

**BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE
DECEMBER 2013 PUBLIC ENGAGEMENT
DRAFT SUMMARY OF COMMENTS
12/18/13**

General Comments/Questions:

1. Question regarding how many years before next rewrite, 20 or 50 years?
 - A. Ordinances do not stay in place that long. Will structure new ordinance so as not to be amended as frequently.
2. History of 1996 zoning ordinance repeal provided by attendee.
3. Want more comment/monitoring of projects by Planning Department.
4. Need for more efficient ordinances/objective standards.
5. Federal Street is changing for the worse; take care of Park Row and Federal Street; want houses lived in, not for other uses.
6. Concern voiced for having enough review time by all stakeholders/boards.
7. Clearly indicate what are new standards and what existing standards are being moved in draft ordinance document (Elliott – footnoted document to be provided).
8. Requested summary memo of changes (Elliott to prepare)
9. Maine Street Station development a “missed opportunity but not lost.”
10. College still isolated.
11. Provide for connectivity between new residential subdivisions. Mention of past citizen initiatives to limit density and street connectivity of a large residential development within the Growth Area.
12. Ordinance needs to be business-friendly (Elliott: mentioned downtown Youngstown, Ohio provision allowing any use in a structure vacant at least 5 years.
13. Revised ordinance must be in line with 2008 Comprehensive Plan.
14. Roles of Recreation Commission, Conservation Commission and Brunswick-Topsham Land Trust needs to be clarified. More public awareness needed for conserving lands.
15. Revisit Parks, Recreation and Open Space Plan goals for guiding zoning rewrite.
16. Protect public coastal access.
17. Protect neighborhoods.
18. Can zoning sections be adopted piecemeal?
 - A: Preference to do complete rewrite and adoption at one time instead of piecemeal approach.
19. Does a simpler code mean fewer protections?
 - A: No, just means easier for an applicant to understand and use, staff to interpret, contain more visuals.
20. Will staff provide written guidance to Clarion?
 - A. Staff will prepare a list of problem areas based on our daily use of the ordinance.
21. Consider doing a town-wide integrated traffic and street study.

Ordinance Format/Content:

A. General:

1. Agree that more graphics will be helpful for users.
2. Need user-friendly, business-friendly ordinance.

B. Districts/Overlays Standards:

1. Will Village Review Board remain?
 - A. Yes, recent amendment should remain. May need minor “tweaking” to fit with rest of ordinance.
2. Need creativity/flexibility with uses, building setbacks, and within built environment (Elliott suggested overall alternative equivalent compliance standards/criteria).
3. Consider Form-Based Code format.
4. Consider varying use categories for restaurants; limit/restrict topless bars.
5. Consider “live-work” use in downtown.
6. Should we consider “contract zoning”? (Elliott – would not recommend)
7. Neighborhood-based college use districts variations should be reviewed and simplified.
8. Important to fully integrate Brunswick Landing into Town Zoning Districts.
9. Refine TR1 standards to focus more on single-family residential use.
10. Include artisan manufacturing use in downtown district.
11. Provide for adequate buffering at district edges as well as between mixed uses.
12. Review commercial area setbacks.
13. Consider low impact mix of uses in the Water Street/Androscoggin River Corridor.

C. Definitions and Other Sections

1. At a minimum need to define all uses. Definitions section needs to be strengthened.
2. Nonconformities should be categorized based on their significance/impact.
3. Address building over lot lines/structures straddling two or more lots.
4. Need for directional signs at Brunswick Landing.
5. Parking Standards should be a stand-alone chapter applicable to all requests, not just development review applications and should be more specific, include alternative vehicular parking and bike parking standards.
6. Consider Complete Streets concepts (Breinich: use DMP street typology as a start).
7. Incentivize use of common private water and septic systems.
8. Recommended nonconformities be more easily regulated

D. Natural Resource/Open Space

1. Incentivize and require the removal of pre-existing/unnecessary impervious coverage within the NRPZ.
2. Required landscaping should not count towards open space requirements.
3. Align new ordinance standards with Aquifer Protection Zone provisions.

4. Remove inconsistencies in APZ relating inconsistencies of standards (what is permissible/non-permissible use) for non-residential and residential property owners.
5. Per Comprehensive Plan recommendation, expand CP Zone to New Meadows and Harpswell Cove areas.
6. Protect Androscoggin River for recreational use/access.
7. Refine acceptance criteria for conservation easements.
8. Keep Rural Brunswick Smart Growth and Open Space Subdivision standards with updating.
9. Determine how to protect high resource value assets as stated in Parks, Recreation and Open Space Plan.
10. Increase wetland protection (South Portland mitigation requirement example).
11. Consider reduction in impervious coverage along coastal waters to protect shellfish industry.
12. Required maintenance of septic systems in CP through a zoning ordinance standard basically unenforceable. May be better handled through annual or biannual educational mailings (i.e., brochures on septic system maintenance included in tax bills).
13. Account for vertical acreage/bluffs in determining impervious coverage.
14. Maintain rural area character (i.e. farming and raising of farm animals now permitted).

