

**BRUNSWICK PLANNING BOARD
MARCH 12, 2013**

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Dann Lewis, Richard Visser and Steve Walker

STAFF PRESENT: Anna Breinich, Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, March 12, 2013 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Chair Charlie Frizzle called the meeting to order at 7:00 P.M.

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.

Jeremy Doxsee stated that the Planning Board reviewed this zoning amendment request at their workshop held 2/26/13 and stated that the applicant is requesting that Professional Office use be a permitted use in the R-AR Zoning District and noted that the applicant has already identified two buildings that could immediately benefit from the amendment.

Dave Markovchick - Economic Development Manager, reiterated what Jeremy Doxsee had stated and noted that Professional Office use does sync with what the FAA will allow. Charlie Frizzle reminded members that prior to this application, it was MRRA's understanding that the FAA restricted any non-aviation use within their conveyance to the Authority and noted that the FAA has clarified that non-aviation uses may be allowed. Margaret Wilson asked if they will need to segregate any funds. Dave replied that all funds have to go to support the aviation account only (not MRRA). Steve Walker pointed out that this is the second time that the Planning Board has been asked to tweak this zone and noted that he is worried about the cumulative effect it may have in the Reuse District. Steve asked what assurances MRRA can provide to the Board that natural resources will be protected. Dave replied that this change only focuses on existing buildings per the FAA.

Chairman Charlie Frizzle opened the public hearing; hearing none, the public hearing was closed.

MOTION BY DANN LEWIS TO RECOMMEND TO THE TOWN COUNCIL TO AMEND THE LANGUAGE FOR THE R-AR ZONING DISTRICT TO ALLOW ADDITIONAL NON-AVIATION-RELATED PROFESSIONAL OFFICE USES. SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY.

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.

Anna Breinich stated that this zoning amendment request is to add “Residence Halls” as a permitted use in the MU3 Zoning District. This request, forwarded by the Town Council, is being made as the College has an interest in purchasing, and renovating, the former Steven’s Home. Anna stated that the MU3 district is made up of seven lots with the largest being the former Stevens Home. Anna pointed out that the MU3 district already permits bed and breakfast, boarding house, congregate care/assisted living, community center, multifamily residential, and small scale commercial uses and noted that the Comprehensive Plan envisioned this area of the Town to be primarily residential and educational. Anna pointed out that current uses include a residence hall (Smith House), 2-single-family residences, 2 offices, a convenience store and a site approved for 4 condominium units; staff feels that this zoning amendment change would be compatible with the district.

Catherine Longley, from Bowdoin College, reiterated that the district already includes the Smith House which was grandfathered. Catherine stated that the former Stevens Home has 19 rooms several bathrooms and could easily be renovated; the outside will need some work, new roofing and siding but the renovations and repairs would maintain the current footprint. Catherine presented slides which depicted views of the main entrance of the site, parking area, area behind the house, another view of the MU3 Zoning District, and an aerial view of the other locations in downtown Brunswick where Bowdoin College currently houses students. Catherine stated that if approved, the Stevens Home could house roughly 27 students and Bowdoin College would no longer need to rent property downtown. Catherine stated that Bowdoin held a meeting with the neighbors on 2/13/13 and at that time concerns were lighting, noise, parking, and use of the property behind the building. She said that ideas under consideration are appropriate path, lighting, fencing, possibly converting the large area behind the building into an organic farm and having this be a quiet facility. If granted, Bowdoin will continue to work with the neighbors. Steve Walker asked what is meant when they say that they envision the house being a quiet facility. Catherine replied that they have other housing that is considered chemical free and thus more quiet; the Smith House is currently considered quiet housing.

Chairman Charlie Frizzle opened the meeting to public hearing.

Diane Friese, resident of 21 McLellan Street, stated that she has she has spoken with her neighbors and the ones she has spoken with are in favor of this change and thrilled that Bowdoin College is considering taking over the Stevens Home and using the footprint as it exists. Diane stated that the idea of the organic garden is also very exciting. Diane pointed out that the neighborhood already houses many students.

Robert Burgess, resident of 50 Harpswell Road, stated that if you house 20-30 students (boys/girls/mixed) under one roof, they will not be quiet. Robert asked how quiet it can really be and again stated that he does not believe that it will be quiet housing. Robert is also concerned with students trespassing on his property.

Kevin Cashman, resident of 8 Harpswell Place, stated that he does not feel strongly one way or the other but wants to make sure that the neighborhood maintains its integrity of the community and neighborhood and hopes that Bowdoin College would continue to be a good neighbor.

