance. Said listing is available from the Department of Planning and Development.
- B. Noncontributing resources shall include:
  - 1. Resources having no identifiable architectural, cultural, or historical significance
  - 2. Resources having lost its historical or architectural integrity due to incompatible additions or substantial alterations.

**216.5**

**Certificate of Appropriateness**

- A. A Certificate of Appropriateness is required for any of the following activities involving contributing resources or noncontributing resources visible from a public right-of-way in the Village Review Zone:
  - 1. Construction of a new structure.
  - 2. Addition to an existing structure.
  - 3. An alteration to the exterior appearance of any structure with the exception of in-kind replacement of windows, facades and building ornamentation, normal maintenance and painting. This includes, but is not limited to, any construction requiring a building permit, the creation of new impervious surfaces, the construction of fences, changes in windows or façade materials, or the elimination or addition of any ornamentation.
  - 4. Relocation of any structure, or portions thereof.
  - 5. Demolition of any structure or portions thereof.

6. Construction, installation or alteration of any sign, with the exception of directional signage less than three square feet in size.
- B. The power to grant a Certificate of Appropriateness for new construction, additions, alterations, relocations or demolitions under this Section is vested in the Village Review Board; however that power is hereby delegated in accordance with the following provisions:
1. The Director of Planning and Development shall have the power to grant a Certificate of Appropriateness in cases where, in her/his judgment, the impact of the proposed activities will be minor, as described in Section 216.8(B)(1) herein and in keeping with the review standards of the Ordinance.
  2. The Director of Planning and Development shall regularly apprise the Village Review Board of Certificates of Appropriateness granted in accordance with paragraph 1.
  3. Notwithstanding the authority delegated to the Director of Planning and Development, the applicant and the Village Review Board Chair each has the right to require review of an application by the Village Review Board.
  4. The Director of Planning and Development may find proposed changes to an approved Certificate of Appropriateness to be a minor modification in which case approval by the Village Review Board shall not be required.
- C. If a structure or property has been damaged by fire, flood, storm or other natural disaster, and emergency temporary repairs are required in order to protect health or safety, or to prevent further damage to the structure or property, the Codes Enforcement Officer may waive temporarily the requirements of this Section for a Certificate of Appropriateness and issue a building permit for such emergency temporary repairs, including demolition or partial demolition. No later than 30 days after the issuance of the permit, the permit applicant must apply for a Certificate of Appropriateness for the repairs already made and/or any planned permanent repairs or additional demolition work that requires a Certificate of Appropriateness under [Section 216.5 paragraphs A, B or C.](#)

**216.6 Limitation on Granting of Other Permits**

No building permit or final development review approval may be issued until a Certificate of Appropriateness is granted. Where an application requires both a Certificate of Appropriateness and Development Review, the applications may be concurrently reviewed, However, the Final Development Review application shall not be acted on until a decision regarding the Certificate of Appropriateness is rendered. If the application for a Certificate of Appropriateness is denied, the application for a building permit or for Development Review shall be denied. If the Certificate of Appropriateness is granted with conditions, those conditions shall be added to the Development Review approval.

**216.7 Application for Certificate of Appropriateness**

Application forms for a Certificate of Appropriateness shall be made available in hard copy or online by the Department of Planning and Development,. Completed applications shall be submitted to the Department staff with the following information provided:

- A. Name, address and interest in the property.
- B. Location and nature of the proposed activity.

- C. A brief description of the proposed construction, reconstruction, alteration, relocation or demolition and proposed reuse, or other alteration. The description shall include the reason for the request, and will demonstrate how the proposal is in compliance with **Section 216.9**.
- D. Drawings illustrating the design, texture, and location of any construction, alteration, or demolition/relocation for which a certificate is required. The drawings shall include plans and exterior elevations drawn to scale, with sufficient detail to show their relation to exterior appearances and the architectural design of the building. Proposed materials and textures shall be described, including samples where appropriate. Drawings need not be prepared by an architect or engineer, but shall be clear, complete, and specific.
- E. Photographs of the building(s) involved and of immediately adjacent properties. Staff shall provide completed historic building/structure survey forms if available for the structure. For demolition or relocation applications, interior and exterior photographs shall be provided clearly indicating the existing condition of the structure and, if available, the structural condition at time of purchase by the applicant.
- F. A site plan showing the relationship of proposed changes to walks, driveways, signs, lighting, landscaping, and adjacent properties, if applicable. For relocation or demolition applications, provide post-demolition plans, including a site plan for the property specifying site improvements and a timetable for completion.
- G. The reviewing entity may grant a waiver of submission requirements if it finds the submission of that information is not relevant to a determination.
- H. Application fee.

