



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, July 9, 2013

7:00 P.M.

- 1. Report on Zoning Ordinance Amendment Section 216, Village Review Zone and Consultant Contract Update (materials attached)**
- 2. Discussion Regarding Zoning Ordinance Rewrite of Chapters 4 and 5**
- 3. Discussion Regarding Formation of a Zoning Ordinance Rewrite Committee and Rewrite Process**
- 4. Minutes**
- 5. Other Business**

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
FAX: 207-725-6663

July 2, 2013

To: Brunswick Village Review Board
Brunswick Planning Board
From: Anna Breinich, AICP
Subject: Updates on Zoning Ordinance amendments to rewrite Section 216, Village Review Zone, in its entirety and expand the Village Review Zone; Identification of local contributing resources contract.

In preparation for your upcoming meetings next week, I am providing the following updates.

Zoning Ordinance Amendment Update: At their July 1st meeting, Town Council unanimously voted to adopt the Planning Board recommended zoning ordinance amendment, rewriting Section 216, Village Review Zone, in its entirety, with one minor text amendment, allowing for consultations with Maine Historic Preservation Commission during a 90-day demolition delay period. The text amendment reads as follows:

Section 216.8.B.2.c.1) b) ii.1. Consult with Village Review Board and Maine Preservation or the Maine Historic Preservation Commission seeking alternatives to demolition, including the reuse and/or relocation of the resource.

Section 216.8.B.2.c.1) b) ii.2. Consult with and notify other related organizations of intent to demolish the contributing resource, as identified during consultations with Village Review Board and Maine Preservation or the Maine Historic Preservation Commission.

The attached amendment will take effect July 31, 2013.

Per my recommendation, the Town Council did not act to expand the Village Review Zone at this time. As stated in my May 24th memo to Council (attached), based on public comments made at the Planning Board Public Hearing, staff reviewed the specific motions by Town Council made during the 9/15/08 public hearing and adoption of the 2008 Comprehensive Plan Update. Reference to include Page Street in the Village Review Zone, as stated in the Comprehensive Plan, was made in error by staff and has since been corrected to reflect the actual motion. The 9/15/08 motion stated that the Village Review Zone should be expanded to include the Chamberlain Museum to the south. Other potential southern zone boundaries were suggested as well during the plan update process. My recommendation to Town Council was to allow for a more careful analysis for any expansion during the zoning ordinance rewrite.

Town Council then requested staff to do further research regarding the Village Review Zone boundary. I prepared the attached June 27th memo and related mapping providing a chronology relative to the Village Review Zone boundary from its establishment in 1986 to the adoption of the 2008 Comprehensive Plan Update. It appears that a number of adjacent areas were considered for expansion without any rational

basis/criteria for inclusion. Town Council agreed to postpone consideration of any expansion to the Village Review Zone until more analysis is completed.

Identification of local contributing resources contract: The Town recently contracted with historic preservation consultants, Turk, Tracey and Larry (TTL), to complete the identification of contributing resources within the Village Review Zone. TTL previously developed the review criteria and completed the identification of the 100 top historic structures in Brunswick. 331 properties will be evaluated as to their local significance, using the same established criteria, previously completed historic site surveys and field work. Those already identified contributing properties located within the National Register-listed Historic Districts and in process of nomination, individually listed National Register properties and the “Top 100 Historic Structures” are not under review. Upon completion, this information will be utilized in further analysis of the Village Review Zone boundary.

The scope of services and timeline is attached.

Attachments

**ADOPTED AMENDMENT TO BRUNSWICK ZONING ORDINANCE
BY THE BRUNSWICK TOWN COUNCIL, JULY 1, 2013
Section 216, Village Review Zone (VRZ) Overlay District, in its entirety
*Effective Date: July 31, 2013***

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, structural mass and scale.

216.2 Duties of the Village Review Board

The duties of the Village Review Board are to:

- A. Review new construction, additions, alterations, relocations and demolitions within the Village Review Zone, and issue a Certificate of Appropriateness for applications satisfying the 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 as listed in **Appendix _____**, as amended, shall include:
 - 1. Properties listed on the National Register of Historic Places.
 - 2. Properties eligible for listing on the National Register of Historic Places, as determined by the Maine Historic Preservation Commission.
 - 3. Properties located within a National Register Historic District, deemed to be contributing resources by the Maine Historic Preservation Commission.
 - 4. Properties deemed to be contributing resources of local and regional significance by the Town of Brunswick.
- B. Noncontributing resources are all remaining resources not considered to be contributing.

216.5 Certificate of Appropriateness

- A. A Certificate of Appropriateness is required for any of the following activities in the Village Review Zone involving contributing resources or, if visible from a public right-of-way, noncontributing resources:
 - 1. Construction of a new structure.
 - 2. Addition to an existing structure.
 - 3. 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 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 and 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 defined 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 subparagraph 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 disaster, and emergency temporary repairs or partial demolition 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 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 or demolition already made and/or any planned permanent repairs or additional demolition work that requires a Certificate of Appropriateness under Section 216.5. A.

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. The description shall include the reason for the request, and must 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 the 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 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 re-pointing 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.
- 1) 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.
 - 2) The Village Review Board may conduct a review of a minor application at the recommendation of either the Director of Planning and Development or Board Chair.
 - 3) A person with standing may appeal the decision by staff to the Village Review Board by submitting an appeal application to the Director of Planning and Development within 30 days of the date of the action. The Village Review Board may hold a public hearing and shall render its decision following the review procedure set forth in Section 216.8.B.2.b.
2. Major Activities (Village Review Board-level review)
- a. Activities shall include:
- 1) Any alterations or additions to existing structures or new construction visible from a public right-of-way;
 - 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 demolitions, partial demolitions or relocations of either contributing resources or 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; and.
 - 5) Any alterations or new placement of walks, driveways or new impervious surfaces associated with any of the above major activities.
- 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.
- 1) The Town shall provide notification to all property owners within a 200-foot radius of the boundaries of the property under review in 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 determines 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) The Village Review Board, by a majority vote, may request an independent peer review of the application or portion thereof at their discretion. All costs associated with the peer review shall be borne by the applicant. Peer review shall not be undertaken unless it is necessary for an informed review of the submitted materials and at a reasonable cost. Estimated costs for the peer review shall be disclosed to the applicant prior to undertaking such review. The Town shall require an applicant to deposit funds into an escrow account to be held for the purpose of reimbursing peer review costs. The applicant shall be entitled to an accounting of the use of all funds, as well as to a refund of all funds not expended upon final approval, denial or withdrawal of an application.

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, as well as noncontributing resources visible from public right-of-way shall be as follows:

a) General

- i. 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. No exterior demolition work and interior demolition work rendering the structure uninhabitable, or relocation of the resource may commence until the expiration of the 30-day decision appeal period or, if an appeal is taken, upon final disposition of the appeal.

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 contributing resources of local and regional significance. Such 90-day delay period shall commence when application is deemed complete by the Village Review Board.

- ii. During the 90-day delay period, the applicant shall:
 - 1. Consult with Village Review Board and Maine Preservation or Maine Historic Preservation Commission in seeking alternatives to demolition, including the reuse and/or relocation of the resource.
 - 2. Consult with and notify other related organizations of intent to demolish the contributing resource, as identified during consultations with Village Review Board and Maine Preservation or Maine Historic Preservation Commission.
 - 3. 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, the Planning Board
 - 4. Thoroughly photo or video document the resource and provide photo/video and written documentation to the Town and Pejepscot Historical Society. Any significant architectural features shall be salvaged, reused and/or preserved as appropriate.
 - 5. 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 or relocate the resource, applying the criteria set forth in Section 216.9(B).

2) Noncontributing Resources.

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

216.9

Review Standards

A. General Standard.

- 1. All Certificates of Appropriateness for new construction, additions, alterations, relocations or demolition shall be in accordance with applicable requirements of this Ordinance. In meeting the standards of this Ordinance the applicant may obtain additional guidance from the U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings and the Village Review Zone Design

Guidelines.

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

1. In approving applications for a Certificate of Appropriateness for new construction, additions or alterations to contributing resources, the reviewing entity shall make findings that the following standards have been satisfied:
 - a. Any additions or alterations shall be designed in a manner to minimize the overall effect on the historic integrity of the contributing resource.
 - b. Alterations shall remain visually compatible with the existing streetscape.
 - c. Concealing of distinctive historic or architectural character-defining features is prohibited. If needed, the applicant may replace any significant features with in-kind replacement and/or accurate reproductions.
 - d. New construction or additions shall be visually compatible with existing mass, scale and materials of the surrounding contributing resources.
 - e. When constructing additions, the applicant shall maintain the structural integrity of existing structures.
 - f. For new construction of or additions to 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 the 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 no less than 25 feet away from a public right-of-way and shall be screened from public view.
 - 4) Roof-top-mounted heating, ventilation, air conditioning and energy producing equipment shall be screened from the view of any public right-of-way or incorporated into the structural design to the extent that either method does not impede functionality. Parapets, projecting cornices, awnings or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.
 - 5) 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.
 - 6) No building on Maine Street shall have a horizontal expanse of more than 40 feet without a pedestrian entry.
 - 7) No building on Maine Street shall have more than 15 feet horizontally of windowless wall.
 - 8) 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, between 15% and 40% glass.
2. Proposed additions or alterations to noncontributing resources shall be designed to enhance or improve the structure's compatibility with nearby contributing resources as compared to the existing noncontributing resources.

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 or relocation 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 condition of the structure is such that it cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, resulting in a reasonable economic return, regardless of whether that return represents the most profitable return possible, provided that the applicant can document he/she has not contributed significantly to the deterioration of the structure. An opinion shall be provided from an architect, licensed engineer, developer, real estate consultant or appraiser or from a 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.
 - c. The proposed replacement structure or reuse of the property is deemed to be as appropriate and compatible with the existing streetscape and surrounding contributing resources.
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 the proposed replacement structure or reuse of the property is deemed more appropriate and compatible with the surrounding contributing resources than the resource proposed for demolition.

- A. A person with standing may appeal a decision by the Village Review Board, to the Zoning Board of Appeals within 30 days of the date of such decision pursuant to Sections 703.4 and 703.5 herein.

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.

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, site, structure, or object that adds to the historic association, historic architectural quality, or archeological values for which a property is significant 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; or it independently meets the National Register criteria.

Contributing Resource of Local or Regional Significance: A building, site, structure, or object over 50 years of age identified in Appendix ___ as having local or regional significance based on Town-established criteria as follows:

1. Its value as a significant example of the cultural, historic, architectural, archeological, or related aspect of local or regional heritage;
2. Its location as a site of significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property.
3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological, or related aspect to local or regional heritage.
4. Its exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials and artisanship.
5. Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in local or regional history or development.

6. Its representation of a significant cultural, historic, architectural, archeological, or theme expressed through distinctive areas, sites, structures, objects, or artifacts that may or may not be contiguous.

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.

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 public right-of-way or public land associated with such a structure, including such features as fences, sidewalks and lights.



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
FAX: 207-725-6663

May 24, 2013

To: Brunswick Town Council
Gary Brown, Town Manager
From: Anna Breinich, AICP
Subject: Request for public hearing: Proposed Zoning Ordinance amendment to revise in its entirety Section 216, Village Review Zone (VRZ) Overlay District and to expand the geographic boundaries of the Village Review Zone

At your October 1, 2012 meeting, the Town Council requested the Planning Board to prepare an amendment to Section 216 of the Town's Zoning Ordinance with regard to the review and approval of demolitions. An interim approach was presented to Council by Planning Board Chair, Charlie Frizzle, to give Planning Board the authority to approve Certificates of Appropriateness for demolitions, with advice provided by the Village Review Board for such demolition. This approach was suggested so that a comprehensive amendment to Section 216, addressing all deficiencies, could be drafted. On December 17, 2012, the Town Council voted 8-1 to adopt the interim amendment as previously described, to expire on June 1, 2013, at which time either a more comprehensive amendment to Section 216 would be recommended by the Planning Board or Section 216 would revert back to its existing text.

By unanimous vote on May 21, 2013, the Planning Board recommends the attached amendment to Section 216 of the Brunswick Zoning Ordinance and an expansion to the geographic boundaries of the Village Review Zone for Council's consideration.

Since January, the Planning Board and Village Review Board, with guidance from the Town Attorney, have held 6 joint workshops to develop the proposed amendment, representing a comprehensive rewrite of Section 216. As had been mentioned previously, many prior amendments to Section 216 left a number of internal inconsistencies in substance and formatting. As drafted, the new section is easier to use, eliminates inconsistencies and provides for a better level of predictability for an applicant.

Key revisions to address concerns previously raised by the Town Council are as follows:

- Establishment of a classification-based review system for contributing and noncontributing resources;
- Distinguishing between Minor (staff approval) and Major (staff review with Village Review Board approval) activities with a defined review process for each;
- More specific review standards for all activities to serve as a basis for findings of fact; and
- Definitions of key terms establishing their meaning within Section 216.

As mentioned, the Planning Board also took action to recommend an expansion (map attached) of the Village Review Zone as recommended in Chapter 7, Land Use Plan, of the Town's 2008 Comprehensive Plan Update, extended the Zone on the west side of Maine Street to Page Street on the south and Union Street to the west. During the public hearing a comment was raised regarding the geography as written in the Comprehensive Plan Land Use Plan and a conflicting action item listed in Policy 7, Key Objective #4,

stating the expansion should include an area west of Maine Street to Union Street, possibly including Cedar Street, from the Androscoggin River to the north, to the Joshua L. Chamberlain Museum to the south. The Museum is located on the north side of the street at the intersection of Maine and Potter Streets.

Additional comments regarding the proposed area were made since the Planning Board Public Hearing prompting staff to review the specific motions by Council during the 9/15/08 adoption of the Comprehensive Plan. A motion was approved to expand the Village Review Zone from what had been proposed in Final Draft Comprehensive Plan (Noble Street to the south), to now include the Chamberlain Museum. As such, Potter Street should have been referenced in the Land Use Plan, not Page Street as currently shown.