Allen Moss, resident of 39 Longfellow, stated that he abuts the back side of the Stevens Home and is happy that Bowdoin College has considered the Stevens Home and that they have reached out to the neighbors. Allen stated that he would like the concerns from the neighborhood meeting to be addressed such as the quiet area, low lighting, fencing, protection of property and the general noise. Allen stated that he has lived at his residence for 14 years and noted that there has only been 1 incident at the Smith House which was immediately taken care of. Margaret Wilson asked if the neighbors have expressed what they are looking for in terms of fencing; Allen replied that fencing currently exists on part of the property and they would like it extended.

Connie Lundquist, resident of 11 Longfellow Ave, stated that there is an established neighborhood there and noted that she had attended the neighborhood meeting at which there was a great deal of cooperation. Connie pointed out that what Bowdoin College is asking for is a zone change and what needs to be discussed are the effects the change will have on the remaining neighborhood.

Reed Bartlett, resident of 10 Harpswell Place, stated that issues with Bowdoin College encroachment on the neighborhood has been going on for roughly 15 years. Reed said that in 1996/97 the college wanted to open up property near South Street and Longfellow Avenue to college use to develop residence halls in that area and that for more than a year a series of negotiations between the college and the neighborhood zoning task force ensued which resulted in the Town Council denying Bowdoin. Reed stated that some of the reasons for denial were convenience zoning and despite the inevitability that the college may eventually own the neighborhood, it was felt that it would mean the end of the neighborhood. Reed stated that this is the same feeling today and it is about allowing the college to place residence halls in a residential neighborhood. Reed pointed out that Harpswell Place is extremely vulnerable because it will be surrounded by the college. Reed stated that during 1996-1997 a great deal of zoning ordinance changes were made which he views as a compromise such as the creation of College Use 3, changes to houses along South Street which the college purchased, establishment of Pickard Field as a College Use Zone, and establishment of Brunswick Apartments although they had been owned for a number of years by Bowdoin. Reed stated that a year after the compromises, Bowdoin College wanted to put a 33 car parking lot immediately in front of his house and they used rule 303 of the Brunswick Zoning Ordinance which allowed them to side-step any public hearing and the zoning was attempted to be changed. Reed stated that a concern is that the zoning could once again be attempted to be changed without a public hearing. Reed stated that the Town Council voted in his favor and the zoning was not changed. Reed stated that in 2001 Bowdoin renovated the Stowe House for residence Halls and in 2004 a College Master Plan was presented that noted future development for housing would be located where Brunswick Station now exists which would have taken the burden off the neighborhood. Reed stated that in 2005 Bowdoin began to renovate the dorms on campus and went from triples to doubles which meant more need for housing to allow Bowdoin to keep up with similar schools. This was the same argument made for the parking lot. Reed stated that in 2007 Maine Street Station plans were revealed and the neighborhood was disappointed that there was no mention of student housing.

Reed stated that there is hope that Bowdoin can expand on the former Navy Base but he still believes that this is convenience zoning on behalf of the college.

Michael Kolster, resident of 41 Longfellow Ave and employee of Bowdoin College, stated that his property abuts the back of the Stevens Home near the shed and that he has lived in his house for 11/12 years. Michael stated that he would really like for the land behind the Stevens Home to remain empty and dark but realizes that this may be unrealistic. Michael stated that he understands that a boarding house is a permitted use and would like to see Bowdoin College continue to be good citizens and will uphold development, but is concerned that a larger building be constructed. Michael noted that if neighbors can take Bowdoin's word that the building which currently exists will remain and remain for a long period of time with the back part of the property remaining undeveloped then neighbors may feel better.

Connie Lundquist, resident of 11 Longfellow Ave, stated that if the Town wants to change the zone as part of a plan for this zone and it is what is stated in the Comprehensive Plan then they should go forward with this change.

Chairman Charlie Frizzle closed the public hearing.

Charlie Frizzle stated that prior to the meeting he had staff ask the Police to research what the track record has been for residence halls away from campus and out in the community. They looked back to 3/7/11 at 5 units on Maine Street, a unit on McKeen Street, a unit on Boody Street, a unit on Belmont Street, 9 Harpswell Road, Pine Street and Cleveland Street; only one noise complaint for loud music. Steve Walker clarified that Bowdoin is not looking to change the zoning but to add "Residence Hall" as a permitted use. Steve asked Margaret Wilson what was the nature or other discussion that might have come up with the Comprehensive Plan Committee about what they envisioned for this area. Margaret replied that it was hard to answer because the interface between the college and the residential zones around it is one of the most difficult problems in the Town. Margaret stated that there was a definite consensus on the committee that this was an intact residential community but they also recognized the positive impact that the college has on the Town. Margaret stated that the Comprehensive Plan clearly views Downtown Brunswick and its core as a mix of business, educational and residential and they all need to coexist. Margaret noted that if Bowdoin College passed on purchasing the Stevens Home, something could be placed that may be more intrusive and stated that she does believe that the application is in line with what is in the Comprehensive Plan. Steve Walker suggested making this request a Special Permit which would allow the Board to be more sensitive to the neighborhood. Anna Breinich replied that for the size, the Planning Board will be getting this application back for a Change of Use and noted that they have to be looking at the use change and not the development of the site at this time. Steve again asked if there was value in making this a Special Permit rather than across the board zoning. Charlie replied that regardless if this triggers a review for development, he would have no problem requiring them to come back for a reuse permit which would accomplish the same thing as a Special Permit. Steve asked what the drawback is to just having a Special Permit; Charlie replied that they would need to go through a public hearing again and essentially start over. Margaret stated that this is a multi-use zone that already has a dorm on it, is located on a busy road and that it makes logical sense. Margaret asked what the maximum height and lot coverages were; Anna reviewed the

