



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

September 27, 2013

To: Brunswick Town Council
Gary Brown, Town Manager
From: Anna Breinich, AICP
Subject: Zoning Ordinance Rewrite Consultant Selection Update

On behalf of the Zoning Ordinance Rewrite Consultant Selection Committee, we are pleased to inform the Brunswick Town Council of our selection of Clarion Associates, LLD, a nationally recognized planning firm, to complete the comprehensive rewrite of the Town's 1997 Zoning Ordinance. The Committee comprised of myself, Town Planner Jeremy Doxsee, Codes Enforcement Officer Jeff Hutchinson, and Planning Board Chair and Vice-Chair, Charlie Frizzle and Margaret Wilson, respectively, were very impressed with the firm's credentials and proposed approach.

Briefly, as you know, the Town issued the attached Request for Qualifications on July 31st. All responses were due back by 4:30 pm, August 19th. We received 10 responses from which the Committee selected four firms to be interviewed. Interviews were conducted by the Selection Committee on September 10th and 11th in Council Chambers. The Committee then met on Monday, September 16th and by unanimous vote selected Clarion Associates, LLD taking into consideration, their extensive experience in ordinance development giving Brunswick several zoning options for consideration as the process begins as well as their commitments to a very visible, multi-level public process and to be present at all public meetings. Town staff will be responsible for all local arrangements related to scheduling of meetings and interviews, GIS mapping, distribution of meeting materials and establishing/maintaining an interactive web-based presence. The ordinance rewrite will begin October 7th for a one-year development schedule, with a proposed Council adoption date of November 17th, 2014. Planning Board Chair Charlie Frizzle will be appointing a Rewrite Committee in October, comprised of staff and three Planning Board members, to work directly with the consultant.

I will be in attendance at your October 7th meeting to answer any questions.

Attachments

cc: Charlie Frizzle
Margaret Wilson
Jeremy Doxsee, AICP
Jeff Hutchinson

**REQUEST FOR QUALIFICATIONS
PROFESSIONAL PLANNING SERVICES
COMPREHENSIVE ZONING ORDINANCE UPDATE FOR THE TOWN OF
BRUNSWICK, MAINE**

ISSUED: 7/31/13

PROPOSAL DEADLINE: 8/19/13

This Request for Qualifications invites responses from qualified and experienced professional planning consultants to assist the Town of Brunswick in completing a zoning ordinance diagnostic report and comprehensive zoning ordinance update.

Introduction

In 2008, the Brunswick Town Council adopted an update to the Town's Comprehensive Plan culminating a 5-year planning process. The updated Comprehensive Plan gives clear guidance with respect to the Town's general pattern of development and an anticipated updating of the 1997 Zoning Ordinance, both available online at www.brunswickme.org/departments/planning-development. In general, recommendations of the Comprehensive Plan relative to the Zoning Ordinance include the following:

- Allow denser in-fill development in the Growth Area.
- Protect the character of the Rural Area.
- Promote affordable housing.
- Ensure protection of high value resource areas as part of development review process.
- Develop zoning districts/requirements ensuring the livability of existing neighborhoods, in particular, the downtown area and its surrounding neighborhoods.
- Expand the Village Review Zone.
- Review and update current design standards for structures and certain gateway areas in Town.
- Condense the number of zoning districts.

Town Council has now authorized limited funding to hire a planning consultant to complete the zoning ordinance rewrite, in collaboration with staff, Brunswick Planning Board and a to-be-formed ordinance rewrite subcommittee of the Planning Board.

Community Profile

The Town of Brunswick, settled in 1628 and incorporated in 1739, is a diverse, very civic-minded community of 20,278 residents, home to Bowdoin College and the Maine State Music Theater. Since the closure of the Brunswick Naval Air Station in 2011, Brunswick is in a healthy transition period, focused on maintaining our vibrant downtown core while working together with the Midcoast Regional Redevelopment Authority to redevelop what is now known as "Brunswick Landing" (www.mrra.us). Even with the loss of almost 3000 military personnel prior to the 2010 Census, Brunswick's loss in population was less than 1000 (4%) since 2000. Occupied housing units during that same time period increased by 4%.

Brunswick, located 25 miles north of Portland, serves as a gateway to Midcoast Maine with Route 1 and I-295 traversing through town. The Town is 46.7 square miles in land area with a defined growth area surrounding the downtown core, Brunswick Landing and a commercial/retail area, Cooks Corner. The rural area of Brunswick encompasses farmland and

forests primarily bordered by 67 miles of coastline along the Androscoggin River, New Meadows River and the Atlantic Ocean.

Existing Zoning Ordinance

The Town of Brunswick has had some form of zoning since 1934. The last comprehensive rewrite of the zoning ordinance occurred in 1997. Although entitled a zoning ordinance, it could be considered a unified land use or development code as it also contains development review standards.

Prior to 1997, 15 zoning districts and 10 overlay districts encompassed the town. We now have 45 zoning districts and 10 overlay districts. Thirty-eight zoning districts are located within the approximately 14 square mile growth area with the remaining 7 districts located in the rural area of Brunswick. Since adopted in 1997, a total of 55 zoning text and map amendments have been enacted with one-third of those amendments enacted since the adoption of the Comprehensive Plan Update in 2008.

Brunswick has always been a leader in the use of smart growth tools and techniques. However, the existing zoning ordinance contains a number of problem areas identified by staff. They include:

- Inconsistent and confusing ordinance format and structure due to the high number of amendments
- Zoning by “micro” districting with incompatible use “edges”
- Inconsistencies in permitted uses and those by special permit
- Contradictory language
- Lack of clear definitions
- Lack of graphics
- Outdated provisions and techniques due to changes in technology, federal and state regulations and case law
- Lack of allowances/incentives for use of sustainable development practices

To date, Planning and Development staff and the Planning Board have completed a final draft of Chapter 4, Development Review Process. Chapter 5, Development Review Criteria is anticipated to be completed by staff by fall 2013.

Requisite Services/Expertise

The selected consultant(s) and Town staff, with input from the Planning Board’s Zoning Ordinance Rewrite Subcommittee, will work together to develop a detailed scope of work, task responsibilities, list of product submittals, and time schedule to complete the zoning ordinance. The consultant(s) shall possess demonstrated education, experience, and capacity to complete any and all of the following tasks cooperatively with Town staff and subcommittee members:

- Review and assess the existing Zoning Ordinance and gather input from staff, related Boards, Commissions, Committees and private-sector users of the ordinance.
- Develop and conduct a transparent public process during all stages of ordinance development. This may include charrette methods and/or facilitated sessions with representatives of the college and business community and neighborhood associations.
- Review, identify, evaluate, recommend and facilitate potentially significant changes to the Zoning Ordinance in accordance with guidance provided by the 2008 Comprehensive

Plan Update. This may include form-based codes or a hybrid version of such, and simplification of existing zoning districts and overlays, especially within the growth area.

- Prepare a new ordinance clearly defining the expectations of the Town with regard to quality appearance, use and scale compatibility and density of development.
- Provide guidance regarding any zoning map changes.
- Potentially present the ordinance at public sessions.
- Ensure compliance with all applicable Maine statutes and Federal regulations as applicable.

Submittal Requirements

Submittals must clearly demonstrate the consultant's understanding of the services requested, the approach to carry out the project, experience with requisite services as outlined above and the ability to complete the work in a timely manner. A detailed scope of services and not to exceed fee for services will be jointly developed with staff. Please do not provide a scope of services or any fee or salary information with this submittal.

Organization and Format: The submittal should be organized as closely as practicable to the format and sequence outlined below. The following information must be included:

- **Contact Information** (2 pages maximum). Name, address, phone number, fax number, and e-mail address of Lead Proposer contained in a cover letter. A signature page must be included with the qualifications stating that "I certify that all of the information contained in this submittal to be true and accurate."
- **Experience** (5 pages maximum). Listing and description of relevant projects in which the lead consultant and team members had significant roles.
- **Qualifications of Consultant(s)** (5 pages maximum). Resumes of all project team members, organizational chart and individual time commitments for project.
- **Project Approach/Schedule** (2 pages maximum). Outline the generalized approach to complete the project within one year of contract date. Please include a schedule outlining project deliverables and any other relevant milestones.
- **References** (1 page maximum each). Please provide a list of three (3) to ten (10) clients with whom the firm/team has done business similar to that required in this solicitation within the last five (5) years. Include contact information (person's name, company/municipality name, address, and telephone number) and a brief project description. If contacted, all references must verify that a high level of satisfaction was provided. The Town will determine which, if any, references are contacted. The results of any reference checks will be provided to the scoring committee and used when scoring the written proposal.