Town Council has three options to consider at the public hearing for the southerly expansion of the Village Review Zone:

1. Planning Board recommended expansion to Page Street based on written text in Chapter 7 in the Town's 2008 Comprehensive Plan;
2. Expansion to Chamberlain Museum, subsequently Potter Street, per approved motion made as part of the 9/15/08 adoption of the 2008 Comprehensive Plan Update; or
3. Allow for a more careful analysis for any expansion as part of the Zoning Ordinance rewrite scheduled to begin to a few months.

I will be in attendance at your meeting to answer any questions.

Attachments

Key Objective #2 – Make the Downtown District safer and more pedestrian friendly.

Key Action 1: Evaluate and implement measures and physical improvements, including traffic calming mechanisms, for improving pedestrian safety and comfort on Maine Street

Key Action 2: Continue implementing the improvements listed in the 2004 Brunswick Bicycle and Pedestrian Improvement Plan relating to Downtown, particularly regarding crosswalks and sidewalks, on a regular basis.

Key Objective #3 – Increase the number of housing options in the Downtown District.

Key Action 1: Re-evaluate dimensional standards and conduct an inventory of neighborhood features as part of a revision of the Town's zoning ordinance to allow denser residential infill development throughout the downtown while preserving valued features.

Action 2: Coordinate the development of a building rehabilitation code to facilitate renovations of existing downtown building with the Town's building code, the State's Life Safety Code, and other state efforts to accomplish the same.

Key Objective #4 –In partnership with local organizations, make the Downtown more attractive, inviting and the “hub” of community activity.

Key Action 1: Develop a new Master Plan for the downtown relating economic, housing and infrastructure improvements. Considerations for such a plan include traffic, bicycle and pedestrian patterns, alternatives to diverting thru-traffic away from Maine Street, enhancing use of upper story space, preserving historic architecture, and making new construction and renovations fit the character of the historic downtown.

Key Action 2: Expand the geographic limits of the Village Review Zone to include an area west of Maine Street to Union Street ~~(and possibly the Cedar Street area)~~ from the Androscoggin River to the Joshua L. Chamberlain Museum. Consider the development and application of commercial design standards.

Action 3: Install benches, information kiosks, trash receptacles, public restrooms and other amenities as needed.

Action 4: Encourage development on the side streets off Maine Street to attract pedestrian traffic and new businesses.

E. Overlay Districts

The Town's land use regulations include a number of overlay districts that impose additional requirements on specific geographic areas to address specific issues or concerns. The intention of the Land Use Plan is that these overlays continue in their current form with minor revisions as noted below. The seven existing overlay districts are:

1. Natural Resource Protection District -- This district should remain essentially as it currently is with the following three additions:

- Standards to maintain or enhance the visual character of the shoreline as seen from the water while allowing the maintenance and enhancement of scenic views consistent with Shoreland Zoning;
- Standards to regulate the construction of new docks as well as requirements for advance planning particularly within subdivisions to encourage communal use of new docks; and
- Standards to control the incremental encroachment on "protected lands" such as wetlands and stream corridors.

The Town should also study the adequacy of wetland and vernal pool regulations to determine if there is a need for additional local regulation of these resources.

2. Aquifer Protection District -- The Town should review the adequacy of the current regulations dealing with individual homeowners within the Aquifer Protection Zone, as well as the information that is provided to property owners and residents within the district.

3. Mobile Home Park District -- This district should remain essentially as it currently is.

4. BNAS Flight Path Zone -- This district should remain essentially as it currently is as long as BNAS is open. When the base closes, the overlay will be reexamined. The Town should create redevelopment standards for the area north of Bath Road to minimize strip development. Controlling access to Bath Road will also ensure safety for autos, bicycles and pedestrians in this area. Design standards based upon the Cook's Corner Design Standards would guide development along Bath Road to complement and connect Downtown, Cook's Corner, and the newly redeveloped BNAS land.

5. Village Review Zone -- This district should be expanded to extend include Chamberlain House on the south on the west of Maine Street to Page Street on the south and Union Street on the west, ~~unless further study determines expansion to McKean Street may be appropriate.~~

Policy Reference	Activity	Primary Responsibility	Timing
HOUSING			
5-1-1	Research federal regulations relating to affordable housing of decommissioned Navy housing and position the Town to ensure affordability of those units	MRRA	Short
OPEN SPACE, NATURAL RESOURCES, AND RECREATION			
6-3-1	Establish a Land for Brunswick's Future Board to oversee identification and prioritization of high value open space and natural resources to be protected.	Town Council	Short
6-5-1	Enact a recreation impact fee for new residential development that reflects the impact of such development and costs associated with providing additional recreational facilities.	PB	Short
DOWNTOWN			
7-1-1	Ensure that the design of the Maine Street Station site and the proposed uses complement the mixed-use nature of existing downtown.	PB	Short
7-4-2	Expand the geographic limits of the Village Review Board's jurisdiction to include an area west of Maine Street to Union Street (and possibly Cedar Street) from the Androscoggin River to the Chamberlain Museum.	Village Review Board	Short



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
FAX: 207-725-6663

June 27, 2013

To: Brunswick Town Council
Gary Brown, Town Manager
From: Anna Breinich, AICP
Subject: Village Review Zone Expansion

As requested, I have researched prior actions and discussions regarding the creation of and potential expansion of the Village Review Zone. A chronology is provided below:

- 2/26/85 Draft "Architectural Review Zone" is forwarded by Town Planner, Mat Eddy, to Maine Historic Preservation Commission (MHPC) for review. The Commission commented on March 19, 1986, that no definition was provided as to what constituted a Village Review Zone and questioned reasoning for "avoiding" the use of the word "historic."
- 3/25/86 Response from Mr. Eddy to MHPC noting the VRZ as including the Lincoln Street and Federal Street Historic Districts, as well as "the Maine Street and Inner Pleasant Street area." The latter area was based upon surveys of area merchants and landowners who supported the concept.
- 9/8/86 Town Council Public Hearing for 1986 proposed zoning ordinance update. Mr. Eddy was asked to explain the Village Review Zone. Per the approved minutes, he stated "the VRZ is an architectural review district to control the kind of improvements that go on so that we do not see any damage to a building on an architectural level." Town Council adopted the zoning ordinance that evening, establishing the Village Review Zone and Village Review Board.
- 3/12/97 In a memo to Town Council, former Planning and Development Director Andrew Singelakis stated that "the Village Review Board was NOT a historic district, but a design review district." He further stated that limited areas within the zone were designated historic districts but did not include the entire zone. The Town's adopted Comprehensive Plan at that time referenced the expansion in Policy R5, stating "Determine if there are additional sections of the Town that should be included in the Village Review District and revise the zoning ordinance" accordingly. Lastly, Singelakis stated that, in the spirit and intent of the Comprehensive Plan, all of the Town Center district should be included in the Village Review Zone, as further recommended then by the Zoning Task Force, map attached. By a 5 to 4 vote, Council left the VRZ as is and did not expand "to include the Maine Street Station area."
- 7/8/03 Summary of the Village Review Board worksheet responses regarding goals and policies of the 1993 Comprehensive Plan (as part of the updating of the Comprehensive Plan adopted in 2008) indicated that expanding the Zone so that it may include the Maine Street Station site and "parcels in the block to the west of it" was still a relevant goal. VRB responses further indicated a desire to include the Chamberlain House and Bowdoin College within the Village Review Zone.

- 7/15/03 During a comprehensive plan workshop session with the Village Review Board, the Board's first major point made to staff and the plan consultant was the need to expand the Village Review Zone. As stated in the July 15, 2003 minutes of the workshop, "There was consensus that the VRB should be expanded to include the area outside of Jordan Avenue, beyond Cushing Street, opposite Park Row, and to include Longfellow Avenue."
- 9/5/03 Abbreviated main themes of Comprehensive Plan as stated by update committee included expanding the Village Review Board boundaries.
- 8/17/04 Village Review Board further discusses three areas appropriate for inclusion in the Village Review Zone; map attached dated 8/13/04. Reference was made to a scheduled September 7 joint workshop with Planning Board. However, there is no evidence of this meeting.
- 5/17/05 Reference made in VRB meeting minutes to developing "a set of criteria to serve as guidelines for inclusion of new areas within the Village Review Zone" at the earlier March meeting. No evidence of such criteria as policy being developed separate from draft ordinance criteria for a local landmark program that included criteria for VRZ expansions.
- 11/1/05 Joint Planning Board and Village Review Board workshop to discuss proposed amendments to Section 216 with local landmark and VRZ expansion criteria included. Criteria was removed from draft as a result of discussions.
- 11/2/05 Comprehensive Plan Policy Area rankings, as part of the Comprehensive Plan Update Committee work, includes the policy statement, "Expand the geographic limits of the Village Review Board's jurisdiction westerly to include the streets parallel to Maine Street," with an average ranking of 2.91. Highest ranking was 5.0.
- 1/17/06 Village Review Board discussed possibly expanding VRZ "south to Elm Street to capture area where Hannaford and Maine Street Station are located." Board also discussed effectiveness of adopting town-wide design standards.
- 12/12/06 Comprehensive Plan Update draft for Town Council Public Hearing includes the "expansion of the geographic limits of the Village Review Board's jurisdiction to include west of Maine Street to Union Street from the Androscoggin River to the Joshua L. Chamberlain Museum (Policy Area 7, Key Objective #4, Key Action 2). In same document, Chapter 7, Land Use Plan, Section F. Overlay Districts, the Village Review Zone is recommended to be "expanded to extend to Noble Street on the south and Union Street on the west."
- 1/16/07 Village Review Board agenda includes the 2007 annual work plan referencing VRZ expansion as a recommendation to be provided to the Comprehensive Plan Update Committee. No record of the meeting is available. However, the attached map dated 1/18/07 indicates another potential VRZ expansion, now including the west side of Union to Weymouth, and south to the rear of properties facing Noble Street.
- 9/15/08 At the Town Council Public Hearing on the 2008 Comprehensive Plan Update, Emily Swan, VRB Chair, provided written comment noting the above discrepancy in the draft document and requested that the west side of Maine Street up to the Chamberlain House be included in the expanded VRZ overlay, adding that "recommending an expansion only as far as Noble Street, would leave the Chamberlain House outside the Village Review Zone." Council concurred with Ms. Swan's request and "to reflect an expanded Village Review Zone to include the Chamberlain House." Please note that the adopted 2008 Comprehensive Plan has been corrected to accurately state this motion in both sections.

Based on the above information, there appears to be a subtle change in the focus of the Village Review Zone/Board (design review versus historic character) since being established in 1986 yet still includes the same geographic area. Since its establishment a number of areas abutting the existing VRZ have been proposed for expansion but no rational basis is evident for one area over another. With that said, I

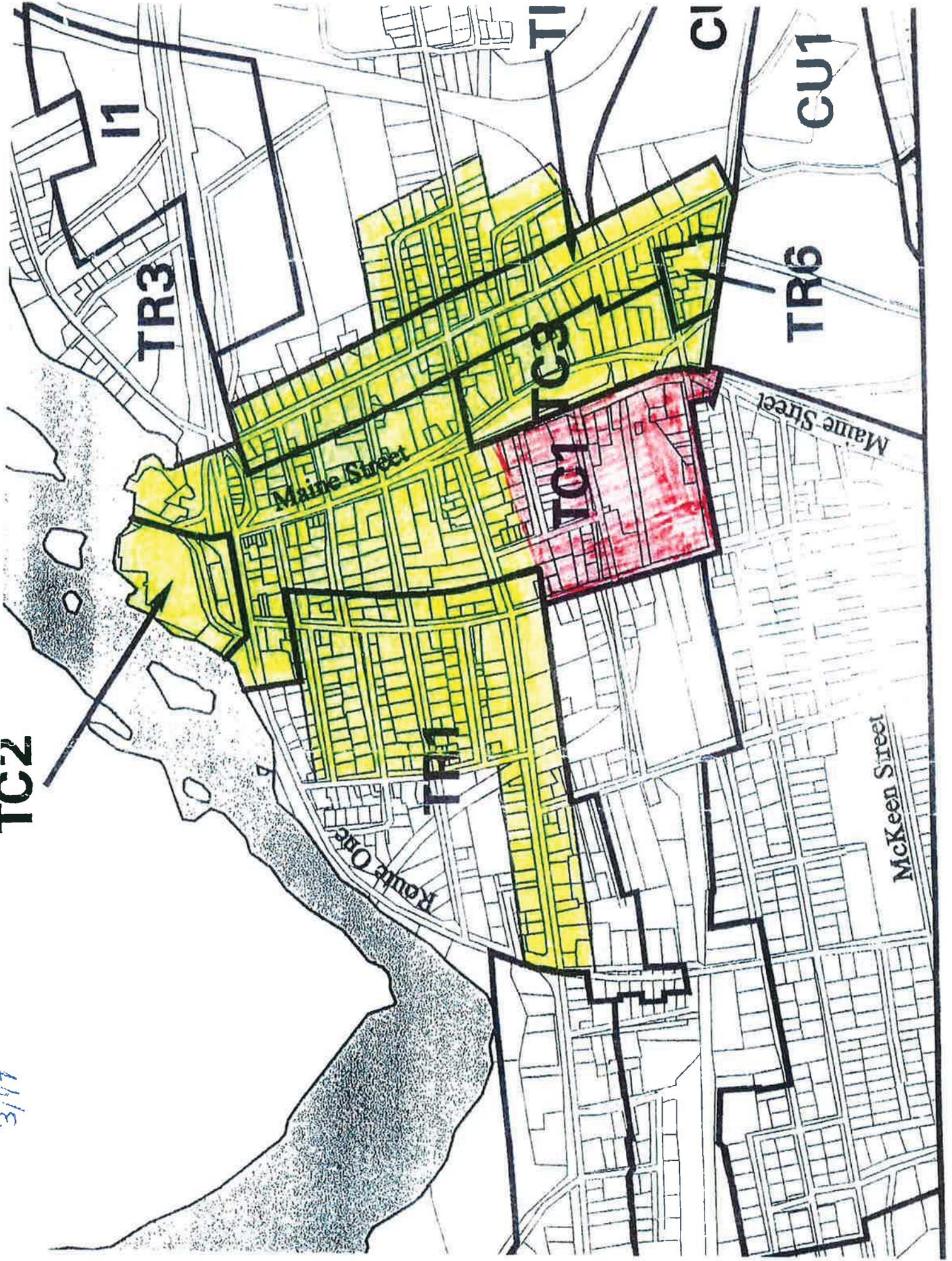
reiterate my 5/24/13 recommendation to Town Council to not vote on the expansion of the VRZ at this time and to allow for a more careful analysis for any expansion as part of the Zoning Ordinance. It should be noted that the Comprehensive Plan recommends the ultimate expansion of the VRZ as did the 1993 plan, provides guidance for considering the expansion to include the Chamberlain Museum and west to Union Street and appears to be more focused on historic character than architectural review. I believe we need to re-evaluate the area as a whole, taking into consideration the completed historic site surveys and neighborhood characteristics already available and to rationally base the zone boundary as a part of the zoning ordinance rewrite.