Development Review Related:

1. Too much required for Special Permit applications; process is uncertain and subjective. Needs clarity as to what is and isn't permitted and how. (Elliott: if you want infill, don't require Special Permits in Growth Area; put in neighborhood protections.)
2. 2008 Comp Plan, Policy Area #4, Key Objective #2 – biggest concern: who pays for sewer extensions?
3. Change of use involvement requested by the Brunswick Sewer District (Note: already addressed at staff level).
4. Allow public water service extensions outside of Growth Area (Public water extensions outside of growth area would be inconsistent with policies set forth in the 2008 Comprehensive Plan Update.)
5. Require public sewer connections within growth area.
6. Minor development review thresholds questionable. VRZ design review should be a function of Planning Board if development review approval is required.
7. Update FAA overlay and include FAA review for affected areas as part of development review process.
8. Review standards need to be consistent with state standards; don't have 2 separate sets of standards.
9. Require less for minor reviews applications.
10. Need more flexibility in development review standards.
11. Relax sidewalk and street construction requirements in built areas.

Public Outreach:

1. Were neighborhood associations contacted?
 - A. Sent notice.
2. Request made for area-focused meetings later at draft ordinance stage
3. Should hold session with college abutters.
4. Full process needs to be transparent.

Trends/Choices Attendee Survey (9 voting in survey):

Zoning Ordinance Goals Question:

Simpler, Clearer, Speed, Neighborly (majority)

Form Based Code

Comments:

1. Require downtown upper levels for residential only
2. Minimum of three story structures
3. Allow/encourage underground parking

Questions/Responses:

1. Form-Based Codes? Yes, consider/Some concerns (Unanimous)
2. Form-Based Codes should be instituted where?
 - Downtown - 5
 - Commercial corridors - 7
 - Residential Neighborhoods - 3
 - Not sure - 2
3. Type of Form-Based Controls?
 - Building size – 6
 - Same part of lot – 7 (6 ½)
 - Limit front parking – 8 or 9
 - Require windows and doors on street – 7
 - No undecided

Integrated Table of Use Structure

Questions/Responses:

1. Yes? Majority, some reservations
2. Variations: Growth, Rural, Split? All Yes

Broader More Flexible Districts

Comments:

1. Need for buffering standards

Questions/Responses:

1. Consolidation of Zoning Districts? 8 in favor, with some concerns (out of possible 9)
2. Focus Areas for Consolidation by Districts
 - Rural- 8
 - Residential - All
 - Town Center - 8

- College Use - All
- Industrial - 7
- Natural Resources - 4
- Need more information - 3

Broader More Flexible Uses

1. Refine use list
2. Consolidate uses
 - Yes - Unanimous with some concerns

More By-Right Development Permitted

Comments:

1. Permit with list of conditions
2. Allow smaller development to be approved by staff
3. Consider staff approval for up to 10% adjustments

Question:

1. Allow for more staff approval
 - Yes - 8
 - Concerns - 2
 - No - 1

ATTENDANCE

Jeff Reynolds, William Van Twiste, Dylan Martin, Alison Harris, Jeff Pelletier, Fred Horch, Julie & Roland Ricard, Jane Crichton (VRB), Emily Swan (VRB), Steve Garrett (ZBA), Nick Livesay (ZBA), Ervin Snyder (ZBA), Dan Ankeles (RC), Thomas Farrell, Kathy Wilson, Ken Segal, Juris Apse, Chris Chase, Mike Gorzka, Bryan Cobb, John Gerard, Richard Nemrow, Jonathan Holmes, Debora King, Cathy Barter, Lennie Burke, Rob Pontau (BSD), Angela Twitchell (BTLT), Al Frasier (BTWD), Leonard Blanchette (BSD), Tom Brubaker (MRRA), Catherine Ferdinand (Bowdoin), Katy Longley (Bowdoin), Del Wilson (Bowdoin), Don Borkowski (Bowdoin), Steve Walker (PB), Bill Morrell, Doug Richmond, Robert Kahn, Benet Pols, Steve Levesque, Jan Wiegman, Margo Knight (MPIC), Vicky Marr (MPIC), Betsy Marr (VRB), Steve Cohen (BBPAC), John Blood (BBPAC), Dann Lewis (PB), Amanda Mahaffey (CC), Will Wilkoff (BBPAC), Reginald Elwell (CC), Kurt Stinson (CC), Tom Rumpf (CC), Fred Weigert (MR), Mark Latti (MR), Tammy Gray (RC), Tony Youdsnukis (MR), Gary Massanek, JT Leonard, Annie Robinson, Dustin Slocum, Jeremy Litchfield, Kevin Clark, Melinda Gale, Sue West, Joyce Freedman, and Bruce Myer. (68)

ZORC MEMBERS: Anna Breinich, Jeremy Doxsee, Jeff Hutchinson, Charlie Frizzle, Margaret Wilson and Dick Visser

CLARION ASSOCIATES: Don Elliot and Steve Sizemore