Page Limit: No more than 14 pages, excluding references.

Rating Criteria and Relative Weight

The Town's consultant selection committee will consist of Town staff and members of the Planning Board. Proposers may not contact members of the selection committee, with the exception of the Director of Planning and Development, unless requested by the Town.

The submittals will be initially reviewed to determine if mandatory requirements are met. Failure to meet mandatory requirements shall result in the submittal being rejected. In the event that all Proposers do not meet one or more of the mandatory requirements, the Town reserves the

right to continue review of the submittals most closely meeting the mandatory requirements of this RFQ.

Accepted submittals will be reviewed by the selection committee and scored against the stated criteria. The consultant selection committee's scoring will be tabulated and submittals ranked based on the numerical scores received. Submittals will be rated on the following weighted criteria:

Proposer Capabilities – 30%
Staff Qualifications – 30%
Schedule – 25%
Proposer Reference – 15%

Interviews with the consultant selection committee will be held with the top three consulting firms/teams.

Request for Qualifications alone will be used to select the successful proposer. Once the successful proposer has been selected, scoping and contract negotiations will begin.

All requests for clarification and or additional information must be submitted in writing (via email abreinich@brunswickme.org, or by fax 207-725-6663 to Anna M. Breinich, AICP, Director of Planning and Development, no later than 2:00 pm on 8/13/13. Questions and responses, as well as any Town of Brunswick-initiated changes, will be provided to all prospective Proposers, in writing, as amendments to the RFQ, and will be placed on the Town of Brunswick web site: www.brunswickme.org/planning no later than 8/14/13. IT WILL BE THE PROPOSER'S RESPONSIBILITY TO CHECK THE REFERENCED WEBSITE FOR ANY NEW AMENDMENTS. (Note: The Proposer must include reference to all amendments on their response to this RFQ.)

Review Process and Schedule:

Requests for clarification deadline:	Tuesday, 8/13/13, 2:00 pm
Last response to request for clarification:	Wednesday, 8/14/13, 4:30 pm
Statement of qualifications due date:	Monday, 8/19/13, 4:30 pm
Interviews (tentative date):	Week of 9/9/13
Anticipated selection of lead firm:	Week of 9/16/13

Submittal Due Date: Monday, August 19, 2013, 4:30 pm.

Electronic format (e-mail, disk, DVD or CD) PDF is preferred; MSWord, is acceptable. Please email submittals to abreinich@brunswickme.org. Hard-copy submittals in the form of one (1) original and five (5) copies may be submitted and accepted at the Department of Planning and Development prior to the above due date and time at the address below:

Anna M. Breinich, AICP, Director
Department of Planning and Development
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

Late Submittals

Any submittal, portion of a submittal, or unrequested submittal revision received at the Town of Brunswick after the time and date specified will not be accepted.

Costs of Preparation

Proposer assumes all costs of preparation of the submittal and any presentations necessary to the selection process.

Submittal Validity

Unless specified otherwise, all submittals shall be valid for 90 days from the due date.

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, effective as of the _____ day of _____, 2013, by and between the Town of Brunswick, State of Maine (the "Client"), and Clarion Associates, LLC, a Colorado Limited Liability Company (the "Contractor").

WHEREAS, the Client is undertaking certain activities necessary for the planning execution of a project; and

WHEREAS, the Client desires to engage the Contractor to render certain professional advice and assistance in connection with such undertakings of the Client:

NOW, THEREFORE, the parties mutually agree as follows:

1. **Scope of Services.** The Contractor agrees to provide those services described in Exhibit A to this Agreement, which is a part of this Agreement. The Client agrees to provide supporting services to the Contractor as described in Exhibit A.
2. **Time of Performance.** The services of the Contractor are to commence on _____, 2013, and shall be undertaken and completed as set forth in Exhibit A, but in any event on or before December 31, 2014. The time of performance may be extended by mutual agreement of the parties.
3. **Method of Payment & Total Project Amount.** The Client shall compensate Contractor for its services in accordance with the Project Budget and Schedule set out in Exhibit B to this Agreement, which is a part of this Agreement. It is expressly understood and agreed that in no event will the total compensation and reimbursement to be paid hereunder exceed the sum of \$75,000 for all services rendered. By mutual agreement, the Client and Consultant may reallocate the budget among project tasks if the total budget amount remains unchanged.
4. **General Terms and Conditions.**
 - A. **Termination of Agreement:** The Client shall have the right to terminate this Agreement, with or without cause, by giving written notice to the Contractor of such termination and specifying the effective date of termination, provided that the notice is given at least 30 days before the effective date of such termination. In such event all finished or unfinished documents, data, studies and reports prepared by the Contractor pursuant to this Agreement shall become the Client's property. Contractor shall be entitled to receive compensation in accordance with the Agreement for any satisfactory work completed pursuant to the terms of this Agreement prior to the date of termination.

- B. **Changes.** The Client may, from time to time, request changes in the scope of services of the contractor to be performed hereunder. Any such changes, including the increase or decrease in the amount of the Contractor's compensation, that are mutually agreed upon between the Client and the Contractor, shall be in writing and upon execution shall become part of the Agreement.
- C. **Assignability.** Any assignment or attempted assignment of this Agreement by Contractor without the prior written consent of the Client shall be void; provided, however, that claims for money due or to become due Contractor from the Client under this Agreement may be assigned to a bank, or other financial institution, without such approval. Notice of any such assignment or transfer shall be furnished to the Client.
- D. **Audit.** The Client or any of its duly authorized representatives shall have access to any books, documents, papers, and records of Contractor that are pertinent to Contractor's performance under this Agreement, for the purposes of making an audit, examination, or excerpts. The Contractor shall maintain records for 3 years after contract ends.
- E. **Ownership of Documents.** Drawings, specifications, guidelines and other documents prepared by Contractor in connection with this Agreement shall be the property of the Client. However, Contractor shall have the right to utilize such documents in the course of its marketing, professional presentations, and for other business purposes.
- F. **Assignment of Copyrights.** Contractor assigns to Client the copyrights to all work prepared, developed, or created pursuant to this agreement, including the right to: 1) reproduce the work; 2) prepare derivative works; 3) distribute copies to the public; 4) perform the works publicly; and 5) to display the work publicly. Contractor shall have right to use materials produced in the course of this contract for marketing purposes and professional presentations, articles, speeches and other business purposes.
- G. **Governing Law.** This Agreement has been executed by the parties on the day and year first above written and shall be governed by the laws of the State of Maine. Contractor shall also comply with all applicable state and federal laws and regulations and resolutions of the Client, and shall commit no trespass on any public or private property in the performance of any of the work embraced by this Agreement.
- H. **Subcontractors.** Subcontractors may be utilized if approved by the Client.

- I. **Notices.** Any notice concerning the terms and conditions of this Agreement from Contractor to the Client shall be in writing and delivered, either personally or by mail (postage prepaid), by telegram or facsimile transmission and shall be addressed as follows:

Gary L. Brown, Town Manager
Town of Brunswick
28 Federal Street
Brunswick, ME 04011
Facsimile number: 207-725-6663

Notices to Contractor from Client shall be in writing and delivered, either personally or by mail (postage prepaid), by telegram or facsimile transmission and shall be addressed to:

Don Elliott, Director
Clarion Associates
621 17th Street, Suite 2250
Denver, CO 80293
Fax number: (303) 860-1809

Notices shall be deemed effective upon delivery in the event of personal delivery, and after three (3) days when mailed, postage prepaid; if transmitted by facsimile or telegram, upon verified receipt of the electronic transmission. Either party may change its address in reference to notices by written notification to the other party.