I will be in attendance at your meeting to answer any questions.

Attachments

3/97

TC2



I1

TR3

TI

CI

CU1

TR6

TC3

Maine Street

TC1

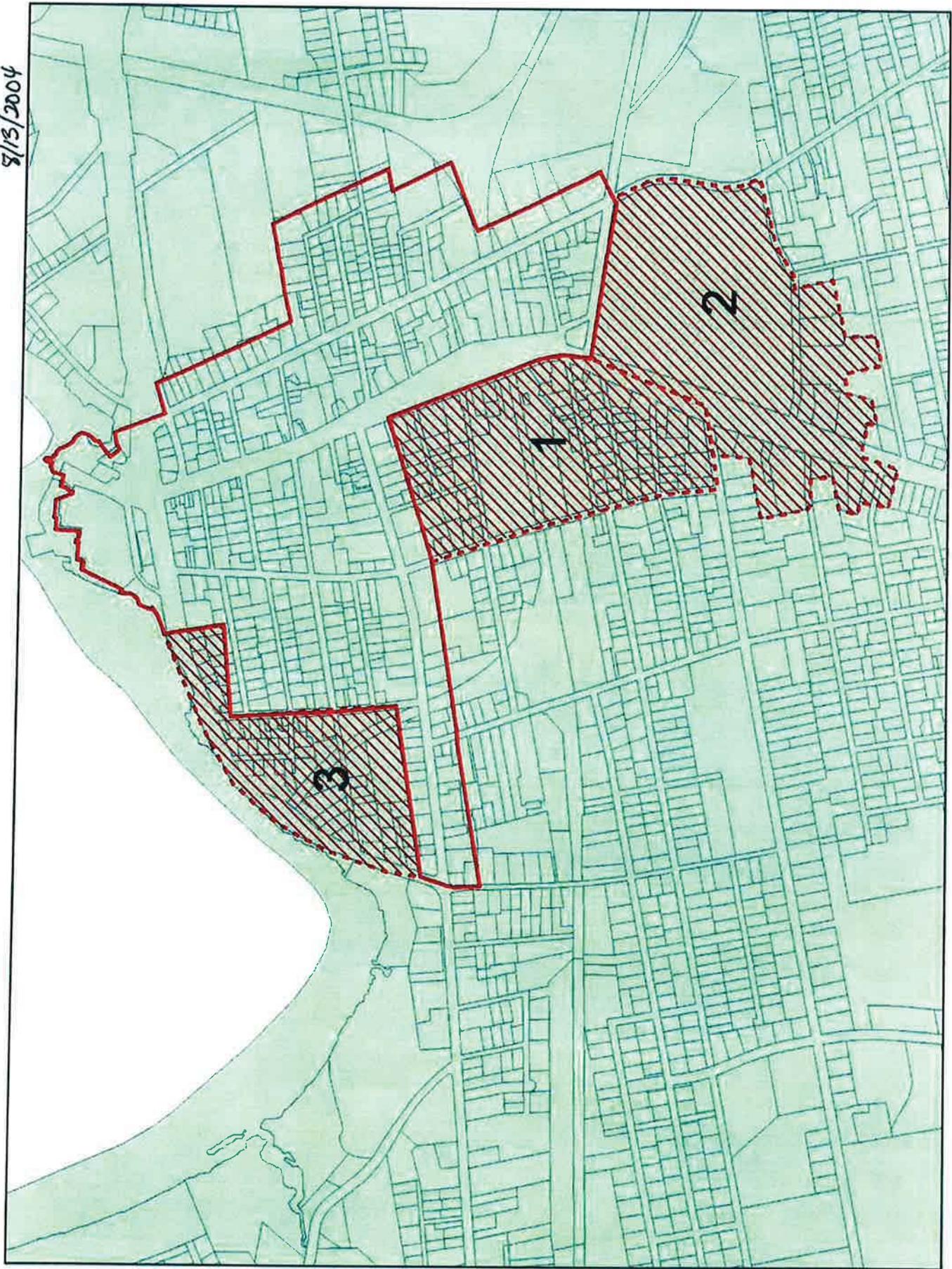
Maine Street

TR1

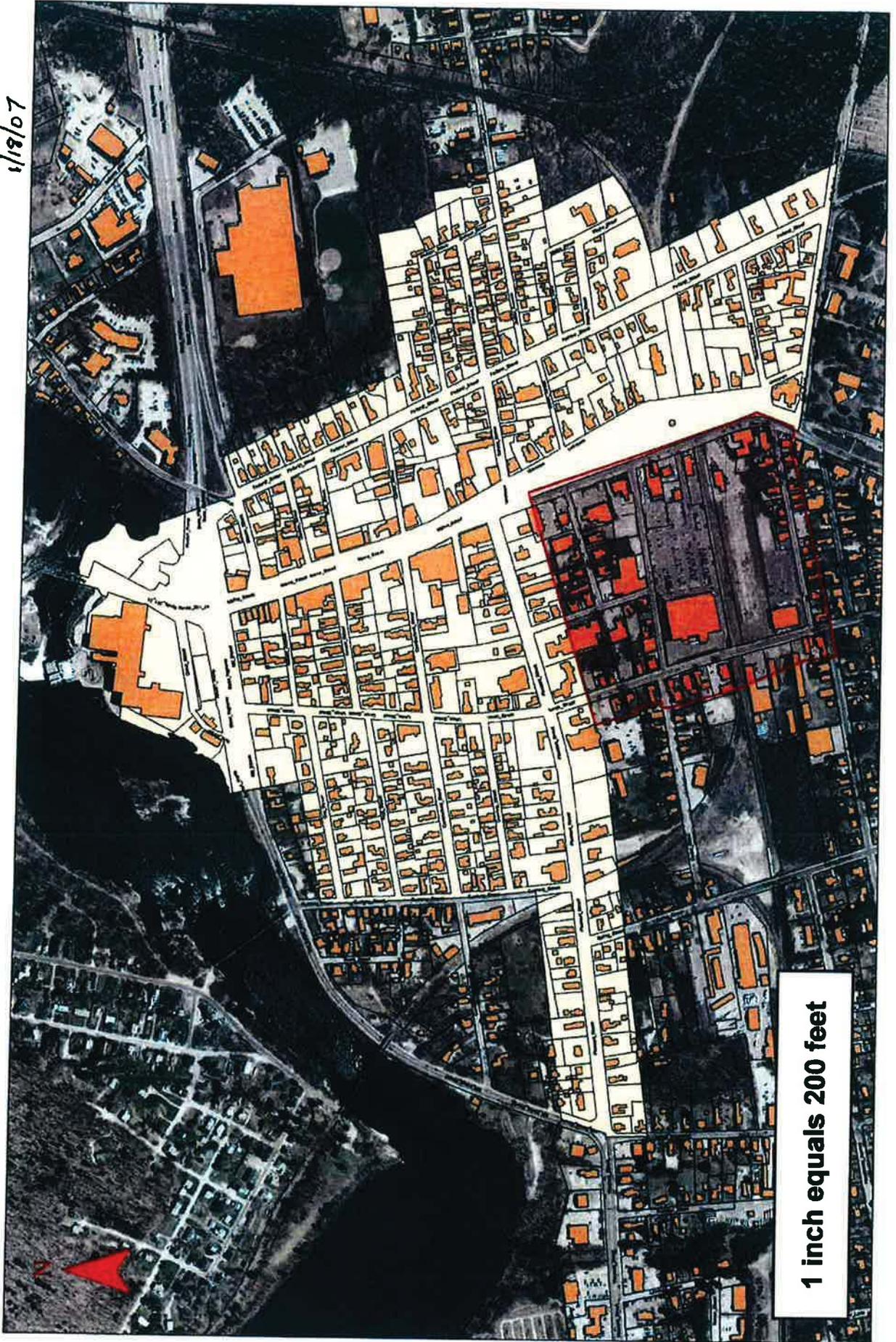
Route One

McKeen Street

h00c/s1/5



1/18/07



1 inch equals 200 feet

AGREEMENT

I. PARTIES

This contract (hereinafter referred to as "Agreement") is made and entered into on this 14th day of June 2013, by and between the **Town of Brunswick** (hereinafter referred to as "Town") of 28 Federal Street, Brunswick, Maine 04011; and **Turk Tracey & Larry Architects, LLC** (hereinafter referred to as "Consultant") of 28 Danforth Street Suite 213, Portland, ME 04101. In consideration of the mutual promises contained herein, Consultant agrees to perform the following services for the Town:

II. SCOPE OF WORK

The Consultant will perform survey and planning services for the Town of Brunswick. The specific services the consultant will perform are set forth in the attached Scope of Work, Attachment A.

III. COMMENCEMENT AND COMPLETION

The Consultant will commence work on or before 30 June 2013 and will complete work on or before 31 August 2013.

IV. FEES

The Consultant is an independent contractor and is not an agent or employee of the Town. The fee for the outlined Scope of Work shall be \$5,130.00. The fee includes all reimbursable expenses for travel, reprographics and all other expenses and disbursements incurred by the Consultant. The Town will receive one (1) set of approximately 19 individual draft MHPC inventory forms with a color image only¹, a high resolution digital color image of 331 classified buildings, an annotated street list, and two (2) paginated unbound copies of the final report. One digital copy of all products will be provided to the Town on an archival quality gold CD.

Any additional sets of documents or discs requested will be billed at cost plus ten percent (10%). Any black and white photography will be billed at cost plus ten percent (10%).

¹ No black and white photography will be undertaken as part of this project, nor will the newly surveyed properties be entered into the Maine Historic Preservation Commission's CARMA database.

V. BILLING AND PAYMENT SCHEDULE AND PAYMENT TERMS

The Consultant shall invoice the Town at the end of the project for the full amount of the fee.

Payment is due within 30 days of receipt of invoice.

VI. TERMINATION

Either party may terminate this Agreement for cause after giving the other party written notice and an opportunity to cure. The Town may terminate without cause by giving the Consultant 14 days notice, and compensating the Consultant equitably to the termination date.

VII. DISPUTE RESOLUTION

Any controversy or claim arising out of or related to this Agreement that cannot be resolved between the parties shall be submitted to the Superior Court for Cumberland County.

VIII. SUBCONTRACTORS

The Consultant shall be fully responsible to the Town for the acts and omissions of any subcontractors, and of persons either directly or indirectly employed by them, and shall hold subcontractors to the same terms and conditions as Consultant is held under this Agreement. No subcontractors shall be retained on this Agreement without the specific written approval of the Town.

IX. INSURANCE

The Consultant shall procure and maintain at its own expense insurance coverage for not less than the following amounts, or greater where required by law:

- A. Worker’s Compensation: Statutory
- B. Comprehensive General Liability including Bodily Injury, Property Damage and Personal Injury. \$400,000 Combined Single Limit
- C. Comprehensive Automobile Liability including owned, hired, and non-owned vehicles: \$500,000 Combined Single Limit
- D. Professional Liability \$1,000,000 Each Occurrence
\$1,000,000 Annual Aggregate

Consultant shall furnish the Town certificates evidencing such coverage which certificates shall provide thirty (30) days notice to the Town of cancellation or non-renewal of insurance from the insurance company.

X. INDEMNIFICATION

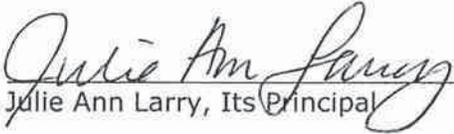
The Consultant agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Town and its agents and employees (collectively, Town) against all damages, liabilities or costs, including reasonable attorney’s fees and defense costs, to the extent caused by the Consultant’s negligent performance under this Agreement and that of its subconsultants or anyone for whom the Consultant is legally liable. Consultant shall not be obligated to indemnify the Town in any manner whatsoever for any negligence by the Town. Neither the Town nor the Consultant shall be obligated to indemnify the other party in any manner whatsoever for the other party’s own negligence.

XI. ENTIRE AGREEMENT

This Agreement represents and contains the entire agreement between the parties. Prior discussions or verbal representations by the parties that are not contained in this Agreement are not a part of this Agreement.

Date: June 12, 2013

TURK TRACEY & LARRY ARCHITECTS, LLC

By: 
Julie Ann Larry, Its Principal

Date: June 14, 2013

TOWN OF BRUNSWICK

By: 
Gary L. Brown, Its Town Manager
Fransmith, Assistant to
Town Manager

SCHEDULE & SCOPE OF WORK

Turk Tracey & Larry Architects will provide the following Scope of Services based on the schedule outlined below. The schedule is an estimate of time required for each task. The schedule is based on a completion date of 31 August 2013. The schedule may be revised by mutual agreement between the parties.

	2013									
	June	July				August				
	28	5	12	19	26	2	9	16	23	30
Meet with Project Coordinator	•									
Review existing documentation.	■									
Select maps for use in survey.		■								
Develop methodology statement.		■								
Review list of properties to assess.		■								
Conduct field work, documenting each building with a digital image.			■	■	■					
Label digital images using MHPC naming criteria.						■	■			
Prepare 19 inventory forms for previously undocumented properties.						■	■			
Apply existing criteria to quantify merits of surveyed properties.						■	■			
Prepare draft list of contributing/noncontributing ratings for surveyed properties.						■	■			
Submit draft products to Town of Brunswick for review and comment.							•			
Meet with Town of Brunswick to review draft list.								•		
Revise ratings and prepare street index.									■	
Submit final street index to Town's GIS dept.									•	
Compile final survey report.									■	
Submit report Town of Brunswick.									■	
Attend public presentation of report.										•

Scope of Work

A. Phase I

Meet with the Town staff to discuss the scope of the project and review the available documentary data.