**216.8**

**Application Review Process**

- A. All applicants are encouraged to consult with Department of Planning and Development staff prior to submitting an application for a Certificate of Appropriateness at which time a determination can be made as to the level of review required. During consultation, Department staff shall provide appropriate guidance and available resources, including the Village Review Zone Design Guidelines, to the applicant.
- B. Within four days of an application being submitted to the Department of Planning and Development, staff shall make a determination regarding completeness. If incomplete, staff will notify the applicant of deficiencies. If complete, staff will process the application as either a minor or major application as follows:
  - 1. Minor Activities (staff-level review)
    - a. Activities shall include:
      - 1) Any alterations or new additions not visible from a public right-of-way;
      - 2) Replacement of existing exterior siding or other materials, windows or doors which do not alter architectural or historic character;
      - 3) Repair, replacement or repointing of exterior masonry walls which do

- not alter architectural or historic character;
    - 4) Placement of sheds or other outbuildings, fences or dumpsters located in rear yards not visible from a public right-of-way;
    - 5) Any demolitions, partial demolitions or relocations of noncontributing resources not visible from a public right-of-way.
    - 6) Roof-top appurtenances not visible from a public-right-of-way; and,
    - 7) Removal of non-historic elements concealing original architectural character-defining features.
  - b. Minor Applications for Certificate of Appropriateness shall be submitted to the Department of Planning and Development staff. Staff shall review and either render a decision to the applicant or forward to the Village Review Board for their consideration within ten days of determining the application complete. Appeals of decisions by the Department are decided by the Village Review Board.
2. Major Activities (Village Review Board-level review)
- a. Activities shall include:
    - 1) Any additions to existing structures or new construction visible from a public street;
    - 2) Any roof-top appurtenances visible from a public right-of-way;
    - 3) Exterior renovations, alterations or modifications to the structure or site not determined to be minor in nature;
    - 4) Any alterations or new placement of walks or driveways; and,
    - 5) Any demolitions, partial demolitions or relocations of contributing resources, as well as noncontributing resources visible from a public right-of-way. The independent demolition of incidental noncontributing structures accessory to a contributing resource are exempt from review.
  - b. Major Applications for Certificate of Appropriateness shall be submitted to the Department of Planning and Development staff no less than fourteen days from the date of the Village Review Board's meeting in which it will be discussed.
    - a) The Town shall provide notification to all property owners within a 200-foot radius of the boundaries of the property under review of the proposed application, giving a general description of the activity and specifying its location. Notifications shall be distributed by first class mail, at least 10 days prior to a scheduled review, stipulating the time and place of the Board's meeting. The Board may also schedule a publicly noticed site visit of the subject property prior to their meeting.
    - 2) Within 30 days of the Town's receipt of a complete application, the Village Review Board shall hold a public meeting and make a determination as to the completeness of the application. Once the Board votes to determine that the application is complete, it shall review the application. After completing its review, the Board shall vote to deny, approve or approve the application with conditions. The Village Review Board shall set forth the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the applicant and any interested member of the public of the basis for the decision. The date of approval, denial, or approval with conditions shall be the date

- that the Board votes on an application for a Certificate of Approval.
- 3) A written notice of the determination of the Village Review Board, including findings of fact and Certificate of Appropriateness, shall be sent by regular mail to the applicant and to the Planning Board within 10 days of the Village Review Board's determination.
  - 4) Appeals of decisions by the Village Review Board are decided by the Zoning Board of Appeals.
- c. Additional Processing Requirements for Relocation or Demolition Activities:
- 1) In addition to the above, additional processing requirements for Certificate of Appropriateness applications for demolition or relocation of a contributing and noncontributing resources visible from public r/w shall be as follows:
    - a) General
      - i. Demolition or relocation of contributing resources within the Village Review Zone should be avoided whenever possible.
      - ii. A permit for demolition or relocation of a contributing resource, a noncontributing resource visible from a public right-of-way or portions thereof, within the Village Review Zone shall not be issued unless a Certificate of Appropriateness has been approved. Said demolition work, (interior or exterior) or relocation of the resource shall not start until the expiration of the 30-day decision appeal period.
    - b) Review Process
      - i. Applications to demolish or relocate contributing resources individually listed on the National Register of Historic Places or deemed eligible by the Maine Historic Preservation Commission, and contributing resources located within a National Register-listed Historic District must adhere to a 90-day delay period. The Village Review Board may impose a 90-day delay period for other contributing resources.
      - ii. During the 90-day delay period, the applicant shall:
        1. Consult with Village Review Board and Maine Preservation and other civic and preservation organization(s) in seeking alternatives to demolition, including the reuse and/or relocation of the resource.
        2. Document "good faith" efforts in seeking an alternative, including relocation and/or reuse resulting in the preservation of the resource. Such efforts shall include posting a visible sign on the property, listing the property for sale and/or relocation, and publishing a notice of availability in a general circulation local newspaper. The notice of the proposed demolition shall be forwarded to the Pejepscot Historical Society, the Town Council, Planning Board and other civic organizations.
        3. Thoroughly photo or video document the resource and provide photo/video and written documentation to the