5. **Indemnification.** Contractor shall indemnify and hold Client harmless from and against all claims, suits, or action made for any damage to person or property occasioned by the negligent errors or omissions by Contractor in connection with performance of Contractor's obligation under this Agreement. This provision shall only be effective to the extent that it does not waive or reduce any immunity, protection, benefits or limitations of liability either Party may have under the Maine Tort Claims Act.
6. **Independent Contractor.** Contractor is an independent contractor. Notwithstanding any provision appearing in this Agreement, all personnel assigned by Contractor to perform work under the terms of the Agreement shall be and remain at all times, employees of the Contractor for all purposes. The Contractor, its agents and employees, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees of Client. Contractor acknowledges that there shall be no:
 - A. Withholding of income taxes;

parties or by mediation shall be submitted and finally settled by arbitration. Any arbitration shall be conducted under the rules of the American Arbitration Association. Mediation or arbitration conducted under this Agreement shall occur in Cumberland County, Maine.

10. **Severability.** In the event that any provision of this Agreement shall be held to be invalid or unenforceable, the remaining provisions of this agreement shall remain valid and binding upon the parties hereto.

CLARION ASSOCIATES

TOWN OF BRUNSWICK, MAINE

BY: _____

Don Elliott

Title: Director

Date: _____

BY: _____

Gary L. Brown

Title: Town Manager

Date: _____

EXHIBIT A
SCOPE OF SERVICES AND TASK COMPLETION SCHEDULE

TASK 1. INITIAL SCOPING, ANALYSIS AND DIRECTION

1.1 Document Review, and Conference Call (Week of November 11th)

Clarion Associates will review the new Comprehensive Plan, the existing Zoning Ordinance, related development control ordinances, and a list of variances and zoning amendments granted in the past three years in order to confirm how the existing zoning system operate (or fail to operate) together. This review will also cover draft chapters of revisions to the current ordinance prepared by Brunswick staff for possible inclusion (or modification and inclusion) in the new ordinance. We will also identify a preliminary list of questions about areas where its operations or results are unclear or diverge from Maine state law and/or national practice. We will conduct a telephone conference with Brunswick staff and Planning Board Chair and Vice-Chair to discuss these issues and to prepare for our initial visit.

TRIP 1

1.2 Initial Meetings and Half-Day Workshop (Week of December 2nd)

Clarion will make a first visit to Brunswick to meet with staff and the Planning Board's Zoning Ordinance Rewrite Committee (the Rewrite Committee), related Board, Commissions, and Committees, code users, and other stakeholder interviews (collectively the Stakeholders) and to finalize a public engagement plan with staff. In addition, we will tour the community to see examples of "good" and "bad" zoning outcomes that the staff and the Rewrite Subcommittee would like to see repeated or avoided in the future. We will then conduct a half-day workshop with staff, the Rewrite Committee, Stakeholders, and interested citizens to ensure that everyone has basic information about how zoning ordinances can be structured, the pros and cons of traditional, performance, and form-based approaches for different parts of the town, and the administrative consequences of those decisions. One key discussion will be the various methods available to consolidate zoning districts and the pros and cons of each. A second key discussion will be the potential use of form-based zoning tools for some portions of the Town, and the pros and cons of various approaches to form-based zoning. Clarion will prepare the half-day workshop materials and related content for the Town's web site. Staff will be responsible for meeting logistics, workshop outreach/invitations, copying of handouts and posting of web-based material for all tasks.

1.3 Annotated Outline (Week of December 16th)

TRIP 2

Clarion will draft a short Annotated Ordinance Outline document that clearly shows the structure of the revised ordinance with annotations as to what will change, what will stay the same, and why. This document will be presented to the Rewrite Committee and in a public meeting during our second visit Brunswick, and will be posted on the Town's

web site with a click-to-comment feature. Suggested changes will be discussed with staff, and if accepted, will be reflected in a short addendum to the Annotated Ordinance Outline that is also posted on the Town web site. Clarion will prepare the public meeting materials and content for the Town's web site.

TASK 2. STAFF DRAFT OF REVISED ZONING ORDINANCE

2.1 Staff Draft (Week of May 19th)

TRIP 3

Based on the Annotated Outline developed in Task 1, Clarion will prepare a Staff Draft of the new Brunswick Zoning Ordinance and a hard-copy conceptual zoning map (mark-up of the existing zoning map). The Public Draft will include detailed footnotes identifying all changes from the current zoning ordinance, and the reasons for the change, and will comply with applicable Maine and federal regulations. This process will include weekly conference calls with Brunswick staff to resolve questions and obtain additional direction. Project staff will visit Brunswick for third time to review the Staff Draft with Brunswick staff and the Rewrite Committee, and to hold additional stakeholder interviews and Planning Board briefing as requested by staff.

TASK 3. PUBLIC DRAFT

3.1 Revisions and Public Draft (Week of July 7th)

After review by Brunswick Staff Review Committee and Rewrite Committee, Clarion Associates will make any changes necessary to correct inaccuracies and to avoid approaches or tools that staff deems to be unworkable based on available staff resources or political context. Those changes will be incorporated into a Public Draft of the zoning ordinance and conceptual zoning map. In addition to the detailed footnotes discussed above, the Public Draft will include illustrations and flowcharts based on examples and templates in Clarion's files, plus any additional illustrations provided by the town.

3.2 Public Meetings and Engagement (Week of Aug 4th)

TRIP 4

Clarion Associates project staff will then make a fourth trip to Brunswick. The Public Draft will be presented to the Rewrite Committee and in a public meeting, and will be posted on the Town's web site with a click-to-comment feature to elicit public and stakeholder comments and suggested changes. Clarion will prepare meeting presentation materials and content for the Town web site.

3.3 Consultations with Staff (Week of Aug. 18th)

Following the presentation of the Public Draft and passage of time for additional public comment, Clarion will review each change with Brunswick staff and Rewrite Committee and will determine which proposed changes will be included in the Hearing Draft.

3.4 Finalize Zoning Map (Week of Aug. 18th)

Clarion will also consult with Brunswick staff and the Rewrite Committee regarding zoning map changes needed to reflect the revised menu of zone districts (including form-based districts, if applicable) and the options available for the timing and sequencing of map amendments.

TASK 4. ADOPTION

4.1 Hearing Draft (Week of Sept. 15th)

TRIP 5

Clarion Associates will then refine the Public Draft to include those changes agreed in Task 3.3 into a Hearing Draft of the Brunswick zoning ordinance and map. The Hearing Draft does not reflect the final text of the ordinance, since changes may be made during the adoption hearing process, but represents the version of the draft zoning ordinance and map that Clarion and Brunswick staff/Rewrite Committee feel best reflects best national practice, the specific needs of the town, and the public comments received throughout this process. Clarion will travel to Brunswick a fifth time to present the Hearing Draft in a public meeting.

4.2 Planning Board Hearing (Week of Oct. 13th)

TRIP 6

Clarion Associates will then prepare presentation materials and present the Hearing Draft of the new Brunswick Zoning Ordinance, including map, at a public hearing held by the Planning Board. If the Planning Board requests changes following that hearing, those changes will be incorporated into the Hearing Draft and will be footnoted.

4.3 Town Council Hearing (Nov. 3rd to schedule; Nov. 17th Public Hearing)

TRIP 7

Clarion will then prepare presentation materials and present the Hearing Draft of the new Brunswick Zoning Ordinance, including map, at a public hearing held by the Town Council. If the Town Council requests changes following that hearing, those changes will be incorporated into the Hearing Draft and will be footnoted. We will then deliver to the Town an electronic version of the new ordinance as adopted. Any additional workshops or public hearings associated with the adoption process will be facilitated by Town staff and Rewrite Committee.