Select maps, including a working map and large-scale base map to identify inventoried and unclassified properties. Work with the Town's GIS department to select maps and format of final street index, so the Town can update their GIS database based on the information we compile during the project.

Prepare methodology statement incorporating a summary of project objectives, an assessment of existing documentation, criteria for determining contributing and non-contributing status, procedures to be followed in the project and form of products to be created, expectations about the properties to be classified, and a bibliography.

Conduct field work documenting each resource with a digital image. Evaluate each property for its contribution to the area's local and regional significance. Prepare draft inventory forms for 19 previously undocumented resources. We will complete the architectural data section of the Historic Building/Structure Survey Form (lines #11-24) and the Environmental Data (lines #36-41 on the Historic Building Form, lines #62-67 on the Historic Barn Form). In order to complete our work we would need the Town to provide the general property information (lines #1-5, and #8-9). Provide a rating for each of the properties to quantify the merits of each building in terms of the criteria for establishing a historic landmarks program in Brunswick (2001).

Submit draft inventory forms and list of contributing/noncontributing resources to Town staff for review and comment. Meet with the Town staff to review project progress and products.

Product:

- Working map, indicating areas of Brunswick to be surveyed.
- Large scale base map(s) to be used to identify properties.
- Methodology statement.
- Draft inventory forms for 19 previously undocumented resources
- List of 331 classified properties, arranged alphabetically by street address.

B. Phase II

Revise Phase I submissions to reflect comments of the Town of Brunswick. Finalize street index and submit to Town of Brunswick for preparation of base maps of classified properties.

Compile final report. Report is to include executive summary, methodology statement, procedures followed in the survey, description of products and

accomplishments, street index of classified properties, map of project area, and a bibliography.

Product:

- Unnumbered inventory forms with photos and sketch maps for all inventoried properties
- List of areas and properties with local landmark rating.

Revise Phase II submissions to reflect comments of Town staff and Village Review Board.

Prepare street index and base maps of inventoried areas and properties.

Compile final report. Report is to include an abstract, methodology statement, assessment of previous research, selection criteria, procedures followed in the survey, description of products and accomplishments, street index of inventoried properties, final rating of properties as local landmarks, and a bibliography.

Product:

- Approximately 331 high resolution color digital images of each resource.
- Large-scale base map with all classified resources.
- Final Report. Provide two (2) paginated unbound copies.
- Digital copy of all products on archival gold CD.

Expectation of Assistance from the Town of Brunswick

- Copies of any existing survey forms and previous survey work.
- Letter from Town identifying the consultant and listing Town employees to be contacted for more information regarding the scope of our work to be supplied to the local police and any concerned citizen we might encounter during our field work.
- Introductions to any Town staff we may interact with during the course of the project.
- Access to printed copies of the assessor's map of the Town at a scale needed to show buildings, lots, streets, and parcel identification.
- Excel spreadsheet listing properties to be included in the project scope.
- Compilation of a map in .jpg form of our classification rankings compiled from ttl-architects' street list to be included with the final report.

**BRUNSWICK PLANNING BOARD
FEBRUARY 5, 2013**

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

STAFF PRESENT: Anna Breinich, Jeremy Doxsee and Town Attorney Pat Scully

A meeting of the Brunswick Planning Board was held on Tuesday, February 5, 2013 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Vice Chair Margaret Wilson called the meeting to order at 7:00 P.M.

WORKSHOP - Case Number: 12-031 Brunswick Landing Subdivision: Applicant has requested a workshop to receive further guidance from the Board so that they may adequately prepare their revised Final Plan submission (**Assessor's Map 40, Lot 2** in the **BNAS Reuse Zoning District**).

Steve Levesque, Executive Director for Maine Regional Redevelopment Authority (MRRA) introduced the project and the history by reviewing his letter to Charles Frizzle, Chair of the Brunswick Planning Board dated February 5, 2013. Steve Levesque stated that since the last Planning Board meeting they have scaled down the number of lots to lots that have or had buildings on them. Margaret Wilson asked if what was in red on the Comparative Plan (Plan B) would still become lots; Pat Scully replied that "to the extent that you approve a plan that recognizes or creates the lots" in blue, you are dividing out the other tracks; by approving the plan it recognizes the lots in orange. Margaret Wilson noted that public roads define lots and Pat Scully reiterated that by approving those in blue, you have separated out the red/orange lots but noted that it does not prevent the red/orange lots from coming back to the Planning Board for subsequent review of development or further subdivision of the red/orange areas. Margaret asked if there was any difference between the original plan and Plan B; Pat replied that the only difference is that the original plan subdivides the orange lots.

Steve Walker, in reference to the letter submitted by Steven Levesque, dated 2/5/13, stated that he is fully behind the comprehensiveness of the EIS, the work that has gone into the Brunswick Master Plan, all the public meetings and other voluntary meetings that they have conducted to do the design the of the project but it is still an EIS and not intended as data for a development review project at this level of detail. Steve Walker apologized if the items he brought forth at the last meeting were surprising and stated that during sketch plan review he did raise issues about the need to field identify streams, the need to identify significant wildlife habitats and address wetland issues. Steve Walker stated that there are still issues which need to be addressed and noted that they are basic requirements per the Brunswick Zoning Ordinance. Steve Walker said that he prefers Plan B as it reflects what was discussed at the last meeting and focuses on the parcels that already have development on them and have limited or no natural resources; the plan allows MRRA the opportunity to move ahead with development. Steve Walker stated that wetlands, streams and basic natural resources still need to be addressed and believes that MRRA could accomplish meeting the requirements of the zoning ordinance by requesting waivers, lot-by-lot development as suggested by the letter by Wright Pierce dated 1/30/13, or adding a

conditioning that when MRRA submits Plan B MRRA address the building envelope concern in those developed lots by showing the front and side setbacks. Steve Walker stated that on lots 2, 7, 10 & 31 there are existing wetlands and NRPZ issues but that MRRA can move forward with Plan B via the following condition

“Prior to submitting final application for development of any of the lots 2, 7, 10, 11, or 31, the applicant shall submit to the planning board a report from a qualified wetland scientist and botanist that includes 1) results of on-site wetland delineation per USACE approved delineation methodology; 2) field determined extent of the Natural Resources Protection Zone where applicable; 3) location of any Significant Wildlife Habitat; and 4) results of an on-site rare plant and rare natural community survey.

The applicant shall submit evidence that findings from on-site investigations on Lots 2, 7, 10, 11, and 31 have been used to determine final locations for future development on the parcels in a manner that most effectively avoids impacts to significant wildlife habitats or rare or irreplaceable natural areas in accordance with 411.2 and 411.10 of the Brunswick Land Use Ordinance .”

Steve stated that if MRRA is confident that the delineations have been completed, per response from Wright Pierce, and acceding to the Town’s requirements, then a letter be submitted with the proposed subdivision plan that states that wetland delineations have been completed on these lots per USACE; if they can’t do that then MRRA will need to come back at time of development and show how the development is going to avoid or minimize such that the Board can rule on 411.2 and 411.10. Steve Walker said that Mike Mullen’s email dated 1/28/13, states that DEP is comfortable with the Town having the capacity to take this on through their ordinance, but in other correspondence it stated that DEP will address these concerns of not having this information up front. Steve Walker stated that when the second phase is presented to the Board, the work should be done up front. Charlie Frizzle replied that he does not believe that anything that has been discussed in any of the meetings indicates that anyone is talking about waiving or neglecting what the Town and State require in terms of environmental reviews. What the Board is talking about is “when” they will be done; the Town loses nothing if they do what is suggested by the State and reaffirmed in Mike Mullen’s letter. Charlie stated that this is not unlike how they handle other individual lot applications and handled the Moore Development in similar fashion. Steve replied that in the Moore subdivision the Board required each resource investigation up front and the building envelopes were drawn to avoid wetlands and proper setbacks from streams based on the investigations; he disagrees with Charlie and the subdivision process that is being presented. Charlie responded that Steve Walker is correct when it comes to environmental concerns on the Moore property but noted that the Board allowed other concerns to be addressed at a later time.

Margaret Wilson asked MRRA to present the FOST overlay map on the proposed subdivision at the next meeting.

Steve Walker asked if MRRA could address the concerns presented in the Brunswick Area Citizens for a Safe Environment dated 2/1/13; Steve Levesque replied that he did address these concerns in his presentation, ie. land use controls, environmental concern location documentation, property management transfer, and stormwater management plan. Steve Levesque and Steve Walker discussed the stormwater management plan and DEP handling and groundwater plumes in the groundwater and the monitoring wells. Anna Breinich replied that

the draft Findings of Fact provided to the Board on January 14, 2013, Section 411.6-Groundwater, staff did note that the institutional land use control imposed restricting any groundwater extraction across Brunswick Landing without any approval. Anna stated that this concern was already recognized and within the FOST itself.

Anna Breinich, stated that, in response to Charlie Frizzles earlier comment, the Board did wait to address the 50 foot buffer along the Route 1 Corridor and the Planning Board made a further restriction that the Planning Board not only address such concern at the site development phase but that every lot being developed along Route 1, regardless of size, must come back to Planning Board for review and approval. Anna agreed with Pat Scully that the red/orange spaces on Plan B are lots whether they are developed now or later and that they will need to meet the same requirements.

Dana Totman stated that he struggles finding the value debating what a lot is and what is not a lot and is focused on what is in blue (Plan B). Dana asked Steve Walker to explain his lot-by-lot suggestion. Steve Walker replied that if you take what is in blue as Phase I and add a subset of 4-6 blue lots that prior to building permit or codes, come back to the Board with the information showing how they designated the potential building envelope to satisfy the standards and for the remaining lots, set building envelopes when conditions allow for on site visits. Dana replied that he is unsure of how developers will feel with the uncertainty of what they may or may not be allowed to do and is taking what is being proposed in blue, with the exception of lot 9, makes sense and what is in red/orange can come back to the Board when it can be divided. Margaret Wilson replied that she believes that the applicant is proposing that the Board consider anything striped, what is in blue is considered Phase I and orange/red as Phase II and if it becomes Alternative A or B, provide guidance on what they will need to bring to the Board, Phase II back.

Jeremy Doxsee asked if the 399 acres in the subdivision was part of the 389 acres of wetlands referred to in Jan Weigman's letter; Jan replied that the cumulative 389 acres being referred to is actual wetlands and not the acreage of what was actually covered. Margaret Wilson asked Jan if the standards met USACE standards for delineations; Jan replied by reviewing the methodology and stated that they went back to areas that were previously identified as wetlands. Steve Walker referred to page 136 of the EIS and pointed out that 20% of the 389 acres have been field delineated and of those most are over the 5 year threshold, and noted that the EIS states that they did not do any more delineations. Steve Walker suggests that MRRA obtain from Ecology and Environment a letter stating that they did conduct all the delineations in the proposed subdivision or, once weather allows, will conduct the delineations on the six lots in Phase I and conduct them ahead of time in Phase II. Anna Breinich referred Appendix A of the original application, methodology.

Charlie Frizzle stated that the applicant needs to leave with some guidance on how to proceed; he still sees no substantive difference between the plans since all lots need to come back to the Board.

Vice Chair Margaret Wilson opened the meeting to public comment, hearing none the public comment was closed.

Jeff Peters stated that they should view MRRA as a developer and look at what MRRA has presented to the Board and apply the standards that they would to anyone else and move forward easily. Margaret Wilson asked Steve Levesque if MRRA would prefer that the Board look at the original plan from January of the phased approach; Steve Levesque replied the original plan was based on 41 lots and based on the discussions they have removed some of the more sensitive lots and only focusing on the lots that were already encumbered or had history. Steve Levesque reviewed the plans and gave a history of some of the more sensitive lots.

Richard Visser asked if they could do advantages and disadvantages of each plan. Jeff Peters replied that he wanted to keep things simple and believes that Plan B is the best choice.

Margaret Wilson replied that she believed that they have 3 plans in front of them:

- A. Original Subdivision Plan
- B. Phased plan where the blue would be Phase I and the red/orange would come back to the Board in Phase II
- C. Plan B with further conditions

Pat Scully replied that the difference between the two plans is that one approach is subject to whatever conditions the Board attaches to a certain number of lots and the other approach approve a different number of lots; if the Board approves the phased approach then then the lots in blue can be marketed immediately and those in red/orange could not be marketed until Phase II is approved.

Margaret Wilson asked if members felt that the application for Proposed Plan A was complete; Charlie Frizzle, Dann Lewis, Dana Totman believed it is complete. Margaret Wilson and Steve Walker lean towards Plan B. Charlie stated that the big advantage of Plan A is that it relieves any legal restriction from MRRA from marketing any lot and they would still have to come back to the Board with any environmental detail as required. Richard Visser replied that he leans towards Plan A. Steve Walker reviewed Section 412.2, Final Submission Plans and Requirements and stated that many have not been done or are complete; Charlie replied that they could be covered by a condition.

Other

- Anna Breinich stated that at this time there are three items on the 2/26/13 agenda and a workshop with the Village Review Board.

Minutes

**MOTION BY DANN LEWIS TO APPROVE THE MINUTES OF OCTOBER 23, 2012.
SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.**

Adjourned

This meeting was adjourned at 8:47 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
FEBRUARY 26, 2013**

MEMBERS PRESENT: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Dann Lewis, and Steve Walker

STAFF PRESENT: Anna Breinich, Jeremy Doxsee and Town Attorney Pat Scully

A meeting of the Brunswick Planning Board was held on Tuesday, February 26, 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: 12-031 - Brunswick Landing Subdivision: After tabling deliberations at the February 12th meeting, the Planning Board will review and take action on a Final Subdivision Plan submitted by the Midcoast Regional Redevelopment Authority (Assessor's Map 40, Lot 2) in the BNAS Reuse District.