Town and Pejepsco Historical Society. Any significant architectural features shall be salvaged, reused and/or preserved as appropriate.

4. Provide post-demolition plans, including a site plan for the property specifying site improvements and a timetable for completion.

iii. If at the end of the 90-day period, no satisfactory alternative has been found, the Village Review Board shall either grant or deny a Certificate of Appropriateness to demolish the resource.

2) Noncontributing Resources.

No Certificate of Appropriateness is required if the proposed demolition is not visible from the public right-of-way.

4. Demolition of a Replacement Project of Special Public Merit.

a. Demolition or relocation of a contributing or noncontributing building or structure in a historic district which may have a substantial adverse effect on the aesthetic, historic, architectural, or archaeological significance of the historic district may be allowed if a replacement project is of special public merit. For a replacement project to be of special public merit, it must meet the following criteria:

- 1) It must have significant benefits to the Town of Brunswick or the community by virtue of social or other benefits having a high priority for the community
- 2) It must clearly serve the public interest to a greater extent than the retention of the present building(s).

**Comment [A1]:** Decide whether to keep, include determination by Town Council, include minimization /avoidance language.

216.9

**Review Standards**

A. General Standard.

1. All Certificates of Appropriateness for new construction, alterations, relocations or demolition shall be in accordance with applicable requirements of this Ordinance and the U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings. Consideration shall be given to the Village Review Zone Design Guidelines.

B. New Construction, Additions and Alterations to Existing Structures.

1. In approving applications for a Certificate of Appropriateness, the reviewing entity shall make findings that the following standards have been satisfied:
  - a. Any alterations to existing contributing resources shall be designed in a manner to minimize the overall effect on its historic integrity.
  - b. Preserve and enhance the existing historic and architectural character of the contributing resource and remain visually compatible with the existing streetscape.
  - c. Prohibit concealing of distinctive historic or architectural character-defining features. If needed, replace any significant features with in-kind replacement and/or accurate reproductions.

**Comment [A2]:** Should this standard be split in 2 to address contributing separate from noncontributing? Noncontributing alterations should be compatible with the existing streetscape but in all likelihood would not have any character in and of itself.

- d. Contemporary new construction or additions shall be visually compatible with existing mass, scale and materials of the surrounding contributing resources.
- e. Maintain structural integrity of existing structures when constructing additions.
- f. For new construction of commercial, multi-family and other non-residential uses the following additional standards shall apply:
  - 1) Parking lots shall be prohibited in side and front yards, except if the application involves the renovation of existing structures where such a configuration currently exists. In cases where such parking configurations exist, the parking area shall be screened from public right-of-way with landscaping or fencing.
  - 2) Site plans shall identify pedestrian ways and connections from parking areas to public rights-of-way.
  - 3) All dumpsters and mechanical equipment shall be located 25 feet away from a public right-of-way and shall be screened from public view.
  - 4) Conventional heating, ventilation, and air conditioning equipment on the roof shall be screened from the view of any public right-of-way. Alternative energy devices, including solar collectors and wind turbines shall be incorporated into the structural design or screened, whichever is preferred by the applicant.
  - 5) Parapets, projecting cornices, awnings or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.
  - 6) Building Materials:
    - a) The use of cinder-block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.
    - b) The use of vinyl, aluminum or other non-wood siding is permitted as illustrated in the Village Review Board Design Guidelines. Asphalt and asbestos siding are prohibited.
    - c) Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.
  - 7) No building on Maine Street shall have a horizontal expanse of more than 40 feet without a pedestrian entry.
  - 8) No building on Maine Street shall have more than 15 feet horizontally of windowless wall.
  - 9) All new buildings and additions on Maine Street:
    - a) Must be built to the front property line. This may be waived if at least 60% of the building's front facade is on the property line, and the area in front of the setback is developed as a pedestrian space.
    - b) If adding more than 50% new floor area to a structure, the addition shall be at least two stories high and not less than 20 feet tall at the front property line.
    - c) The first floor facade of any portion of a building that is visible from Maine Street shall include a minimum of 50% glass. Upper floors shall have a higher percentage of solid wall with between 15% and 40% glass.