**EXHIBIT B
PROJECT BUDGET**

TASK	Don Elliott	Steve Sizemore	Alyssa Myers	Total by Task
Hourly Rate	\$190	\$130	\$65	
Task 1. Initial Scoping, Analysis and Direction (Nov. – Dec. 2013)				
1.1 Document Review & Conference Calls	8	8		
1.2 Initial Meetings & Half-day Workshop	24	24	8	
1.3 Annotated Outline	8	16		
Task Hours	40	48	8	
Task Fees	\$7,600	\$6,240	\$520	
Travel Expenses	\$1,000	\$500		\$15,860
Task 2. Staff Draft (Jan. – May 2014)				
2.1 Staff Draft	64	80	16	
Task Hours	64	80	16	
Task Fees	\$12,160	\$10,400	\$1,040	
Travel Expenses	\$500			\$24,100
Task 3. Public Draft (May – Aug. 2014)				
3.1 Revisions and Public Draft	32	32	32	
3.2 Public Meeting and Engagement	16		8	
3.3 Consultations with Staff	8			
3.4 Guidance on Needed Map Changes	8			
Task Hours	64	32	40	
Task Fees	\$12,160	\$4,160	\$2,600	
Travel Expenses	\$500	\$500		\$19,920
Task 4. Adoption (Sept. – Nov. 2014)				
4.1 Hearing Draft	16	24	12	
4.2 Planning Board Hearing	16		9	
4.3 Town Council Hearing	16			
Task Hours	48	24	21	
Task Fees	\$9,120	\$3,120	\$1,365	
Travel Expenses	\$1,500			\$15,105
TRAVEL EXPENSES	\$3,500	\$1,000		
TOTAL HOURS	216	184	85	
TOTAL				\$74,985

**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 believe 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.

Chariman 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. 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, Margaret Wilson, Bill Dana, Dale King, and Richard Visser

MEMBERS PRESENT VILLAGE REVIEW BOARD: Chair Emily Swan, Elizabeth Marr, 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 discussion staff has devised a tiering method for decision making. Anna stated that after looking at best practices from other towns, staff has derived what is presented in the packet. Jeremy Doxsee stated that the tiers will be applicability, class of structure within the Village Review Zone and 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. 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 Brunswick has 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 or 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 that he would be opposed to characterizing relocation as something that should be avoided whenever possible. 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 our 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 (please refer to file).

Chairman Charlie Frizzle replied to Claudia Knox's statement and stated that he strongly objects to imposing an 18 month notice of intent and pointed out that incentives such as tax relief may cause more problems with people deciding after the 18 months that they do not wish to demolish.

Curt Neufeld from Sitelines stated that he agrees with Charlie Frizzle that imposing an 18 month notice of intention is too long and stated that if an owner thinks they may want to demolish, the earlier you notify the town and committees and people who work with historic structures would be highly appropriate. Curt stated that he would like to see an alternative to the 90 day waiting period and suggested review at the Planning Director level for the second and third levels of criteria. Curt stated that he likes the idea of inventorying the significant structure and setting them into different categories and pointed out that this may be an opportunity to be proactive and reach out to the owners.

Catherine Ferdinand, representative of Bowdoin College, stated that she concurred with Curt Neufeld's statements and added that the 18 month notice of intention is problematic.

Emily Swan stated that she likes the idea of some sort of notice for demolitions for lead time. Emily liked Claudia Knox's suggestion of giving a buyer a historic structure for free, but they bear the cost of relocation; the owner then does not have to pay the cost of demolition. Emily asked if there was an ordinance with similar framework. Jeremy Doxsee stated that staff will research. Charlie Frizzle asked what happens if an owner does not want to contribute to escrow. Brooks Stoddard agreed with Claudia Knox's comments on time and stated that he would like to see the opportunity to work things out.

Non-Contributing Structures

Margaret Wilson reviewed the idea 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 and stated that the people around should be invited to come and state any concerns.

Margaret Wilson pointed out that the Village Review Board will now have the ability to weigh in on finances whereas the Zoning Board of Appeals is the deciding Board in the current ordinance.

Anna Breinich stated that at this time any application that comes in for non-demolition or relocation, the review standards are fairly minimal which has been an issue. Anna stated that one item that Emily Swan asked for was those less impacting projects be handled at the Planning Department level versus major projects which would be approval by the VRB. Anna stated that all they are doing is codifying what they currently do. Margaret Wilson asked how Emily felt about Section C.3.i.1, which states that "No Certificate of Appropriateness is required if the proposed demolition is not visible from the public right-of-way". Margaret stated that she is not convinced that public way should be the only criteria. Emily replied that she understands what Margaret is saying, but stated that it seems to be the standard that they are using. Discussion on how you decide whether tuck-pointing a chimney should be major or minor review; Charlie Frizzle stated that it will depend on who does it and the product. Emily stated that she does not have any issues with it being in minor review.

Richard Visser asked what is meant by "keep intended use" under the Standards for Evaluation in the discussion outline included in the packet. Anna Breinich replied that she would like to know if a building is residential does it stay residential or can it be used for a business and vice versa. Charlie Frizzle stated that this is something that they have discussed several times which is form based planning and in keeping with form based planning he does not think you worry as much about the use and it makes the building more valuable; he suggests not getting into use and Richard agreed. Emily Swan replied that she believes it is better to keep a building as its intended use but does not think it is something they can enshrine in the ordinance and may be counterproductive.

Emily Swan asked about landscaping and pointed out that many of the projects that the VRB reviews do not go to the Planning Board. Anna Breinich replied that our ordinance does allow for traditional landscaping but stated that we shouldn't go down to telling the applicant exactly what they can plant.

Catherine Ferdinand, representative of Bowdoin College, asked if there could be a streamlined process with the requirement to tie a future site plan to the demolition on a major project that also requires review by the Planning Board. Charlie Frizzle replied that this requirement will not only be in demolition but any project that will require major development review; with respect to demolition, Charlie stated that all they will need to bring is a rough sketch of what the applicant plans to do.

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

**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 Cleaveland 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.

Chariman 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 CLEAVELAND 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 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.

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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 Cleaveland 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.

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Chariman Charlie Frizzle closed the public hearing.

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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 reviewed her notes to the Planning Board.

Catherine Longley, representative from Bowdoin College, reviewed her notes to the Planning Board dated 4/30/2013.

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 should read “demolition 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 which 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

**BRUNSWICK PLANNING BOARD
MAY 7, 2013**

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

MEMBERS PRESENT VILLAGE REVIEW BOARD: Chair Emily Swan, Jane Crichton, and Brooks Stoddard (Arrived at 7:05)

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

A meeting of the Brunswick Planning Board was held on Tuesday, May 7, 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 the final draft of the proposed changes to the Town Zoning Ordinance, Chapter 2, Section 216, Village Overlay Zone. The goal of this workshop will be to finalize proposed demolition criteria and standards for the May 21st public hearing.

Anna Breinich introduced the latest draft of the Village Review rewrite and stated that Planning staff has tried to incorporate all the changes into this revision. Anna stated that this revision is mainly changes in formatting and less in substantive. Anna reviewed the changes staff made as discussed at the last meeting as well as the changes that Town Attorney Pat Scully made.

Pat Scully stated that his concern with Section 216.5.A.4 is that he does not know how to apply review criteria meant for additions or alterations to an applicant who is only requesting, for example, to pave a driveway. Emily Swan stated that the Village Review Board does not receive many applications for this and noted that there isn't much leeway within the Downtown with the existing zoning. Anna Breinich stated that what triggers review is the amount of impervious coverage; if an application is over a certain square footage (2,000sqft for Minor Review and 9,999sqft for Major Review) then it could trigger site plan review. Pat suggested that if they decide to keep this criterion that they think about what they want to apply for the threshold for an application to make it have to come before the VRB for review. Emily suggested that a calculation could be devised by a % of lot calculation. Steve Walker asked if the calculation is based on the lot % or the increase in impervious coverage; staff to research further.

Anna Breinich stated that at the March 30, 2013 meeting, Katie Longley of Bowdoin College suggested clarifying exactly what photographs are required; the clarification was made in the latest revision.

Anna Breinich discussed demolition appeals language; discussion on the length of appeals.

Discussion on a project that is deemed *special public merit*, Anna Breinich stated that they have no experience with it and stated that it came from the Narragansett Ordinance who is also new to this definition. Emily Swan asked if they need this and if so, will they need to add additional

language. Pat Scully replied that if they add the definition, they will not need to add it to the criteria. Anna replied that it is a good idea, but that it would need more work and is uncomfortable because there is no experience with it; unanimous decision to remove *Special Public Merit*.

Pat Scully, referencing Section 216.9, is concerned about the US Secretary of Interior Standards being listed and stated that it is not clear whether the applicant must meet these standards to obtain approval; if it is voluntary and the standards are only guidelines then they must make this clear. Emily Swan replied that the VRB has never applied that US Secretary of Interior Standards but just referenced them. Emily agreed that they need to make it clear as to what standards need to be adhered to. Pat suggested that they be referenced and provided if requested.

Board members discussed *return on investment* and whether or not the VRB want to designate a specific objective definition and designate the source of the opinion; Pat Scully replied that it will be hard to define and list a quantitative basis. Decision to allow the VRB to have a peer reviewer selected similar to that of the Planning Board in addition to the requirement of a structural engineer report as currently required.