Anna Breinich introduced the Final Subdivision Plan submitted by the Midcoast Regional Redevelopment Authority (MRRA) and stated that the revised plans are in response to the January 14, 2013, and February 5, 2013 meetings as well as consultations with Planning staff.

Steve Levesque, Executive Director of MRRA, stated that the revised plans consist of 225 acres, 44 lots with 4.9 miles of roadways. Steve stated that the lots are guided by existing development and Finding for Suitability for Transfer (FOST) boundaries. Steve reviewed the FOST overlay and parcels that may be transferred to MRRA in the next 12 months. Steve pointed out and explained Subdivision Plan Notes 6, 12 and 13. Steve noted that they have identified the building envelopes as requested on the plans. Steve Walker said that he did not see the building envelope on drawing 2 of 7; Jan Weigman of Wright Pierce, replied that the drawings are dated February 14 and in subsequent exchanges with staff, research showed that what is called the wildlife habitat line on the drawing as obtained from IF&W as a boundary line came from a boundary line that was 250 feet from the wildlife habitat line. They have offset the building envelope by 250 feet and created a buffer and they have revised the plans to reflect this change; Anna Breinich replied that staff received the revised plans on Friday, February 22, 2013, and after review felt that additional analysis was still needed on lots 1 and 2. Margaret Wilson asked if Mere Brook and Jordan Avenue impaired streams were in Phase 1 and their location; Jan replied that the locations were shown in a previous application packet watershed plan and stated that the bulk of the lower lots are in the Mere Brook watershed.

Chairman Charlie Frizzle opened the meeting to public comment.

Suzanne Johnson, Brunswick resident representative to the Restoration Advisory Board, and author of a letter included in the packet dated February 21, 2013 stated that much of the FOST work has been done by the Restoration Advisory Board, the regulators at DEP and EPA and Navy contractors and has been a huge effort to move these parcels. She stated that groundwater contamination at the site is multi-factored with an array of contaminants of concern, not all of which have been identified. She stated that 1,4 Dioxane has been one of the largest discussed

and stated that it was a solvent frequently used by the Navy; the EPA states that any inhalation exposure can cause vertigo, drowsiness, headache, anorexia and irritation of the eyes, nose, throat, and lungs and has been identified as a probable carcinogen. Suzanne stated that there are serious concerns with the contamination and it was because of this that the Navy has restricted access to groundwater. Suzanne stated that the access to groundwater is not limited to the drilling of wells and can be many things; you don't want to transfer the water or add too much water as it can change the hydrology. Suzanne stated that the groundwater is located shallowly beneath the soil at this site and anyone doing an activity such as landscaping may come in contact with the groundwater. Suzanne stated that when the parcels were transferred with the FOST's and the restriction back in 2009, there was an understanding that there would be a plan set forth by MRRA to address these concerns. Suzanne stated that she is frustrated because MRRA has yet to create a comprehensive plan to manage the risk of exposure to date. She believes that as part of the subdivision plan and as part of a guide for future landowners, MRRA create a plan that sets forth the understanding of the risk of the groundwater and how it can be successfully managed because it is currently being treated by the Navy when it hits the extraction wells which have been installed. Suzanne pointed out that there are no overlays that show the locations of the monitoring wells in the application and noted that the Navy requires that MRRA or the new owners preserve these wells; if they are damaged they have to be replaced by the Navy but at the cost of the landowner. Suzanne stated that as a condition of the subdivision, a mapping of the wells should be included in the plans. Suzanne stated that in addition to the monitoring wells, it is critically important to keep water management running at peak efficiency which may be impacted by stormwater and should be maintained in one plan and not by 44 different lot owners. Suzanne believes that the materials management plan should also be part of the subdivision plan.

Ed Benedikt, Brunswick Area Citizens for a Safe Environment President, stated that he has been involved in the project in some way since 1991 and is frustrated and doesn't understand how you can be against a project that can bring the Town of Brunswick \$14 million in revenue. Ed stated that the transfer of the property has been difficult and pointed out that the Navy will transfer property for which there is no personal risk for contact for people who are on the property; the contamination that is below the surface is considered safe and not of immediate concern. Ed noted that once the property is transferred, the soil contamination becomes the responsibility of the different landowners. Ed stated that the issue of groundwater contamination is difficult and the idea was that with time a dilution of the chemicals would occur. Ed stated that this has not happened and the chemicals have been trapped in the unique soil/sand/clay. Ed stated that one site that the Navy remediated took more than a year to finish because the contaminants had migrated over the limits it had mapped. Ed stated that risks associated with remediation will increase with the addition of lot owners and stated that MRRA needs to create an operational management plan with infrastructure to implement the plan if we don't want to incur risks of contamination of streams and abutting water bodies and towns.

Jacqueline Sartoris, resident of Bowdoin Street and former Town Councilor, stated that she was at the meeting on behalf of John Lemont resident of Maple Street and a Brunswick Shellfish Harvester, who has concerns that the plan does not fully illustrate streams, setbacks and wetlands and is also concerned about the toxics in the soil and groundwater. As a shellfish harvester, John is concerned about the health of Harpswell Cove. John is aware of the plume and would like to see that the ordinance is followed and that a comprehensive stormwater plan is approved and not

a lot by lot analysis. Jackie stated that as a former Town Councilor she supported economic development strongly but she also wants to make sure that the values in the Comprehensive Plan and the standards expected in any subdivision proposal are being met. Jackie stated that there are still lots included in the subdivision that she feels should not be included. Jackie stated that she is also here on behalf of David Lovitch of Freeport Wild Bird Supply, author and birding tour guide with an interest of guiding tours on the former base in the future. Jackie also noted that the next item on the agenda is a zoning amendment and reminded the Board that in March of 2009, MRRA promised that they would use the results of the EIS to request rezoning if they found a greater expanse of the critically imperiled natural community and pointed out that the EIS map shows that the area is much more expansive than what was considered when the zoning was created; she sees that there is a request for rezoning but the promise that was made in 2009 has not come back to the Board for rezoning.

Jim Truziano, Topsham Board of Selectmen, stated that he was part of BRAC and LRA and stated that he was not for or against the proposed plan. Jim stated that he understands the environmental concerns but he knows the rules and regulations of the subdivision which has to meet the Town Standards and DEP stormwater standards. Jim stated that as part of a subdivision it is hard to say what it will be when you don't know your landowners, building elevations, type of building, whether they will have a cellar. Jim stated that this is a step forward so long as MRRA follows the rules and regulations.

Chairman Charlie Frizzle closed the public comment.

Steve Levesque replied to the public comments by stating that there is not groundwater contamination site wide, there are pockets and mostly off site. Steve stated that the plume which has been discussed is not part of the subdivision but may be sometime down the line as remediation continues. Steve stated that the groundwater at the plume site is actively being pumped and sent through a treatment facility. Steve stated that in reference to having their own utility system is simply because the Water and Sewer districts won't take them until MRRA can bring the lines up to a standard and the Town has stated that they won't absorb the roadways. Steve stated that as part of the plan they have made road maintenance agreement that property owners will need to be part of. Steve noted that in the deeds that come to MRRA as part of the FOST, the monitoring wells are listed along with protective conveyance. Steve stated that MRRA does have a stormwater management plan that is the same as the Navy's and noted that DEP has certified it.

Steve Levesque replied to the rezoning that Jackie Sartoris referenced and stated that that there is an area that is in transition where there is bird habitat and some previous development activity. Steve stated that as part of the Airport's wildlife management plan they are doing some additional studies and will be looking at the habitat in this area in conjunction with the airport; if the property is not developable then MRRA would consider rezoning that property. Steve stated that they are in the process of creating a wildlife management plan and the transition property is included in the plan.

Charlie Frizzle asked Steve Levesque if there was a comprehensive plan of all the monitoring wells at least for the lots in Phase I and if MRRA would have any issues with including the map

as part of the Subdivision package. Steve Levesque replied that they would not have a problem. Margaret Wilson asked if they had a rough idea of the number of wells in Phase I. Steve Levesque replied that there are roughly 100. Steve Walker asked what the deed restriction states in terms of the wells. Steve Levesque stated that they have to be protected and if moved they have to be replaced. Steve Walker asked if as individual lot owners put in their own stormwater system, will the overall plan need to be resubmitted; Steve Levesque replied not unless it causes a great change. Steve Walker asked if a lot-by-lot management approach is manageable. Steve Levesque replied that roughly 80% of Phase I already has existing structures that already addresses stormwater with the remaining under light development and will need to be managed and will be a long term project. Steve Walker asked how the Planning Board will know the cumulative effect or contamination movement as developers come in. Steve Levesque replied that it would need to be dealt with as it is dealt with in the community. Steve Walker asked if they notice a shift in contamination within the wells during development, what will that mean. Steve Levesque replied that DEP would have to deal with the issue. Margaret Wilson asked how this would affect developers particularly if DEP felt that there has been an aggravation or movement of the contaminants and stops the developer from doing anything further. Steve Levesque replied that this could happen anywhere, but pointed out that the Navy hasn't transferred any property that has known groundwater contamination.

Charlie Frizzle reopened the public comment period.

Ed Benedikt stated that although he spoke about groundwater contamination on the former Base site, this was not his opinion but the Navy's opinion that every place besides the golf course requires land use controls because the groundwater could be contaminated.

Chairman Charlie Frizzle closed the public comment.

Steve Walker stated that the transition site has been proven to be an impaired natural habitat and has been found as such by many consultants; Steve would like to see this area as part of the conservation area.

Steve Walker feels that there are still changes that can be made to the proposed project; ones he hopes would also be more defensible. Steve Walker stated that the applicant has requested four waivers but feels that there are still items incomplete that waivers have not been requested for. Steve Walker stated that attempts have been made to show the NRPZ which was done so off of the Town Tax maps but suggested that the applicant request a waiver and place the delineation back onto the future lot buyers. Steve Walker clarified that a comprehensive stormwater management plan is not being submitted and suggested a waiver be requested. Steve Walker stated that wetland delineation, as required, has not yet been conducted and recommends that a waiver be requested for this as well. In addition, Steve Walker suggested a waiver for location of trees over 10" in diameter, Class A Soil Survey and Topography with contour intervals not more than two feet.

Steve Walker suggested the following changes in the notes on the plans:

- Note 6 at locations of wetlands, should mention that “these are approximate and should be considered for planning purposes only and field determinations of wetlands and vernal pools are required prior to any development activity”.
- Note 6 second paragraph should have a statement that “these are approximate and IF&W and now Agriculture Conservation and Forestry (was DOC) should be contacted of any development proposed”.
- Steve Walker suggested that in the legend where it has wetlands, wildlife habitat and vernal pools and that they all state “approximate” location.

Steve Walker stated that he would be comfortable waiving the building envelopes in a few of the lots where wetland setbacks are approximate if a request is made.

Steve Walker suggested removing condition # 3 as it is a little misleading and possibly waiving building envelopes in lots 1 & 2 until field work is completed. Steve Walker suggested specifying in lots 2, 3 and 11 that they be inventoried by an ecologist for rare natural communities and rare natural plants for condition #4. Steve Walker said that he does not believe that all the lots need to come back to the Board, but noted that he would like to see lots 1-4, 8, 11, 35 and 44.

Charlie Frizzle asked staff if they felt that the application needed the waivers that Steve Walker had suggested. Jeremy Doxsee replied that he would want to review Steve Walker’s list but that they sounded like reasonable suggestions.

Charlie Frizzle, with respect to stormwater management, stated that MRRRA has a comprehensive plan and it is clear in the Findings of Fact that new development has to come back to the Board; Margaret Wilson and Dann Lewis agreed.

Charlie Frizzle asked the applicant if they had any issues with modifying the plan notes as Steve Walker suggested. Steve Levesque replied that they do not have any issues.

Charlie Frizzle asked Steve Walker to reread the changes he was suggesting for changes to the Conditions of Approval. Anna Breinich stated that Steve Walker did a great job in covering the natural resource issues and noted that one reason why the additional lots were listed was because they directly abut contaminated sites. Margaret Wilson suggested additional conditions of approval.

MOTION BY DANN LEWIS THAT THE MAJOR DEVELOPMENT REVIEW APPLICATION IS DEEMED COMPLETE. SECONDED BY CHARLIE FRIZZLE APPROVED BY DANN LEWIS, CHARLIE FRIZZLE AND MARGARET WILSON. OPPOSED BY STEVE WALKER; MOTION PASSES.

MOTION BY DANN LEWIS THAT THE BOARD WAIVES THE FOLLOWING REQUIREMENTS WITH THE CONDITION THAT THEY BE SUBMITTED AS PART OF AN APPLICATION FOR DEVELOPMENT REVIEW OF ANY PROPOSED NEW DEVELOPMENT IN THE SUBDIVISION:

1. Section 412.2.B.3 – Lot Monumentation: boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments properly identified as existing or proposed.
2. Section 412.2.B.5 - Existing zoning district and overlay zone designation.
3. Section 412.2.B.8. – Profile, cross-section dimensions, and curve radii of all existing streets.
4. Section 412.2.B.12. – Location of features, natural and artificial, affecting the development, such as water bodies, wetlands, streams, vegetation, rail-roads, ditches and buildings.
5. Section 412.2.B.14. – Profile and cross-section of existing sewers.
6. Section 412.2.B.16. – A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists.
7. Section 412.2.B.17. – Location of all existing trees over 10 inches in diameter, and locations of tree stands.
8. Section 412.2.B.25 – A wetlands map drawn by a specialist delineating wetland boundaries in accordance with the methods prescribed by the U.S. Army Corps of Engineers at the time of the application.
9. Section 412.2.B.28. – Building envelopes showing acceptable locations for principal and accessory structures.

SECONDED BY CHARLIE FRIZZLE APPROVED BY DANN LEWIS, CHARLIE FRIZZLE AND MARGARET WILSON. OPOSED BY STEVE WALKER; MOTION PASSES.