C. Signs

Signs shall comply with the requirements of Chapter 6 (Sign Regulations) with consideration given to the Village Review Zone Design Guidelines.

D. Demolition and Relocation

1. Demolition or partial demolition of a contributing or, if visible from a public right-of-way, a noncontributing resource, excluding incidental or noncontributing accessory buildings and structures located on the same property, shall be prohibited unless the application satisfies at least one of the following criteria:
  - a. The structure poses an imminent threat to public health or safety. An application must be accompanied by a report from a qualified structural engineer for review by the Town Code Enforcement Officer and photographs depicting the current condition of the building.
  - b. The applicant can document he/she has not contributed significantly to the deterioration of the structure.
  - c. The applicant shall demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, resulting in a reasonable rate of economic return, regardless of whether that return represents the most profitable return possible. An opinion shall be provided from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in historic rehabilitation, as to the economic feasibility for restoration, renovation, or rehabilitation of the contributing resource versus demolition or relocation of same.
2. Demolition, partial demolition or relocation of a noncontributing resource visible from a public right-of-way, shall be approved by the Village Review Board if it is determined that:
  - a. The structure proposed to be demolished has no historic or architectural significance; and
  - b. The proposed replacement structure is deemed more appropriate and compatible with the neighborhood character or streetscape than the resource proposed for demolition.

Comment [A3]: Discussion.

**216.10 Appeal to Zoning Board of Appeals**

- A. A Village Review Board decision regarding a Certificate of Appropriateness may, within 30 days of such denial, be appealed to the Zoning Board of Appeals pursuant to Sections 703.4 and 703.5 herein.

Comment [A4]: Can an abutter appeal to ZBA?

**216.11 Expiration of Certificate of Appropriateness**

- A. If two years after issuance of a Certificate of Appropriateness, the approved work is not found to be complete by the Codes Enforcement Officer, the approval shall lapse. The applicant may, at any time before the date of approval expiration, make a written request to the Village Review Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if the Board grants an extension. The Board may consider any changes to the Zoning Ordinance or any

other new information relevant to the application when considering an extension request. (Amended 9/4/01 R)

## 216.12

### Definitions

Definitions specific to this Section are as follows:

**Character-Defining Feature:** The form, material and detail of those architectural features important in defining a building's historic character and whose retention will preserve that character. Such features include, but not limited to, facades, roofs, porches, windows, doors, trim, massing, scale, orientation and landscape features, such as fences, walls, posts and walkways.

**Compatibility:** Possessing characteristics that are predominant in nature to character-defining features of structures within a neighborhood as described in the Village Review Zone Design Guidelines. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of alterations or development proposals in maintaining the character of the existing neighborhood.

**Contributing Resource:** A building, structure, or object that adds to the historic association, historic architectural quality, or cultural values because it was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity, or is capable of yielding important information about the period.

**Historic District:** A geographic area federally designated as an historic district and listed on the National Register of Historic Places.

**Historic Integrity:** The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship and association) that existed during the property's prehistoric or historic period.

**In-Kind Replacement:** Replacement of a feature with new materials that identically matches the original with respect to design, size, configuration, texture and other visual qualities.

**Noncontributing Resource:** A building, structure, or object that does not add to the historic sense of time and place or historic development; or one where the location, design, setting, materials, workmanship or association have been so altered or have so deteriorated that the overall integrity has been irretrievably lost.

**Project of Special Public Merit:** A redevelopment project that has significant public benefits to the Town or community by virtue of social, civic, public health, safety, or other benefits that clearly serve the public interest, to a greater extent than the retention of the existing building(s).

**Secretary of the Interior's Standards:** *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, restoring and Reconstructing Historic Buildings* (36 CFR Part 68 in the July 12, 1995 Federal Register or most recent edition), are the national standards to guide work undertaken on historic properties. The intent of the *Standards* is to assist in the long-term preservation of historic structures and features. The *Standards* are used to evaluate rehabilitation projects on certified historic structures for federal tax credits.

**Streetscape:** The public setting in which a structure, site or landmark is located. It is the immediate visible neighborhood of the street or public land associated with such a structure, including such features as fences, sidewalks and lights.