Chairman Charlie Frizzle noted that there was no public present for comment.

Other

No other business.

Minutes

No minutes were approved at this meeting.

Adjourned

This meeting was adjourned at 8:30 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
MAY 21, 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, May 21, 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.

Public Hearing: The Board will hold a public hearing to hear public comment and take action regarding the following:

- a. A proposed zoning amendment to revise in its entirety Section 216, Village Review Zone (VRZ Overlay District) of the Town of Brunswick Zoning Ordinance. Proposed revisions include:
 - i. General reformatting and revisions to the entire Section 216;
 - ii. Establishing a classification-based review system for contributing and noncontributing resources within the VRZ; and
 - iii. Establishing the basis for a minor and major activity and their applicable review processes for new construction, additions, alterations, relocation and demolition of existing structures.
- b. A proposed amendment to the Town of Brunswick Zoning Map, expanding the geographic boundaries of the Village Review Zone as recommended in the Town's adopted 2008 Comprehensive Plan Update, map attached.

Anna Breinich began by reviewing that the Town Council had asked, at their October 2012 meeting, that the Planning Board draft an amendment to Section 216 of the Brunswick Zoning Ordinance pertaining to demolitions in the Village Review Zone. Anna stated that at that time, Charlie Frizzle asked that Council consider an interim approach which is what the Village Review Board has been working under since late November, 2012, with the understanding that a more comprehensive amendment to Section 216 could be completed by June 1, 2013. Anna stated that there have been several joint workshops between the Planning Board and the Village Review Board. Anna stated that in the workshops they discussed different review criteria and the language was drafted from these comments. Anna reviewed some of the major changes including:

- Establishment of a classification based review system; contributing and non-contributing
- Addition of definition key terms
- 90 day waiting period on contributing structures with an optional 90 day delay period on non-contributing based on location and other factors
- Non-contributing structures not visible from a public right-of-way would not require a Certificate of Appropriateness for demolition or relocation.
- Establishment of Major and Minor Activities.
- Changes in the Review Standards for all activities.

- Map included in packet that highlights the expansion of the VRZ is taken from the 2008 Comprehensive Plan

Anna Breinich reviewed the comments made by Attorney Pat Scully and stated that Section 216.4.a needs to include a list of contributing resources within the district and any that are considered significant listed as an appendix. Anna stated that adding to this, Kurt Mooney, noted that the process should be included as an appendix as well.

Margaret Wilson stated that for clarification on page 82, Subsection b, they should state that the 90 day delay period starts after the application is found complete. On page 84, Section 216.9.B.F.4 Margaret suggested that should read that any energy source should be screened unless it interferes with the system. Margaret asked when Section 216.9.D.1.b was added; Anna Breinich replied that it comes from the existing ordinance language and noted that it was not included in the last draft, but was in an earlier draft. Margaret asked if the Board still wants to include this as the Town does not have a maintenance ordinance. Charlie Frizzle stated that he would like to table the discussion until after the public hearing.

Chair Charlie Frizzle opened the meeting to public hearing.

David Chittim, owner of 11 Potter Street, stated that he moved to Brunswick 63 years ago and lived in the Chamberlain House. Mr. Chittim stated that he and his wife own 11 Potter Street which was built sometime between 1844 and 1849 by William M. Corbett and has had 16 distinct owners over the past 160-odd years. Mr. Chittim stated that he has personally known every owner and resident since 1949. For example, Bill Root bought the house at auction from Bowdoin College for \$7,600 on August 10, 1950 and he moved in 30 days later. Mr. Chittim stated that the history behind the house given is to exemplify that he is not lacking in interest in or appreciation of the past, nor are the general goals of the Village Review Ordinance inimical to our own, but stated that it is the particulars that trouble him. Mr. Chittim stated that even though he may agree with the opinions of the Boards, he will resist the right of imposition.

Mr. Chittim stated that the section of the Ordinance of particular and personal interest is the 5-year plan. He stated that he does not intend to step on toes, but noted that he has been in the position of drafting ordinances and policies many times in his career and he recognize the difficulty of writing ordinances while being specific and broad in coverage. Mr. Chittim stated that the Comprehensive Plan speaks of expanding VRZ to the Chamberlain Museum; the proposed expansion exceeds that by adding 25 additional properties. Mr. Chittim stated that public notice of this expansion may have been provided, but he was not aware of any. Mr. Chittim stated that the February 12 joint meeting minutes talk about expanding zone to Noble Street, but noted that the May 7 meeting minutes do not talk of expansion.

Mr. Chittim stated that:

- Section 216.1.A, Purpose, the architectural context for Potter Street and other neighborhoods has not yet been developed in the Design Guidelines

- Section 216.3.B, Village Review Board Membership, state that only one member is required to live within the zone and asked if residents of Topsham, West Bath and Harpswell should have positions on the Brunswick Planning Board since they are all in Sagadahoc County. Mr. Chittim noted that legally the VRB is composed of seven members, but at this time there are only four incumbents and asked what happens to a project if there is no quorum and how can the timetable in the ordinance be honored?
- Section 216.4, Classifications, contributing resource is defined later in the ordinance, but that definition may or may not be overridden by the classification section. Mr. Chittim asked if a structure is not a contributing resource by definition, is it then forced into the classification by virtue of being eligible for listing?
 - Section 216.4.A.2, refers to eligible properties. Mr. Chittim stated that MHPC maintains a database of properties eligible for this listing and asked if this section refers to properties currently on that list or to properties that may be listed after a request by the Town? Process can take up to a month.
 - Section 216.4.A, 3 and 4 define a contributing resource as a contributing resource and both are redundant.
 - Item B breaks a cardinal rule of lexicography by defining a word with itself.
- Section 216.5, Certificate of Appropriateness, Mr. Chittim stated that he recently replaced a leaking asphalt roof, visible from Page Street with a metal roof and noted that this activity did not require a building permit, but it would require a Certificate of Appropriateness issued by the Village Review Board, not by the Director. Mr. Chittim stated that he and his neighbor erected a fence with no involvement from the Town. He has removed and replaced a front walk with no Town involvement and pointed out that all of these activities would require review by either staff or the VRB.

Mr. Chittim asked if a Certificate of Appropriateness was ever issued for the building that burned at the corner of Mason and Maine as Sub-section C requires it.

- Section 216.7, Application for Certificate of Appropriateness, the Application form for a COA indicates that the applicant shall submit the historic building survey, but the code says that staff will do so. Copies of the surveys are already in the Town's possession.
 - Section E requires interior and exterior photographs. Mr. Chittim stated that he finds this particularly intrusive.
- Section 216.8.B.2.b.4, Application Review Process allows the board to require peer review at a cost to the applicant. Mr. Chittim stated that many applicants are not for-profit developers and stated that this might be appropriate in the case of a commercial project, but is an onerous imposition on a homeowner.
 - 216.8.B.2.c.1.a.ii refers to *the* 30-day appeal period. Mr. Chittim stated that this is an appeal of a staff decision to the board, and is not applicable to major projects. Mr. Chittim asked if this is another 30-day appeal period unmentioned elsewhere in the ordinance.

- Section 216.12, Definitions, the definition of “Contributing Resource of Local or Regional Significance” and “Project of Special Public Merit” are nowhere used in the Zoning Ordinance or the revision of Section 216 and asked why define it?

Katherine Ferdinand, of Bowdoin College, reviewed and read aloud her Memo to Anna Breinich dated May 20, 2013.

1. 216.6 Limitation on Granting of Other Permits - page 79

If project review by two separate boards is required, concurrent review will increase the efficiency of the review process and reduce costs to the applicant of preparing for duplicative reviews.

Recommendation: Amend the second sentence to read: “Where an application requires both a Certificate of Appropriateness and Development Review, the applications ~~may be~~ *shall be* concurrently reviewed.”

2. 216.8 B.2.c.(1)(a)i. Additional Processing Requirements for Relocation and Demolition Activities: General – page 82

The statement “Demolition or relocation of contributing resources within the Village Review Zone should be avoided whenever possible” appears to be a statement of intent versus a processing requirement.

Recommendation: Consider moving the statement to the introduction.