MOTION BY DANN LEWIS THAT THE FINAL SUBDIVISION 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.
2. Provision be included in a fully executed Common Area Maintenance Agreement, as described in Note # 8 of Drawing 1 of 7.
3. Lot 13 is excluded from the final, approved subdivision plan and is combined with the remaining Lands of MRRA.

4. As part of the development review process for any future development, a qualified ecologist shall fully document and delineate rare natural communities and rare plant occurrences for Lots 2, 3, & 11.
5. Development review approval by the Planning Board is required for all future development of lots 1-7, 10-12, 35 and 44, in order to demonstrate compliance with the provisions of Section 411.2 of the Town of Brunswick Zoning Ordinance “Preservation of Natural Features”.
6. Development review approval by the Planning Board is required for all future development of lots 1-7, 10-12, 35 and 44, in order to demonstrate compliance with the provisions of Section 411.3 of the Town of Brunswick Zoning Ordinance “Surface Waters, Wetlands and Marine Resources”.
7. Depict locations of all groundwater monitor wells within the Phase I subdivision plan.
8. Stormwater Management Plans will be required for all future development and, to the greatest practical extent, site-specific, Low Impact Development stormwater management strategies and practices are required for all new development, in accordance with Section 504 of the Town’s Zoning Ordinance and the Brunswick Landing Design Guidelines and BNAS Reuse Plan.
9. Plan notes and legends shall be amended to reference “approximate” locations of wetlands, vernal pools, NRPZ boundaries, and all other natural resources that require further delineation, as part of the development review process.
10. In accordance with Section 411.24, Environmental Compliance in the BNAS Reuse and Conservation Districts, the applicant must provide evidence of compliance on a site-specific basis at time of future development.

SECONDED BY DANN LEWIS APPROVED BY, CHARLIE FRIZZLE, DANN LEWIS AND MARGARET WILSON. OPPOSED BY STEVE WALKER; MOTION PASSES.

Case Number: 13-002 - Zoning Amendment Request : The Planning Board will hold a workshop 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 introduced the amendment request and stated that the R-AR Land Use District currently permits Professional Office uses only in conjunction with “aviation-related activities or uses”. Jeremy stated that the applicant believes that they found potential business that may be interested in relocating to some of the existing facilities but the current zoning is too restrictive and does not allow them to lease these facilities to office type uses. Jeremy stated that the applicant is asking that the Town change the zoning so that the zone is not aviation dependent and general office use be permitted.

Charlie Frizzle stated that the zone as originally created restricted any non-aviation uses under the understanding that the FAA required that designation and asked what has changed? Dave Markovchick, Economic Development Manager for MRRRA, stated that they have frequently gone to the FAA for alternative uses and have gotten the permission that non-aviation uses may be permitted with the stipulation that all revenue generated by such uses must be allocated to general operations of the Brunswick Executive Airport.

Chairman Charlie Frizzle opened the public comment.

Ed Benedikt, Brunswick Area Citizens for a Safe Environment President, stated he was very involved in the reuse plan and assumed the designation was done at the behest of the FAA.

Chairman Charlie Frizzle closed the public comment period.

**MOTION BY MARGARET WILSON TO SCHEDULE A PUBLIC HEARING.
SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY AMONG THOSE
PRESENT.**

Case Number: 13-005 - Zoning Amendment Request : The Planning Board will hold a workshop 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 residence halls are not permitted in the MU3 District, but there are similar uses within the district. Anna stated that Bowdoin College has a purchase and sales agreement for the Stevens Home that was formerly used as a congregate care facility that they would like to reuse as a residence hall; there would be no demolition. Anna noted that congregate care as well as boarding home are permitted uses within the MU3 District.

Katie Longley, Bowdoin College, reiterated that Bowdoin College is seeking to add residence halls to the MU3 Zone and noted that the zone itself is small with only 7 properties including the Smith House which is a college residence that was grandfathered. Katie stated that the college plans to renovate with no expansion and reviewed the property. Katie stated that the college has held a neighborhood meeting and is willing to work with the neighbors to make the facility blend in as much as possible. Margaret Wilson asked how many students would be housed in the facility if zoning were approved; Katie replied roughly 15. Margaret asked which way students would travel to get to campus; Katie replied that they would probably go down Longfellow.

Chairman Charlie Frizzle opened to public comment.

Reed Bartlett, resident of Harpswell Place, stated that the neighborhood has gone through a lot of Bowdoin College expansion, zoning issues and zoning amendments over the past 20 years. Reed stated that in the 1980’s the college only owned 4 properties in his neighborhood but in the 1990’s the college expanded their acquisition of properties and noted that there were several zoning issues. Reed provided an overview of the neighborhood and the history of the struggles that the neighborhood has gone through with the encroachment of Bowdoin College. Reed stated that what he does not like is that every time Bowdoin College purchases a property they seek zoning amendments to meet their needs.

**MOTION BY MARGARET WILSON TO SCHEDULE A PUBLIC HEARING.
SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY AMONG THOSE
PRESENT.**

Minutes

No minutes were approved at this meeting.

Adjourned

This meeting was adjourned at 9:42 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
MARCH 5, 2013**

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

STAFF PRESENT: Anna Breinich and Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, March 5, 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: 13-004 – Duck Cove Subdivision: The Planning Board will review and take action on a Major Review Application regarding a request to merge 2 lots into 1 lot of record. An application to subdivide was approved in 2011 by the previous owner; located at 138 Coombs Road (**Assessor’s Map 38, Lot 149**) in the FF3 (Farm Forest / New Meadows River Area) Zoning District.

Jeremy Doxsee stated that the original Duck Pond Subdivision was created in 1977 and amended in 2005, 2008 and in 2011. Jeremy stated that unbeknownst to the current owners, the 2011 subdivision was approved while they were under contract to purchase the property and it was not until the closing that they realized the property had been subdivided; the applicant wishes to merge the lots for privacy and to lower their property tax bill.

Charlie Frizzle opened the meeting to public comment; hearing none the public comment period was closed.

MOTION BY MARGARET WILSON THAT THE FINAL PLAN BE DEEMED COMPLETE. SECONDED BY CHARLIE FRIZZLE, UNANIMOUS AMONG THOSE PRESENT.

MOTION BY DANN LEWIS THAT THE PLANNING BOARD WAIVES THE FOLLOWING REQUIREMENTS:

1. 412.2.B.15 – Topography with 2 foot contour intervals
2. 412.2.B.16 – Class A Soil Survey
3. 412.2.B.17 – Location of trees over 10 inches in diameter

SECONDED BY RICHARD VISSER, APPROVED UNANIMOUS AMONG THOSE PRESENT.

MOTION BY DANN LEWIS THAT THE PLANNING BOARD GRANTS FINAL PLAN APPROVAL 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.

2. Label the building envelope on the plan and include the building envelope symbol in the Legend.

SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

22 Pleasant Street– Expansion of Tao Restaurant: The owners of the Tao Restaurant have requested a workshop with the Planning Board regarding their potential expansion of the existing restaurant, including construction of additional apartment units and parking. In accordance with §405.1.B., the applicant is seeking guidance from the Planning Board on the use of provisional parking standards.

Jeremy Doxsee introduced the project and stated that the applicant John and Cecelia are in the process of developing a site plan of Tao with the possibility of expanding and adding residential units with a structured parking garage below; the applicant would be unable to satisfy the parking requirement but would be interested in shared parking. Jeremy reminded members that this was a workshop and that nothing would be approved at this meeting.

Representative for the applicant, Chris Briley, presented a PowerPoint and stated that the addition would allow for 40-48 seats in the restaurant with the addition of 6 residential units. The owners plan to place an aqua ponie farm on top of the residential units and there would be a bridge that would connect the two buildings. Chris reviewed the parking plans and stated that each residence would have 2 tandem spaces below the addition and they would move the dumpster to allow for 2 more parallel spaces; total parking spaces that they will need is 22 and they have 19.

Charlie Frizzle stated that the concept is interesting. Charlie suggested that the applicant seek shared parking and agreed that there is empty space; possible shared parking with the Postal Service. Margaret Wilson agreed but stated that even though the restaurant is only open 5 days per week, the Board has to assume that they will be open 6 days per week and asked where people will park when the neighboring Business Center is open. Chris replied that they have approval for parking at the Postal Office, but they are unable to get approval in writing. Margaret reminded members that there was also parking behind the Firehouse. Anna Breinich asked how well the parking arrangement will be underground, as the area was originally designed for 6 vehicles; Richard Visser agreed and stated that the spaces are squeezed in tightly. Margaret suggested that the applicant speak with the neighboring Business Center and possibly the condominiums and explore the availability of shared parking; if the applicant is under parking by 2-3 spaces then there won't be much concern but the applicant does need to provide good faith with the neighbors. Charlie suggested that the applicant touch base with the Brunswick Downtown Association and their parking audit and agreed that the board would need to see good faith effort with the neighbors in respect to parking; Charlie stated that this is a good plan. Jeremy Doxsee replied that the applicant has reached out with Art Boulay, Manager of the Business Center, replied that parking during the day is tight but that they have no issues with

parking after 5:00pm. Jeremy stated that in looking at the parking plan, it may still be a little overbuilt and the applicant will also have to take into consideration any setbacks.

Minutes

MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF JANUARY 14, 2013. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF JANUARY 29, 2013. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

Adjourned

This meeting was adjourned at 7:46 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**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

**BRUNSWICK PLANNING BOARD
MARCH 26, 2013**

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, 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 26, 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 #13-009 – Unitarian Universalist Church of Brunswick – The Planning Board will review and take action on a Certificate of Appropriateness for a Demolition Application for the 1,660 SF Pennell House located at 5 Middle Street and Major Review Application submitted by Unitarian Universalist Church of Brunswick to construct a 8,652 square foot church to be located at 15 Pleasant Street and 5 Middle Street (Tax Map U13, Lots 73 & 74), in the Town Center 1 (TC1) Zoning District.

Anna Breinich, in dealing with the Certificate of Appropriateness, pointed out the draft Village Review Board (VRB) minutes for March 14, 2013 relating to the COA for demolition of the Pennell House. Anna stated that a site walk of Pennell House was completed and noted that the VRB commended the UUC for attempting to keep the Pennell House as this is the second time that the plan has been reviewed; the first time the UUC attempted to keep the Pennell House, but once pricing estimates were submitted costs well exceeded what they had to work with. Anna stated that the VRB reviewed the demolition based on the criteria listed in the ordinance and stated that for all three criteria the VRB voted in favor of the applicant. Anna stated that the VRB voted unanimously to recommend to the Planning Board that the demolition be granted.

Kevin Clark, Sitalines design team representative, reiterated Anna Breinich's comments and stated that after the original May 2012 approval, cost estimates and engineering studies, it was determined that the Pennell House would need to be demolished.

Chairman Charlie Frizzle opened the meeting to public comment, hearing none; the public comment period was closed.

MOTION BY STEVE WALKER TO APPROVE THE CERTIFICATE OF APPROPRIATENESS FOR THE DEMOLITION OF PENNELL HOUSE. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

Jeremy Doxsee stated that the Planning Board granted Major Development Review Approval to the UUC in September of 2012 for construction of a new church on 15 Pleasant Street to be integrated with the existing continuing education building (Pennell House) located at 5 Middle Street. Jeremy stated that the UUC is concurrently seeking Final Major Development Review approval for construction of a 8,652 square foot building on 15 Pleasant Street and 5 Middle Street, which would include the church, office and continuing education space.

Kevin Clark stated that the revised plan calls for construction of an 8,652 square foot building with a full lot when construction is complete; similar to previous impervious site and not significant impact to water and sewer services. Kevin stated that per John Foster's (Public Works) suggestion, they have labeled and designated two parking spaces along Middle Street for loading and unloading and added a bicycle rack. Kevin stated that there are no issues with the easements and the drainage easement is for a catch basin being installed on the adjacent property to assist in their drainage in exchange for the use of some parking area. Charlie Frizzle asked if the recess lane designs had been coordinated with Public Works; Kevin replied that Kurt Neufeld has been working with John on how to design the tip down in that area. Charlie stated that a condition that John Foster approve the ADA recess lane needs be added to the approval. Charlie asked, in reference to the catch basin, if John has reviewed those plans; Kevin stated that Kurt is working with John on the plan for the basin as well. Charlie stated that another condition for approval would be that John approve the catch basin design.

Richard Visser stated that he was concerned about the parking around the proposed building and reviewed the parking requirements in the Zoning Ordinance; Jeremy Doxsee replied that because the building will be demolished and replaced within two years, the prior non-conforming parking status is grandfathered. Jeremy stated that he had spoken with the Codes Enforcement Office about the parking for this project and noted that the previous application was approved with the understanding that parking was grandfathered. Jeremy stated that the parking non-conformance continues to be grandfathered and Anna Breinich noted that staff has a letter to this effect dated April 12, 2012 when the determination was made. Richard stated that he was still concerned about parking; Jeremy replied that he understands his concern and noted that peak usage will be on Sundays when nearby businesses are closed and parking will be at its lowest.

Charlie Frizzle stated that he had read the article in the Times Record and believes that there was a misunderstanding and noted that this meeting is for approval of the final design; if the congregation chooses, because of funding or decides to change the design, the new design would need to come back for approval.

Charlie Frizzle pointed out that the packet contained the approval from the Water and Sewer District as well as the parking document which were all dated for a year ago and noted that no substantive changes were made but that a few comments had been added.

Chairman Charlie Frizzle opened the meeting to public comment.

Sylvia Stocker, Minister for the UUC, clarified that the correct address for Pennell House is both 5 and 7 Middle Street. Sylvia stated that she was confused about signage and asked if the additional condition only applied to the parking; Jeremy Doxsee replied that it was regarding only the loading and unloading spaces. Sylvia stated that she wanted to clarify this and noted that the church has a sign that they refer to as the Wayside sign. Sylvia stated that the church went to great lengths a few years ago to assure that it was grandfathered. Charlie Frizzle replied that if the church wishes to retain that sign and they have paperwork to grandfather it then there are no issues.

Chairman Charlie Frizzle closed the public comment period.

MOTION BY STEVE WALKER THAT THE COMBINED SKETCH PLAN AND MAJOR DEVELOPMENT FINAL PLAN APPLICATION IS DEEMED COMPLETE. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

MOTION BY DANN LEWIS 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

SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY.

MOTION BY STEVE WALKER THAT THE COMBINED SKETCH PLAN AND MAJOR DEVELOPMENT FINAL PLAN APPLICATION 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.
2. Provision of bicycle parking, to the satisfaction of the Director of Planning.
3. Label on the plan that the two on-street parking spaces are for vehicle loading and unloading only. Signage to be coordinated with the Director of Public Works.
4. Design of the loading and unloading zone, including integration with the sidewalk, shall be ADA compliant.
5. Prior to issuance of a Building Permit, provision of fully executed construction, drainage, and sidewalk easements.
6. Prior to issuance of a Building Permit, provision of a Street Opening Permit from the Department of Public Works.
7. Prior to issuance of a Building Permit, the design of the catch basin to the east of the structure shall be reviewed and approved by the Director of Public Works.
8. Prior to the issuance of the Certificate of Occupancy, the design of the screening of the rooftop mechanicals shall be reviewed and approved by the Director of Planning.

SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.

Other

- April 9th will be a joint workshop with the Village Review Board.

Minutes

None minutes were reviewed at this meeting.

Adjourned

This meeting was adjourned at 7:36 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

BRUNSWICK PLANNING BOARD
APRIL 2, 2013

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Vice Chair Margaret Wilson, Bill Dana, Dale King, Dann Lewis, and Richard Visser

STAFF PRESENT: Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, April 2, 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: 13-007 – Atlantic Coast Towing: The Planning Board will review and take action on a Major Review Application submitted by Atlantic Coast Towing regarding a request to establish a towing business and impoundment yard located at 84 Old Bath Road (Assessor's Map 45, Lot 2A) in the Rural Mixed Use 1 (MU1) Zoning District.

Jeremy Doxsee stated that in June of 2012, the applicant was granted special permit approval by the Board to relocate its towing business from 64 Water Street to 84 Old Bath Road. Jeremy stated that the applicant is also seeking major review approval to create a 180 square foot gravel driveway leading to the impoundment yard. Jeremy stated that a 900 square foot garage is also being proposed at this time with a larger 1,920 square foot garage to be constructed in the future. Jeremy stated that there are no significant resources on this property and noted that Staff Review Committee reviewed this application at their March 7, 2013 meeting.

Jeremiah Raitt, Surveyor, added that the applicants have prepared an aerial overlay of the property with property lines and location of the garage and shed.

Staff Review meeting of March 7, 2013, bullet number two, which states that the applicant will need to provide details of the proposed garages, including colors, materials, and height. Charlie Frizzle noted that included in the packet, they have a sketch for a 28x28 square foot garage even though the garage will be for 32x28 square feet, but no sketch for the second larger garage proposed to be 32x60 square feet. Charlie asked if staff had any more information for the second forthcoming garage. Jeremy Doxsee replied that it was his understanding that the second garage would be of similar design with a different footprint. Jeremiah Raitt replied that in speaking with Rachel and Charles Louder, it was his understanding that it would be similar stick construction. Jeremiah stated that it is also his understanding that if the smaller garages suits their needs they may not construct the larger garage. Charlie replied that in keeping with Staff Review, a condition should be added that prior to the start of construction on the second garage, detailed plans should be submitted to staff for review and approval. Margaret Wilson replied that with a 28x32 sketch, the Board usually likes more information such as windows so they know what the building looks like. Jeremiah replied that that he believes that they are going to paint the building blue/grey, similar to the other buildings with double hung windows. Jeremiah stated that the sketch provided to the Board was all that was given to him by the applicant. Margaret asked Jeremy if staff felt that the applicant completed what was asked of them in terms of height and building requirements. Jeremy replied that staff felt that the applicant met the minimum in terms

of construction materials as noted in the Findings of Fact. Jeremy stated that it is proposed to be 24 feet maximum so probably 2 story, and blue with double hung windows; Jeremy stated that they can condition that more information be provided if the Board wishes. Margaret asked what the maximum height was. Jeremiah replied that according to the Codes office, maximum height is 40 feet. Charlie Frizzle replied that for the 28x32 garage, the Board has enough information and that it is unlikely that a 28x32 foot building is going to exceed that height limit, but still believes that a detailed sketch be provided for the 32x60 foot building prior to construction. Margaret asked what they will be using for lights. Jeremiah replied that there will be a garage door light and that lighting would be more typical of a residential structure. Bill Dana stated that he believed it was stipulated that the lighting would be on motion sensors. Margaret asked about the 150 foot of buffered woodland and asked if it was off of Bath Road. Jeremy replied that it is located at the rear of the property and noted that the property slopes off; he was thinking about the direction of any runoff to the southeast. Margaret asked if there were any residences nearby and noted that Crooker was on both sides of the property. Jeremy replied that there are no residences to the south. Jeremiah stated that there is a residence across the street.

Chairman Charlie Frizzle opened the meeting to public comment, hearing none the public comment period was closed.

MOTION BY DANN LEWIS THAT THE COMBINED SKETCH PLAN AND MAJOR DEVELOPMENT FINAL PLAN APPLICATION IS DEEMED COMPLETE. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

MOTION BY DALE KING THAT THE SKETCH PLAN AND MAJOR DEVELOPMENT PLAN APPLICATION 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, their representatives, reviewing officials, and members of the public, as reflected in the public record.
2. 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 review and approval in accordance with the Brunswick Zoning Ordinance.

SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

Other

No other business.

Minutes

No minutes were approved at this meeting.

Adjourned

This meeting was adjourned at 7:20 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
APRIL 9, 2013**

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Bill Dana, Dale King, and Richard Visser

MEMBERS PRESENT VILLAGE REVIEW BOARD: Chair Emily Swan, and Brooks Stoddard (arrived at 7:10)

STAFF PRESENT: Anna Breinich, Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, April 9, 2013 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Vice Chair Margaret Wilson called the meeting to order at 7:00 P.M.

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 demolition criteria and standards.

Anna Breinich stated that at the last joint workshop, they discussed review concepts for demolition and stated that from this decision staff has devised a tiring method for decision making. Anna stated that after looking at best practices from other towns this is what staff has come up with. Jeremy Doxsee stated that the tiers will be applicability, class of structure within the Village Review Zone and criteria. Jeremy stated that they are essentially using the same language Jermy pointed out that section D refers to Demolition for a Replacement Project of Special Public Merit and noted that this item has an alternate criteria.

Margaret Wilson stated that the only difference she sees is the 90 day delay period between Contributing and non-contributing and noted that a time limit does appear in many other town reviews.

In Section 216.B, Classifications of structures within Village Review Zone, Margaret Wilson asked if it includes all the significant structures that they may want included and asked if they wanted to include xxx. Charlie Frizzle pointed out that Section 216.B.1.iv, locally designated landmarks on a voluntary basis, will need a requirement so that people are not pulling in and out. Anna Breinich replied that the idea would be similar to the Brunswick Topsham Land Trust easement process; it will need more work. Anna stated that staff will conduct more research and get additional information out to members. Anna stated that staff will need to hire a consultant to research additional contributing vs. non-contributing structures and local landmarks and noted that they also have the top 100 as well. Emily Swan replied, in reference to landmarks on a voluntary basis, that the process could be less than the easement process and suggested possibly a landmark designation. Emily stated that classification B could also include structures that have a cultural or historical significance or are associated with a significant event. Margaret Wilson asked who will determine what is significant or not, staff of the outside consultant. Anna replied that staff will go through the list with the consultant. Anna stated that they have a historical site

survey for most significant structures which is in good shape and other contributing structures over 50 years need to be determined. Margaret stated that they need to reference the site surveys. Emily stated that they should have a map that shows the designations. Margaret asked how everyone felt about the 50 year cut off. Charlie Frizzle stated that the cut off seems arbitrary and asked what specifically about that age makes a structure significant. Jeremy Doxsee replied that in order to be eligible for the National Registry, a structure must be over 50.

Emily Swan stated that they need to clarify secondary structures and suggested classifying them separately.

Elizabeth Marr asked if applicability should include relocation. Charlie Frizzle replied cxxxxx Margaret Wilson stated that the idea is that demolition is discouraged. Anna Breinich replied that relocation is a last resort to preserve the building.

Richard Visser asked why under the general requirements an applicant must adhere to the 90 day delay period and wonders why it is not listed under the others. Anna Breinich replied that the 90 day delay affects the structures that really count and are the ones that they want to try and preserve. Charlie Frizzle replied that he is torn because he does not care for anything that makes the process more time consuming. Emily Swan replied that she would hate to lose an opportunity to protect a building and noted that Freeport has an extremely broad noticing procedure and would like to see something similar in their ordinance. Margaret Wilson asked if a waiver procedure could be used. Elizabeth Marr asked if it would be beneficial to post a notice in the newspapers. Margaret replied that newspaper advertising is not as effective anymore. Charlie replied that he does not see a problem with making the advertising broader rather than making the procedure lengthier. Anna replied that they don't make an advertising list as things and people can change.

Margaret Wilson opened the meeting to public comment.

Claudia Knox read her prepared suggestions as attached.

Curt Neufeld from Sitelines stated that

Catherine Fernidad xxxx

Emily Swan stated that she likes what Claudia Knox suggested and xxxxx Anna Breinich stated that she asked the recent applicant to do as suggested and there were no takers. Emily asked if there was an ordinance with similar framework. Jeremy Doxsee stated that staff will research xxx. Charlie Frizzle asked what happens if an owner does not want their structure to be contributing. Xxxxx

Non-Contributing Structures

800 Margaret Wilson xxx stated that the idea is that an applicant does not need to go to the Village Review Board if the building is not in public view and stated that she would not mind if it were broader and included everything. Elizabeth Marr agreed

Other

No other business.

Minutes

No minutes were approved at this meeting.

Adjourned

This meeting was adjourned at 8:50 P.M.

Attest

Tonya D. Jenusaitis

Recording Secretary

Attachment – Claudia Knox

Village Review Board and Planning Board meetings April 2013

You are working on a new ordinance an important part of which will clarify the standards for ruling on demolition applications. That will be better for applicants. And better for the Village Review Board and the Planning Board. But will it be better for the community?

We can often see these things coming a mile away. The building is empty. It's being neglected. The owner - perchance the college or the church or the Town - wants the land and not the building. But by the time the owner comes forward with a demolition request, it's too late to find an alternative solution. The owner by then is in a hurry.

The owner may offer to salvage, post a 'take it away for free' sign on the building and a notice in the paper. There will be a park, or parking, and maybe we'll like it if we're lucky. All of that is too late and many thousands of dollars too short. And the public interest, the public's irrevocable loss, is not addressed. This problem is NOT going away. The college has 4-5 other buildings it considers a burden – excess inventory that don't earn their keep. The historic fire station at Town Hall Place is at risk from the Town and the Fire Department.

Some of these buildings, those that are still sound, could have a fighting chance if we built in time to put together alternative solutions, a package that might draw a new owner into a transaction that makes financial sense. **How might we use our ordinance to marry the interests of demolition-minded owners with the interests of the preservation-minded public??**

1. We can require owners to file a non-binding notice of intent to apply for demolition a minimum of 18 months prior to the actual application. That

would get the public conversation going so that serious people could test real options.

2. We can require owners to escrow the cost of demolition and removal as part of a relocation package to help with moving, or, if all else fails to act as surety for the completion of promised landscaping, parking, or other site improvements.

3. We can offer a two-year tax holiday on the structure in its new location if it is moved to allow time for renovation. We could offer a tax holiday to offset added costs for reusing the building in its original place as part of a renovation and repurposing project. This incentive would defray costs while the building is out of service and make it easier for an owner to acquire funding.

None of this would apply, of course, when fire or calamity motivates the demo application – but those aren't the ones we agonize over anyway. Saving unwanted, neglected, but historically contributing buildings will always be a long shot, and we will fail more often than succeed. But we must build into our ordinance a better chance for success.

Let me be very clear: owners have the right, the obligation for that matter, to pursue their interests. The public has interests too. And they are different. The loss of such buildings is rarely, perhaps never, in the public interest. **The challenge is to marry the interests of owners that want to rid themselves of buildings they don't want, with the public's interest in preserving those buildings.** Time is an enemy – we must build in time. Cost is a factor – we must try to balance the economic equation, to build in incentives. Our new ordinance must reflect the public interest because that, in the past, has not had a place at the table.

BRUNSWICK PLANNING BOARD
APRIL 23, 2013

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Vice Chair Margaret Wilson Bill Dana, Dale King, Richard Visser and Steve Walker

STAFF PRESENT: Anna Breinich, Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, April 23, 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 #VRB 13-004 – 22 Cleaveland Street – The Planning Board will review and take action on a Certificate of Appropriateness application submitted by Bowdoin College to demolish a combined structure at 22 Cleaveland Street/78 Federal Street (Map U8, Lot 095).

Anna Breinich introduced the application submitted by Bowdoin College for a Certification of Appropriateness for the demolition of 22 Cleaveland Street/78 Federal Street. Anna stated that the property is located in the College Use 6 (CU6) District, Village Review Overlay Zone and the National Register Federal Street Historic District. Anna noted that the buildings have been vacant since being purchased by the College in 2007 and the property is in poor condition. Anna stated that if approved, upon demolition, the structure would be replaced by a “mosaic of gravel terraces surrounding a restored lawn area. Reclaimed granite slabs will mark the footprint of the home’s original foundation.”

Catherine Longley, Bowdoin College, stated that in the original application they planned to have granite benches but per the neighborhood response, they will not be putting them in.

Don Berkowski, Director of Capital Projects for Bowdoin College, stated that the property consists of two separate structures originally and at some time after the designation of the Federal Historic District, the structures were joined with the addition of some outbuildings. Don stated that Bowdoin College took ownership of the building in 2007 and noted that it was in disrepair; Bowdoin tried to stabilize the building and prevent further damage. Don stated that at this time they conducted hazardous materials abatement and removed a few of the collapsing chimneys. Don stated that the current plan is to remove the structures and noted that the foundation of 78 Federal Street is caving in due to tree rot. Mr. Berkowski stated that at this time a total rebuild would not be economically viable. Mr. Berkowski stated that once the buildings are removed, they plan to retain the granite perimeter foundation wall around the two structures and possibly etch in stone the address and dates. Bowdoin plans to landscape the area with a gravel courtyard, some low level native plantings and several trees to create a buffer to Rhodes Hall.

Lauren Todd of Steven Stinson Association stated that they envision the lawn area to look as though it belongs with the Street. Richard Visser asked if they plan to have the same number of parking spaces; Lauren replied that they are keeping the same number of spaces, five, but are

adding more screening and cleaning the area up. Mr. Visser clarified that the only entrance to the parking area was off of Cleveland Street; Lauren stated that he was correct. Margaret Wilson asked how they plan to keep the weeds out and Lauren replied that they are going to use a geotech fabric and would also like to add a layer of broken stones so that there is no soil. Steve Walker stated that he was disappointed that the benches would not be included and asked if there were a way to raise the curbing to a useable almost counter space level if you have an outdoor function? Lauren stated that it is balancing with what the neighborhood and Bowdoin College is comfortable with.

Charlie Frizzle pointed out that in the packet there is the application from Bowdoin College, the Becker 2010 building evaluation, letter from Maine Historical Preservation Society in support of the demolition and the Village Review Board meeting minutes of April 8, 2013 where the VRB voted to approve the COA.

Chairman Charlie Frizzle opened the meeting to public hearing.

Andrew Rudalevige, resident of 76 Federal Street, stated the he does not oppose the demolition request but would ask that the property be maintained and stated that it was with a twinge of sadness to see the building(s) be demolished however necessary in the streetscape that represents a consistent pattern of old residential building. Mr. Rudalevige reiterated that he hope that the property will be maintained. Mr. Rudalevige stated that with regards to the benches, the concern was that it attracted staff to go outdoors to eat lunch, but also attracted the students next door to go outside and drink.

Chairman Charlie Frizzle closed the public hearing.

MOTION BY STEVE WALKER THAT THE CERTIFICATE OF APPROPRIATENESS APPLICATION IS DEEMED COMPLETE. SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

Margaret Wilson asked what Bowdoin College paid; Katie Longley replied that she believed it was \$300,000 to \$400,000. Richard Visser stated that it was unbelievable how disjointed the buildings were and did not see any other alternative.

MOTION BY BILL DANA THAT THE BOARD APPROVES THE CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF 22 CLEVELAND STREET/78 FEDERAL STREET, AS OUTLINED IN THE APPLICATION, AND WITH THE FOLLOWING CONDITION:

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

SECONDED BY DALE KING, APPROVED UNANIMOUSLY.

Other

No other business.

Minutes

No minutes were approved at this meeting.

Adjourned

This meeting was adjourned at 7:26 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
APRIL 30, 2013**

MEMBERS PRESENT PLANNING BOARD: Chair Charlie Frizzle, Bill Dana, Dale King, Richard Visser and Steve Walker

MEMBERS PRESENT VILLAGE REVIEW BOARD: Chair Emily Swan, Jane Crichton, Elizabeth Marr, and Brooks Stoddard

STAFF PRESENT: Anna Breinich, Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, April 30, 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.

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. The goal of this workshop will be to finalize proposed demolition criteria and standards.

Anna Breinich began by stating that the draft document before the Planning Board and Village Review Board members was created by taking the previous format with the intent that the rest of the formatting can be revamped later on during a more comprehensive rewrite. Anna noted that in addition to the packet materials, Jeremy Doxsee prepared a new map of the Village Review Zone with the expansion as recommended by the 2008 Comprehensive Plan. Anna stated that Union Street is the border to the west, Pleasant Street to the north, Maine Street to the east and Page Street to the south with one lot in so that both sides of Page Street are included.

Chairman Charlie Frizzle opened the meeting to public comment.

Claudia Knox, resident of 36 Cumberland Street, commended the joint Boards on their work on Section 216 of the zoning ordinance. Claudia stated reviewed her notes as attached (Attachment A)

Catherine Longley, representative from Bowdoin College, reviewed her notes to the Planning Board dated 4/30/2013 and as attached (Attachment B).

Curt Neufeld, Sitelines, stated that in terms of process, it would be helpful if the application could be reviewed concurrent with either the staff of the Planning Board regarding the provision that *an application shall not be review by any other body until the VRB determination is complete* as it would be helpful.

216 Village Review Zone (VRZ)

Anna Breinich began by reviewing the purpose and noted that the comments were more questions for the Village Review Zone and stated that the purpose at this time was very broad. Charlie Frizzle agreed with Anna and asked what makes this any different from any other part of

town, what is it that sets the VRB apart from any other part and gives it a purpose that is not shared in the other zones within the town. Emily Swan replied that having a strong and protected historic downtown area is economically beneficial to the whole town and stated that the benefits, architectural and historic, go beyond the boundaries of the zone. Elizabeth Marr agreed with Emily, and also agreed that the purpose does need rewording.

216.2 Duties of the Village Review Board

Anna Breinich stated that staff tried to clean this section up and noted that they attempted to make 216.2.F more active and suggested deleting g. Emily Swan replied that 216.2.G could be removed, but suggested adding additional resources that applicants can go to in another section.

216.3 Village Review Board Membership

Elizabeth Marr suggested moving 216.3.F to follow 216.3.A. Anna Breinich stated that she asked the Town Attorney if they need to keep the language in regarding initial appointments and he replied that it is language that they do not need.

216.4 Certificate of Appropriateness

Anna Breinich stated that this section will need more work and pointed out that the Town Attorney was leery with leaving in “the creation of new impervious Surfaces” under 216.4.A.3. Emily Swan replied that they do not encounter this often and is not for or against this. Charlie Frizzle stated that he could see an instance occurring if someone wants a Change of Use to convert a residence to a business. Anna stated that this could also occur if someone wants to change their green space and suggested using “in conjunction with”. It was decided to leave as is for this time.

Anna Breinich suggested that the Boards wait on reviewing 216.4.B at this time. Anna stated that she is going to ask the Town Attorney and the Codes Officer to review 216.4.C again to assure that what needs to be included is.

216.5 Limitation on Granting of Other Permits

Anna Breinich reviewed that wording changes per discussion with the Town Attorney.

216.6 Application for Certificate of Appropriateness

Anna Breinich stated that there was quite a bit of clean-up in this section. Anna stated that the items listed in this section are what is needed to deem an application complete.

216.7 Section Skipped

Anna Breinich explained that in the last revision this section was removed but to avoid renumbering the section was left blank. Anna stated that they are going to remove this and renumber.

216.8 Application Review Process

Anna Breinich asked for clarification on Section 216.8.B.1 and asked if they still need to determine the review level of any roof-top appurtenances. Emily Swan replied that if it is not visible from the street it should be minor and if it is visible from the street then it should be major or reviewable by the Board.

Anna Breinich asked, as discussed at the previous workshop, that Section 216.8.B.2.a.3, any alterations or new placement of walks or driveways, will remain in the ordinance. Anna stated that this section still needs to be cleaned up.

216.9 Standards for Review of Application of Certificate of Appropriateness

Anna Breinich reviewed the changes to this section. Anna stated that she wants to speak with the Town Attorney because they may be able to clear some of the ambiguity with definitions. Anna suggested defining streetscape and compatibility.

Anna Breinich stated that Section 216.9.D, Specific Standards for New Buildings and Major Additions in the TC1 (Maine Street) and TC2 (Fort Andross) Districts, was interesting and pointed out that it should apply to the entire VRZ. Emily Swan replied that they do not usually see these come before the Board, but stated that she would like the ordinance to be less restrictive in terms of rooftop screening and suggested wording that “the design shall either screen or incorporate alternative energy concepts into the design”.

216.10 Certificate of Appropriateness for Demolition and Relocation

Anna Breinich stated that staff took what was drafted since the last meeting and tried to clean it up. Anna said that the Town Attorney agreed that they could take out Section 216.10.C.b. Emily Swan asked if there was a way to adjust the delay period. Charlie Frizzle stated that he was reluctant to allow too much flexibility and stated that a 90 day delay is fairly short for relocation.

Anna Breinich stated that they need to work more on non-contributing structures and stated that they need to clarify what would be needed for a Certificate of Appropriateness and what is needed if No Certificate of Appropriateness is required if the proposed demolition is not visible from the public right-of-way. Anna reiterated that this section is still a work in progress.

Charlie Frizzle clarified that Section D. Demolition of a Replacement Project of Special Public Merit is not demolition of but to allow. Charlie stated that in response to Claudia Knox’s thoughts in terms of Special Public Merit, he agreed that it will be very difficult to define and suggested inserting a phrase to the effect “as determined by the Town Council” and leave it to them. Anna Breinich pointed out that Jeremy Doxsee prepared a definition for their review from the Narragansett ordinance. Emily Swan stated that she is uncomfortable with further politicizing something that does not need to be politicized.

Anna Breinich stated that the next section is to discuss whether they want to separate from or have the same process with minimal specifics added. Charlie Frizzle replied that this may be a good time to discuss whether they want to have a one stop process for major projects that require construction of and demolition. Steve Walker replied that since they have worked so hard on the standards, there should be some benefit even if the applicant is coming before two bodies. Anna pointed out that any demolition will need to have a plan included with will eliminate one step. Emily Swan replied that she is sympathetic but stated that it seems that what the VRB is looking at is very different than what the Planning Board is looking at. Claudia Knox stated that she is sympathetic to the applicant and pointed out that often times the applicant will also have to pay

the fees for an Architect, Landscape Architect, Attorney, all at a great expense; Claudia thinks it is worth taking the time to look into this to see if there is another way. Curt Neufeld reiterated that both Boards could review the plans concurrent and noted that both Boards do look at different things, but that both are equally important. Anna stated that staff will continue to research.

216.11 Appeal to Zoning Board of Appeals

Anna Breinich stated that she needs to review this with the Town Attorney and reviewed any changes that have been made.

Other

No other business.

Minutes

No minutes were approved at this meeting.

Adjourned

This meeting was adjourned at 8:44 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

Attachment A

Claudia Knox
Workshop April 30, 2013

I am really impressed with the clarity and internal coherence of the ordinance rewrite you continue work on tonight. My thanks to Anna and to all of you for this work product.

That said, there are three issues of concern to me that I want to pose for your consideration.

1. It would make more sense, under the architecture of the new ordinance, for all structures that are National Register Listed, to be covered by the Village Review Board. Which is to say, I don't see that it makes sense to keep strictly within the VRZ boundaries for the VRB to adjudicate demolition applications on that set of properties, regardless of their location, now that they will be clearly identified and now that the process for application has been elucidated. I am informed that you discussed this early on, but I do believe, now that you are further down the road, you might want to look at that again.

2. I would much prefer that the 90-day demolition moratorium be extended to 180 days for the highest ranking properties, that is, those on the Register. There is precedent for this length of time in the ordinances of other communities, and as you know, it takes time to put together an alternative solution. I want to point out that the Chamberlain House narrowly escaped demolition to make way for a MacDonal'd's. During that same sorry era, the Pumpkin House and the Skolfield/Carney House on Park Row survived a proposal to knock them down and haul them away to create a used car lot bordering the Mall and adjacent to the then-Chevrolet Dealership at the Tontine. Had that occurred, our views from the Wild Oats deck....well, it wouldn't be there at all because it wouldn't have made sense for Dan Catlin to invest in and transform the property. So we dodged the bullet a couple times, but not enough to prevent the loss of grand residences at the corner of Pleasant and Maine where now we have a block with 7-11, Rite Aid, and a former Dunkin. So you see, the property rights of some owners can have a lasting negative impact on the property potentials of significant blocks of downtown. **You are the appointed stewards of our land use and built environment. As such you must look long term to achieve the goals set forth in the Comprehensive Plan and the Downtown Master Plan. That suggests that expediting requests to tear down historic buildings should not be at the top of your legislative agenda. In hindsight we can see that losses of historic buildings are permanent losses and those losses constrain – not serve – economic development.**

3. The public benefit justification for demolition. How do you define that? Is that a service-provider? A municipal function? A generator of tax revenues per chance? The proposal in 2002 to construct a public safety building on Pleasant Street would have required the demolition of every building between the Post Office and the white church for the public benefit. Had that gone through, we would not now have Tao, the Brunswick Business Center, Gallery Framing, Estillos, and more. The voters rejected that construction project at referendum not because it was too expensive, and not because the police and fire department didn't sorely need new quarters, but because the voters were not going to allow the wholesale demolition of a cherished part of downtown. We should not fool ourselves into believing that institutions are now more enlightened and so will not propose public benefits that are really disasters waiting to happen. Public Benefit? That's a tricky one

Attachment B

*4/30/13 Katy Longley
Bowdoin College*

**VRB/Planning Board Joint Workshop on Demolition
Talking Points – 4/30/2013**

Intent of process was to clarify standards and role of Village Review Board regarding demolition of structures within the Village Review Zone. College supports this process and appreciates the work done to date.

However, we still have concerns that this draft does not simplify or improve the process for an applicant seeking approval of a demolition project in cases requiring major development review by the Planning Board.

The College agrees that demolition should be viewed in the context of future use of a site. In cases of major development review (or those cases elevated to Planning Board review), requiring project review and approval by two different bodies, that apply different standards, creates duplication, ambiguity and unpredictability in the zoning regulations.

We believe that the VRB has an appropriate and valuable role to make recommendations to the Planning Board on demolitions and proposed future use within the VRZ, but that authority for approval of demolition and future site planning when the project involves development review and approval should remain with the Planning Board.

Additionally, we have some concerns about the clarity of the standards for approval of a COA for demolition of a contributing structure. Specifically, it is unclear how financial statements would be used to meet the standard, who would review, and who would determine how a 'reasonable' return is defined.

This general requirement for financial statements (with no further definition) to demonstrate hardship allows the standard to be applied differently to a demolition application based on the wealth of an applicant versus the merits or financial viability of the project.

Attachment A

Claudia Knox
Workshop April 30, 2013

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That said, there are three issues of concern to me that I want to pose for your consideration.

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