zoning requirements. Charlie replied that with the current zoning, Bowdoin College wouldn't be able to put anything much bigger than what is currently there now and stated that Margaret has touched on most of his concerns and is happy that this project would maintain the current building for at least the near future; Richard Visser and Dann Lewis agreed with Charlie. Steve replied that he still believes that Special Permitting would be a wiser and more sensitive approach.

MOTION BY MARGARET WILSON TO RECOMMEND THAT TOWN COUNCIL CHANGE THE ZONING IN THE MU3 ZONING DISTRICT TO ALLOW COLLEGE RESIDENCE HALL AS A PERMITTED USE. SECONDED BY RICHARD VISSER. APPROVED BY MARGARET WILSON, CHARLIE FRIZZLE, RICHARD VISSER AND DANN LEWIS. OPPOSED BY STEVE WALKER. MOTION PASSES 4-1.

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.

Anna Breinich referred to the Demolition Concepts outline dated 3/8/13 and stated that this skeleton outline is not ready for ordinance language insertion and is concepts and ideas; it is hoped that staff will get feedback from the meeting on the direction to move in. Charlie Frizzle updated members on the Town Council jurisdiction issue and stated that Town Council choose to limit the jurisdiction discussion to the existing Village Review Overlay Zone (VRZ) as expanded as discussed in the Compressive Plan. Anna reviewed the Demolition Concepts outline.

Architectural or historical significance basis of determination

Steve Walker asked what the voluntary basis would look like and if ownership changes hands what would happen; Anna Breinich replied that it would be a homeowner deciding to participate and stated that voluntary participation could be an easement for the building such as the Conservation Easements. Emily Swan replied that most buildings that would fall into this category would fall into category 2 and already have that level of protection. Anna agreed and noted the importance of the Pejepscot Historical Society surveys which are used.

Emily Swan stated that she likes the Keene, NH ordinance that was provided to members for review as it has a similar breakdown. Emily stated that one component that they have states that for demolition the applicant must have a plan that improves upon what is being demolished; Emily feels this component is missing from the current ordinance. Anna Breinich replied that this is in the next section and noted that she did use Keene's example heavily. Emily stated that she really likes the idea of the 50 year floating concept.

Demolition Standards and Procedural Options

Anna Breinich noted that the most significant change would be the implantation of the 90-day delay period. Charlie Frizzle stated that he is concerned with the outcome of a significant building that does not fall into one of the categories listed but the owner does not want it and wants to demolish it. Anna replied that if the building is most significant and they can't meet the criteria, the end game could possibly be that the building is neglected; the Town cannot do anything about this because they do not have a property maintenance agreement. Emily replied

that in a case like this, owners may be able to prove 2 and 4. Emily noted the negotiation period the Freeport has and feels that it is a broader discussion that could result in a potential buyer or mover. Brooks Stoddard agrees with Emily that a broader discussion or the idea of a discussion with the owners could result in a positive outcome. Anna noted that Freeport has 3 tiers and their most significant is only a handful. Steve Walker asked if they are town wide or just the downtown; Anna replied that it is for The Village. Betsy Marr stated that it would be helpful for applicants to be able to demonstrate what would be replacing a demolished building.

Emily Swan asked if an owner had an early 19th century shed behind a house that was burned down and replaced, would it be considered on its own merits; Anna Breinich replied that it could be if it is noted as a contributing structure and noted that there has to be documentation that it is a contributing structure.

Anna Breinich noted that staff has identified the following as needing to be defined.

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

Charlie Frizzle asked that if you have a significant structure, would an applicant need to propose a more significant structure in order to get a demolition permit; Anna Breinich replied that it could possibly be something that is more appropriate in keeping with character or compatible. Charlie replied that the criteria states that the structure would need to be *more* significant than what was there before and asked who can judge that; he suggested that it be worded as *significant or appropriate*. Steve Walker replied that if they decide to go with *compatible or appropriate* that they define it or have standalone guidelines. Steve also stated that they should define *imminent threat to public safety* and *project of special merit*.

Other
None

Minutes
None

Adjourned
This meeting was adjourned at 9:05 P.M.

Attest



Tonya D. Jenusaitis
Recording Secretary