3. 216.8 B.2.c (1) (b) ii. 1 and 2 Additional Processing Requirements for Relocation and Demolition Activities: Review Process - page 82-83

As drafted, an applicant is required to consult with the VRB, Maine Preservation and “other civic and preservation organizations”. We believe that there should be a choice by the applicant. In addition, there could be a conflict in consulting with the VRB because it is the decision-making body.

Recommendation: Amend language as follows: “1. Consult with Village Review Board, and Maine Preservation, Maine Historic Preservation Office, or other civic and preservation organizations.”

Similarly, the proposed ordinance in section 2 requires that notice of the proposed demolition be sent to “other civic organizations”. This requirement seems overly broad, is unclear and gives the applicant no guidance as to how to meet the requirement.

Recommendation: Omit the requirement that notice be sent to other civic organizations or make it optional, “and may be sent to other civic organizations”.

4. 216.9 D.1.b. Review Standards - page 85

To objectively determine economic feasibility for restoration, renovation or rehabilitation the applicant and the VRB must consider the costs associated with the restoration/rehabilitation and the estimated real estate value assuming the restoration/rehabilitation occurred. Additionally, costs associated with demolition must be considered for comparison. In the most recent draft, the standard limits the VRB’s review to the opinion of a professional experienced in historical rehabilitation. This limitation may reduce the efficacy of the standard because professionals experienced in historic rehabilitation may not be qualified to give an opinion of market value of real estate, or costs of demolition. Determining economic feasibility may require more than one professional opinion.

Recommendation: Replace the last sentence of this section with: “Opinions shall be provided from an architect, developer, real estate consultant, or appraiser and 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.”

5. 216.12 Definitions - page 86

We could not find a definition for the term “person of standing” in the ordinance and suggest including a definition of this term to the list in this section.

Thank you for your consideration of these comments.

Emily Swan, Chair of the Village Review Board, in response to Margaret Wilson’s question on whether to keep Section 216.9.D.1.b, stated that the joint Boards did discuss at length about the condition of properties and demolition by neglect. Emily stated that the Village Review Board enjoyed working with the Planning Board and that she is pleased with what is in front of the Planning Board. Emily replying to David Chittim’s comments of photo documentation, that when the Town loses a structure which has been deemed a contributing structure, you want to be able to show what was once there. Emily stated that photo documentation is preserving history. Emily replied that in terms of process, the VRZ process is usually quick, doesn’t require much or excessive materials, but stated that the new process is streamlined and more efficient and useful.

Chair Charlie Frizzle closed the public comment period.

Margaret Wilson, in addressing David Chittim's question about whether or not a Certificate of Appropriateness (COA) was issued for the building that was damaged by fire and once stood at the corner of Maine and Mason Street; Margaret stated that the permit almost seems unnecessary. Anna Breinich replied that she did discuss this section with the Codes Enforcement Officer and the Town Attorney and both agreed that the process does work and noted that there was a Certificate of Appropriateness issued for Mason Street and also for the Brunswick Universalist Church and the house on Oak Street. Margaret asked why and Charlie Frizzle replied that in the case of the church, it was not totally demolished. Margaret replied that it seems silly to make an applicant with a complete demolish, come back for a certificate within 30 days; members agreed that a complete demolish should not require a COA.

Charlie Frizzle, in response to David Chittim's comments pertaining to the definition of contributing versus non-contributing, asked staff if they were going to revise the definitions to reflect what the Historic Preservation uses. Anna Breinich replied yes and stated that Kurt Mooney has reviewed this Section of the ordinance.

Richard Visser stated that the charges by Bowdoin College seem reasonable. Charlie Frizzle replied that he disagrees with the first one requiring that there be parallel application review because some applicants prefer a step by step review. Margaret Wilson agreed and stated that the option should be available but not required. Charlie asked Anna Breinich if she had any concerns with respect to the recommendations that Bowdoin is making. Anna replied in the consultation, there could be a conflict with the VRB because it is a decision making body. Anna stated that any applicant can ask for a consultation before a Board, prior to submittal, and is meant as assistance to the applicant and nothing more than that. Anna stated that regarding definition for "persons with standing" is also a change the Town Attorney had asked for.

Charlie Frizzle asked how members felt about Margaret Wilson's earlier suggestion to generalize rooftop screening. Anna Breinich replied that it is not only energy producing devices and asked if they could just put energy devices in the list.

Margaret Wilson, referencing Section 216.9.a (page 83), asked if the wording could be changed from "additional guidance available" to "additional non-binding guidance available". Anna Breinich replied that the Town Attorney suggested "In meeting the standards of this ordinance applicant can obtain additional guidance from the US Secretary of Interior Standards and the Village Review Zone Design Guidelines." Margaret asked that the word "can" be changed to "may".

Margaret Wilson asked, in terms of process, in contributing versus non-contributing, is there a difference in something requiring a Major or Minor Review; the ordinance needs to reflect this. Anna Breinich replied that "it was felt that Major Reviews, and this was where it comes into play the contributing versus non-contributing resources visible from a public right-of-way, that those resources would be considered" Major Review. If it was something on the building such as a change/renovation and it was not visible but still contributing or non-contributing and wasn't visible from a public right-of-way, then it would be a Minor Review; this is codifying what the Board has been doing. Anna stated that when it comes to demolition and relocation that is where the contributing and non-contributing being visible from a public right-of-way comes into play

more. Emily Swan replied that Minor Review does not only involve this that are not visible from a public right-of-way, but replacement of existing exterior siding, windows or doors which do not alter historical character which can be visible from the public right-of-way. Emily stated that this comprises a huge portion of what the Planning Staff reviews right now.

Steve Walker suggested using the word structure instead of building. Anna Breinich replied that there is a difference, but that she will need to confirm the wording. Anna stated that they do not have a definition for structure and this would be a good time to add one. Steve replied that if a wrought iron fence is truly not a structure then using the word *object* will capture this; Anna agreed that using object would capture the fence but using the definition that is in the National Registry. David Chittim stated that he objects and stated that a fence is a structure by definition of the code. Mr. Chittim added that a mailbox, sidewalk, house, barn and a weathercock are structures, but noted that Codes Enforcement may have a distinction that is not shared with the public.

Charlie Frizzle stated that he was comfortable allowing Planning Staff to incorporate the changes suggested into the draft amendment and move forward to Town Council; Margaret Wilson agreed. Richard Visser suggested that the Chair and Vice Chari review Anna's changes prior to submittal to Town Council.

Motion by Bill Dana to recommend this ordinance change, as modified at the 5/21/13 meeting, and including the Village Review Zone expansion, to town council. Seconded by Dale King, approved unanimously.

Other

- Anna Breinich stated that an anaerobic digest project for Final and Sketch review will be coming to the Board.

Minutes

Motion by Richard Visser to approve the minutes of 2/12/13. Seconded by Margaret Wilson, approved unanimously among those present.

Adjourned

This meeting was adjourned at 8:25 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
MAY 28, 2013**

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

STAFF PRESENT: Jeremy Doxsee

A meeting of the Brunswick Planning Board was held on Tuesday, May 28, 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 # 13-012 – Village Green Maine/Village Green Brunswick Landing, LLC:

The Planning Board will review and take action on a Major Review combined Sketch and Final Plan Application submitted by Village Green Maine/Village Green Brunswick Landing, LLC, regarding their proposal to construct an anaerobic digester project consisting of 7,372 SF of new structures and 11,310 SF of additional impervious surfaces, located at the southern end of the airport tarmac at Brunswick Landing, on a proposed 3.47 ± acre lease lot located in the BNAS Reuse Zoning District (B-RU), Aviation-Related (R-AR) land use district.

Jeremy Doxsee reviewed the project summary and stated that the applicant is proposing to construct an anaerobic digester plant which converts organic waste into methane gas, which is then burned to create electricity. Jeremy stated that the plant will consist of one office building with mechanics and 4 tanks; the site is currently a grassy area. Jeremy stated that Staff Review reviewed the application on 3/21 and noted that comments were included in the packet. Jeremy pointed out that the application does fall within the zoning ordinance's minor development review, the Town requested and the applicant agreed to review this applicant at the major review level.

Dave Wayburn, Chief Executive Officer of Village Green Ventures and applicant, reviewed a poperpoint presentation which included the CVillage Green concept for clean energy. Mr. Wyburn stated that this venture will

- Kick start the development of a clean energy center
- Support base redevelopment
- Address Maine's zero waste goal

Jan Weigman, Engineer for Wright Pierce, reviewed a poperpoint presentation. Mr. Weigman stated that the location is at the southern end of the large tarmac area with access from Orion Street. Mr. Weigman stated that there will be a 2,500 square foot building and four digester tanks with six parking spaces. Mr. Weigman stated that they have minimized the pavement and have captured 100% of the runoff and will be treating that stormwater as they are located in an Urban Impared area. Mr. Weigman stated that they will be removing 13, 925 square feet of roadways and will be converting this into grass for impared credits.

Charlie Frizzle asked if the impervious surface that is being removed in order to get the impared credits is on an adjacent lot and asked what provisions have been made with respect to future

owners of that lot. Jan Weigman replied that they have spoken to MRRRA in order to remove the pavement in the adjacent lot and stated that the pavement is not being used and noted that if another developer comes to that location, they would want to start fresh anyways. Jeremy Doxsee replied that to the west of the pavement, about 240 feet, there is a runway taxi and questioned if there would be room for development anyway. Dave Wayburn stated that the purpose of the pavement originally was that it was access to a weapons tie down and is not regularly accessible. Steve Levesque replied that the adjacent parcel is old access ways and MRRRA does not envision anything being developed there but if there is development then the developer would need to provide their own access and mitigation. Steve stated that it is disturbed land and not useable. Margaret Wilson asked how DEP would calculate it down the road. Steve Levesque replied that DEP would have to deal with it as each project arises and mitigate it however they can. Steve Levesque pointed out that there is not much development that they can put in this area due to FAA regulations.

Richard Visser asked about the safety of the gas being so close to the runway. Steve Levesque replied that the runway is 240 feet away and a plane would have to be off by quite a bit; they are quite away from the runway excursion zone. Steve Levesque stated that they have been working with the FAA in conjunction with this project. Margaret Wilson asked if there was any letter from the FAA and Steve Levesque replied that if they did not want the tanks to be built, then the project just wouldn't happen.

Margaret Wilson asked about the inflatable membrane roof over the methane tank, is the methane under pressure and is this type of roof more vulnerable or less vulnerable to an airplane impact. Dave Wayburn stated that the first time he went out to Ohio to visit a digester was just after a tornado had hit and noted that the elements of the roof are such that they are supposed to be able to handle high sources of wind. Mr. Wayburn explained that there are two membranes, the outer membrane is meant to maintain a dome looking shape while the inner membrane is constantly going up and down as the bacteria is eating the waste.

Charlie Frizzle asked if the drawings associated with the adjacent lot identify the fact that pavement has been removed to satisfy urban impaired zones or something similar. Steve Levesque replied that they will.

Margaret Wilson asked what is meant by the report stating that the soil is useless and asked if it was a plume. Steve Levesque replied that to the east of the parcel is the landfill and that it is maintained by DEP and the Navy.

Margaret Wilson asked Steve Levesque to talk a little more about the underdrain soil filter and possible groundwater contamination as discussed in the Materials Management Plan. Steve Levesque replied that the Materials Management Plan that is an agreement with DEP and is a protocol on how they and the contractors deal with soils if they identify soils that are discolored, have an order or that may be removed. Jan Weigman replied that the underdrain soil filter that they have on the site is about a three feet deep media filter section and noted that they have done some testing on this site and the groundwater is about eight feet below the surface. Mr. Weigman stated that the filter will be lined.

Margaret Wilson asked what the bacteria will be consuming and where it will be coming from. Dave Wayburn replied that they will be working with bio solids from Brunswick Sewer Department and hopefully Portland, South Portland and other regions in the area. Mr. Wayburn stated that there will be roughly three to four truckloads of pressed bio solids per day. Mr. Wayburn stated that the goal is to move to food waste, fats, oils and greases. Margaret asked how they are protected from explosion. Allan Johnson from Quasar Energy Group, replied that the digester tank is essentially a very large water tank. Mr. Johnson stated that the tank is 750 gallons, most of which is liquid digestate. Mr. Johnson stated that the inflatable membrane where the methane collects is continually utilized. Mr. Johnson stated that this is a continuous process with a goal of not have any methane be built up but to be used continuously. Charlie Frizzle asked what the disposition is for the liquid and solid waste being generated from the plant. Mr. Johnson stated that the DEP takes this as part of the solid waste application and in Maine the material has to be converted to Class A, or pasteurized, so that any pathogens that might be there are eliminated. Mr. Johnson stated that the plan is to separate the liquid fraction from the solid fraction and to then use the solid fraction to an anaerobic use such as composting; this is under the jurisdiction of the DEP. Mr. Johnson stated that the liquid fraction is planned to go back to Brunswick.

Richard Visser asked how close the nearest neighbor is. Jan Weigman replied that the nearest resident is ½ mile and a machine shop and recycling shop that is about 800 feet away.

Chairman Charlie Frizzle opened the public comment period. No comments were made and the public comment period was closed.

Charlie asked if, as request by the Codes Enforcement Officer, a note had been included on the plan regarding the 100 foot setback that is being required by DEP. Jeremy Doxsee stated that he did not think that the note had been completed. Jan Weigman replied that he believes the note is on C3 Drawing number two.

MOTION BY MARGARET WILSON THAT THE SKETCH AND FINAL PLAN BE DEEMED COMPLETE. SECONDED BY BILL DANA, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

MOTION BY RICHARD VISSER THAT THE FOLLOWING WAIVERS BE APPROVED:

1. 412.2.B.16 – Class A Soil Survey
2. 412.2.B.17 – Location of trees over 10 inches in diameter
3. 412.2.C.17 – Site landscaping plan

SECONDED BY BILL DANA, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

MOTION BY BILL DANA THAT THE COMBINED SKETCH PLAN AND MAJOR DEVELOPMENT FINAL PLAN APPLICATION IS APPROVED WITH THE FOLLOWING CONDITIONS:

Jeremy updating

Other

No other business.

Minutes

No minutes were reviewed at this meeting.

Adjourned

This meeting was adjourned at 7:50 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
JULY 9, 2013**

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

STAFF PRESENT: Anna Breinich and Jeremy Doxsee

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

Report on Zoning Ordinance Amendment Section 216, Village Review Zone and Consultant Contract Update (materials attached)

Anna Breinich stated that the Town Council adopted the text amendments that the Board made and the changes will take effect on July 31st. Anna reviewed that change requested by Town Council as outlined in her Memo to the Board dated July 2, 2013. Anna Stated that, per staff recommendations, the Council did not approve the zoning map expansion of the Village Review Zone which would have increased the size of the VRZ. Margaret Wilson noted that no body has created a set of standards to determine what should or should not be included in the zone; consultants have been hired to assist in this process. Anna pointed out that the consultants, Turke, Tracy and Larry, are going through the 331 properties to determine contributing and non-contributing within the existing and will not be advising if it should or should not be included. Ann stated that when you look at the criteria that is in the Ordinance that will take effect on July 31st and adjacent properties in keeping in character of an area, what do you do if someone wants to redevelop such as Dominos? Anna stated that there are some guidelines for the establishment of landmark areas that had been developed in 2005, but noted that the local landmark program is more site specific. Anna states that they should have the study back from Turke, Tracy and Larry by the end of August. Jeremy Doxsee stated that it may be easier to have a design district and possibly have a National Registered Historic District within that district.

Discussion Regarding Zoning Ordinance Rewrite of Chapters 4 and 5

Anna Breinich stated that Chapter 5 needs to be revisited such as stormwater management and impervious coverage. Anna stated that she would like more specify in terms of what is considered and less percentages. Charlie Frizzle replied that he thought Codes captured this and Anna replied that she is referring more too impervious paving and how it relates to impervious coverage. Charlie clarified that she is referring to porous coverage.

Anna Breinich stated that Section 513, Streets needs to be reviewed.

Anna Breinich stated that they need to revisit parking. Anna noted that they now have the 2013 parking audit and recommendations.

Anna Breinich stated that recreation fees still need to be worked on.

Discussion Regarding Formation of a Zoning Ordinance Rewrite Committee and Rewrite Process

Anna Breinich stated that by the end of next week staff should have and RFQ for the Town Manager to review and then request the scope and cost. Anna stated that they hope to have someone under contract by September and hope to establish either a sub-committee or a separate committee; Anna stated that she would prefer a small group. Charlie Frizzle, Margaret Wilson and Richard Visser agreed that a small group would be best. Discussion among members on Form Based Planning and Use Based Planning.

Minutes

MOTION BY CHARLIE FRIZZLE TO APPROVE THE MINUTES OF 2/5/13.
SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

MOTION BY CHARLIE FRIZZLE TO APPROVE THE MINUTES OF 2/26/13.
SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

MOTION BY RICHARD VISSER TO APPROVE THE MINUTES OF 3/5/13.
SECONDED BY CHARLIE FRIZZLE, APPROVE UNANIMOUSLY AMONG THOSE PRESENT.

MOTION BY MARGARET WILSON TO APPROVE THE MINUTES OF 3/12/13.
SECONDED BY CHARLIE FRIZZLE, APPROVED UNANIMOUSLY.

MOTION BY CHARLIE FRIZZLE TO APPROVE THE MINUTES OF 3/26/13.
SECONDED BY STEVE WALKER, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

Adjourned

This meeting was adjourned at 7:48 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK PLANNING BOARD
AUGUST 6, 2013**

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

STAFF PRESENT: Anna Breinich

A meeting of the Brunswick Planning Board was held on Tuesday, August 6, 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 # 13-021 – All Pars LLC, Construction of Office and Storage Buildings:

The Planning Board will review and take action on a combined Sketch/Final site plan application submitted by All Pars, LLC, regarding their proposal for a phased development of three 5,000 s.f commercial buildings, with associated parking, infrastructure and landscaping, to be located at 104 Harpswell Road (Assessor's Map U36, Lot 33) in the Mixed Use 6 / Lower Harpswell Road (MU6) Zoning District.

Anna Breinich introduced the project for a combined Sketch/Final site plan application for a phased development of three 5,000 square foot commercial buildings, with associated parking, infrastructure and landscaping, to be located at 104 Harpswell Road. Anna stated that there is existing commercial buildings for Mid Coast Woodworkers who occupy an out building and two sheds. The applicant hopes to be able to change the configuration and add two new structures. Anna noted that this is within the Mere Brook, an urban impaired watershed within the town.

Curtis Neufeld, representative of Sitelines, stated that the applicant's intent is to improve the parcel. Curtis reiterated that Mid Coast Woodworkers does lease and work out of this space and in addition, Bowdoin College use some of this space at times. Curtis stated that the existing facility is past its prime and could be updated, but per the applicant, they wish to improve the value of the parcel by adding a 5,000 square foot storage building for the tenants who currently use the space. Curtis stated that they plan to locate and build the building to the rear of the parcel and in conjunction the stormwater infiltration system; once the infiltration system is up and running, the applicant will move forward with demolition of the buildings and out buildings and construct two more buildings. Curtis stated that the new buildings will be basic frost wall, slab on grade, stick buildings with vinyl siding and white trim. Curtis stated that the rear building is intended to be 14 feet to the eaves with a small portion up front that would be eight feet; the intent is to allow for heating of parts of the building but not be required throughout. Curtis stated that the second building would be for storage and the building up front would be for office spaces and possibly another tenant. Curtis stated that the parcel is roughly two acres in size and is currently non-conforming; as part of the proposed project, the applicant will be making the parcel closer to conforming. Curtis stated that the main entrance will remain on Harpswell Road. And reviewed the layout and design.

Curtis Neufeld reviewed the recommendation by the peer review consultant (Sebago Technics) regarding stormwater, who recommended the infiltration system be equipped with a four bay

system; this is one of the methods that the DEP has approved and likes to see for pre sediment or sedimentation removal prior to the infiltration basin. Curtis stated that he designed the system included in the packet having a grass filter strip between the gravel/paved surfaces which is another method approved by the DEP. Curtis stated that the pond goes in a sheet fashion and he believes that the strip lends itself better to a broadly distributed runoff. Charlie Frizzle asked if the stormwater design that Curtis Neufeld included is going to DEP for review. Curtis replied that this does not go to DEP other than for a Permit By Rule; any project that disturbs more than an acre. Curtis stated that although they are within the Mere Brook watershed, they are reducing the impervious area. Charlie asked staff how they felt with respects to the two proposed solutions to the stormwater problem. Anna Breinich replied that this will still need to be reviewed by John Foster, Director of Public Works, because he would be involved in terms of what is going into the stormwater system. Anna stated that Mr. Foster has already provided some feedback, but that Mr. Foster is away on vacation. Anna stated that what is in front of the Board tonight is a revised set of draft Findings of Fact and everything under 411.5 that is bolded were the substantive changes that were made based on the give-and-take of the two engineers. Ann noted that John Foster should review the four bay versus the strip. Charlie clarified that, if approved tonight, the Board would be leaving the design of the stormwater system to John Foster and Anna replied "yes". Charlie asked Curtis if he was comfortable with this and Curtis replied that he was OK with that decision. Steve Walker asked how wide the grass strip was and Curtis replied that it is about 16 feet before it gets to the basin. Steve asked if the snow storage area located in the back was adequately sized for runoff and Curtis replied that it is.

Steve Walker encouraged the applicant to start discussions with the Town to see if there were any way to move the stockade fencing along the College to the Commons trail in towards the interior of the property five to ten feet in an attempt to better landscape the trail and make it a more user friendly. Steve stated that this is a great opportunity.

Margaret Wilson asked what is meant by cold storage and noted that warehousing is not a permitted use in this zone. Curtis Neufeld replied that what is meant by cold storage is that it is not a heated space for full time occupancy. Curtis stated that this is how the rear part of the building is being used at this time. Margaret clarified that this storage would be separate from the woodworking business which would make it not accessory to. Anna Breinich replied that this didn't come up during Staff Review and that Jeff Hutchinson, Codes Enforcement Officer, is not concerned.

Margaret Wilson clarified that the owners of the parcel are MORROD Inc. Curtis Neufeld replied that MORROD Inc. and All Pars, LLC are both owned by Dan Roderick.

Margaret Wilson asked if there was a reason why the sewer and water serve letters were not included in the packet. Curtis Neufeld replied that he believes it is because this is vacation time. Anna Breinich replied that Rob Ponto, who represents the Sewer District, had no issues at the Staff Review meeting.

Richard Visser asked if Jeff Hutchinson's request to realign the first building to allow for pedestrian access as noted in the Staff Review notes was accommodated. Curtis Neufeld replied that they have pushed the building back to allow for this.

Chairman Charlie Frizzle opened the meeting to the public comment period. No comments made and the comment period was closed.

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

MOTION BY BILL DANA THAT THE BOARD WAIVE THE FOLLOWING REQUIREMENTS. SECONDED BY RICHARD VISSER APPROVED UNANIMOUSLY.

1. Class A Soil Survey.
2. Profile, cross-section dimensions, curve radii of existing streets.
3. Profile of water and sewer service lines.

MOTION BY DALE KING 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. That prior to the issuance of a building permit, the applicant shall receive a Stormwater Permit-by-Rule from the Maine Department of Environmental Protection as required.
3. That prior to the issuance of a building permit, the applicant shall provide a stormwater facility inspection easement, to the satisfaction of the Director of Public Works.
4. That prior to the issuance of a building permit, the applicant shall provide a revised stormwater management plan in accordance with the applicant engineer's Sitelines, PA, responses; a letter to Town Staff dated July 31, 2013 and email to Town Staff dated August 6, 2013, as attached. Such revised plan shall be acceptable to the Director of Public Works.
5. That prior to the issuance of a building permit, the applicant shall provide letters from the Brunswick-Topsham Water District and Brunswick Sewer District confirming capacity to serve the project.

SECONDED BY BILL DANA, APPROVED UNANIMOUSLY.

Zoning Ordinance Rewrite Update

- Request for Qualifications issued 7/31/13: Anna Breinich stated that the request is out to hire a consultant to update the Comprehensive Zoning Ordinance. Anna stated that this is just the request for qualifications and once they have reviewed the submitted proposals, they will schedule interview and select a consultant.
- Chapters 4 & 5: Anna Breinich stated that Chapters 4 & 5 are being reviewed and that they may need to review parking once again due to the findings of the parking study. Discussion of fee in lieu.

Other Business

- Next meeting scheduled for September 10, 2013

Adjourned

This meeting was adjourned at 7:41 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary