Town of Brunswick
Zoning Ordinance

Adopted by the Brunswick Town Council April 7, 1997
Last Revision Effective: March 5, 2014

LIST OF AMENDMENTS

The Town of Brunswick Zoning Ordinance
Adopted April 7, 1997 effective on May 7, 1997
has been amended on the following dates:

R = Adopted on a Regular Basis E = Adopted on an Emergency Basis

AMENDED	EFFECTIVE
6/2/97 R	7/2/97
12/1/97 E/R	12/1/97
3/16/98 R	4/16/98
5/4/98 R	6/3/98
8/3/98 R	9/2/98
9/8/98 R	10/8/98
9/21/98 R	10/21/98
10/19/98 R Map Amendment	11/19/98
11/2/98 R	12/2/98
12/7/98 R	1/6/99
1/19/99 R	2/18/99
5/17/99 E/R	5/17/99
7/6/99 R	8/5/99
6/19/00 R	7/19/00
5/21/01 R Text and Map Amendment	6/21/01
9/4/01 E	9/4/01
9/4/01 R	10/4/01
5/21/01 R Text and Map Amendment	11/6/01 Referendum
10/15/01 R	11/15/01
2/4/02 R	3/6/02
5/20/02 R	6/19/02
9/3/02 R	10/3/02
11/18/02 R	12/18/02
8/4/03 R	9/4/03
1/20/04 R	2/20/04
6/21/04 R/E	6/21/04
9/07/04 R	10/07/04
4/19/05 R	5/19/05
6/6/05 E	6/6/05
7/5/05 R	8/5/05
9/19/05 R	10/19/05
3/6/06 R	4/6/06
4/18/06 R	5/18/06
12/4/06 R	1/4/07
1/29/07 E	1/29/07
9/2/08 R	10/2/08
9/9/08 R	10/20/08
6/15/09 R	7/15/09
7/20/09 R	8/19/09
8/30/09 R	9/2/09
9/21/09 R	10/21/09

AMENDED	EFFECTIVE
7/12/10 R	8/11/10
9/20/10 R	10/20/10
1/24/11 R	2/23/11
6/6/11 R	7/6/11
10/03/11 R Text and Map Amendment	11/02/11
10/17/11 R Text and Map Amendment	11/16/11
2/6/12 R	3/7/12
3/19/12 R	4/18/12
4/9/12 R Map Amendment	5/9/12
9/17/12 R	10/17/12
10/1/12 R Map Amendment	10/31/12
11/5/12 R Map Amendment	12/5/12
12/17/12 R	1/16/13
4/1/13 R	5/1/13
7/1/13 R	7/30/13
2/3/14 R	3/5/14

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CHAPTER ONE: GENERAL PROVISIONS

101 Title
This Ordinance shall be cited as "The Zoning Ordinance of the Town of Brunswick."

102 Scope
This Ordinance regulates the location, design, construction, alteration, occupancy, and use of structures and the use of land in The Town of Brunswick and divides the Town into Land Use Districts.

103 Authority
This Ordinance is enacted under the authority of the Brunswick Town Charter and Title 30-A of the Maine Revised Statutes.

104 PURPOSES

The purpose of this Ordinance is to establish land use requirements consistent with the Maine Growth Management Act (30-A M.R.S.A. Sect. 4312, et seq., hereinafter referred to as "The Growth Management Act") and the Brunswick Comprehensive Plan, as amended.

Specific Purposes of this Ordinance are to:

1. Establish Growth and Rural areas and encourage use consistent with the character of each such area.

2. Encourage expansion of existing and new commercial, industrial and agricultural enterprises to maintain a viable economic base.

3. Conserve natural and historic resources and minimize environmental impacts.

4. Provide a range of affordable housing throughout the community.

5. Provide expanded pedestrian, bicycle, and transit use through efficient land use and encourage more efficient automobile use.

6. Control nuisances such as, but not limited to, odor, noise and nighttime light.

7. Encourage orderly and effective development that is compatible with Brunswick's historic development patterns, unique character, and its established neighborhoods..

8. Provide an efficient and fair land use regulation system.

9. Require the recognition and evaluation of flood hazards in all official actions relating to land use in designated floodplain areas. (Amended 1/19/99R)

105 Planning Areas
The Town is divided into Planning Areas as set forth in Appendix I:

Growth Areas	***Rural Areas***
Maine Street Central	Rural Residential
Maine Street Neighborhood	Rural Farm and Forest
Extended Neighborhood	Rural Coastal Protection
Cooks Corner	
Large Scale Business/Institutional	
Highway Commercial	

In addition, the Planning Areas for the BNAS Districts are set forth in Appendices III and IV. The Planning Area for the College Use/Town Conservation District is set forth in Appendix V. (Amended 7/20/09 R)

105.1 Purposes and Uses of Planning Areas

A. The Town of Brunswick is organized into Planning Areas. These areas are depicted in the map which appears in Appendix I. The areas are established for the limited purposes of:

1. Providing an understanding of the principles upon which the zoning is based.
2. Serving as a guide in evaluating:
   a. Proposed amendments,
   b. Waivers,
   c. Special Permits, or
   d. Appeals.

B. If a conflict is found between standards applicable to zoning districts and the standards of its corresponding Planning Area found in Appendix I, zoning district standards shall prevail.

106 Zoning Districts and Zoning Map

The Town is divided into zoning districts and overlay zones. All zoning districts and overlay zones are shown on the Brunswick Zoning Map adopted herewith, which map is made a part of this Ordinance, and is on file in the Department of Planning and Development.

106.1 Growth Districts -- See Chapter TWO, Sections 201 - 207 (Amended 12/1/97 R)
106.2 Rural Districts -- See Chapter TWO, Section 208
106.3 Overlay Zones -- See Chapter TWO, Sections 209 – 216
106.4 BNAS Districts – See Appendices III and IV (Amended 7/20/09 R)
106.5 College Use/Town Conservation District – see Appendix V (Amended 7/20/09 R)

107 Rules of Ordinance Structure

107.1 Similar Terms

Terms which are similar that follow the spirit and intent of this Ordinance shall be so interpreted. For instance, the regulations pertaining to motels apply also to hotels.

107.2 Separability

The invalidity of any provision of this Ordinance does not invalidate any other provision.

107.3 Flexibility of This Document

This Ordinance is intended to be dynamic and to be adapted to changing circumstances. This document also refers to guidelines to be used when proposing amendments.

107.4 Abbreviations

The following abbreviations are used in this ordinance:

a. ft is for feet.
b. in is for inches.
c. sf is for square feet.
d. du is for dwelling unit

107.5 Conflicts Within Document

In the case where two provisions of this ordinance are in conflict with one another, the more restrictive provision shall apply.

108 Amendments

Amendments may be initiated in accordance with the Brunswick Town Charter. The following procedures shall be followed:

1. When initiating an amendment, the person or entity requesting the amendment shall submit a written request to the Town Council. The Town Council shall decide whether to forward the requested amendment to the Planning Board.

2. If the Town Council forwards the requested amendment, the Planning Board shall conduct at least one public hearing on it. The Planning Board shall give notice of hearing in accordance with the requirements of 30-A M.R.S.A. section 4352, subsection 9, and where applicable, subsection 10.

3. The Planning Board shall prepare a written recommendation to the Town Council. In making its recommendation, the Board shall review whether the requested amendment is compatible with the Planning Area as listed in Appendix I in which the zoning district is located. The written recommendation shall include draft zoning language.

4. The Town Council, on receipt of the written recommendation from the Planning Board, shall follow the provisions regarding ordinance amendments pursuant to the Town Charter.

5. Notwithstanding the provisions of Section 108.1, above the Planning Board may initiate the amendment process by recommending an Ordinance amendment without prior referral from the Town Council. (Amended 5/4/98 R)

109 Nuisance

The following provisions shall apply to all uses regulated by this ordinance. They shall also apply when an application is undergoing development review. These standards shall be enforced by the Codes Enforcement Officer.

109.1 Dust and Fumes. Emission of dust, dirt, fly ash, fumes, vapors or gasses which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property at any point beyond the lot line of the use creating that emission shall be prohibited.

109.2 Odors. No use may, as a result of normal operation, regularly emit odors which are offensive or harmful by reason of their character, intensity or duration and which are perceptible beyond the lot line. No odor may be considered offensive if it is commonly associated by way of character, intensity or duration with a permitted use in the zoning district in which it is located. Odors commonly associated with a permitted use may not be perceptible beyond the zoning district boundary unless the use is permitted in an adjacent zoning district.

109.3 Lighting. Direct lighting with lumen output equal to or greater than a 200 watt mercury bulb shall not shine beyond any property line, or into any public or private road. Such lighting shall not be directed toward the sky or adjacent properties. Lighting fixtures greater than 200 watts shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians or from adjacent lots.

109.4 Noise.

A. The equivalent sound level measured in dBA resulting from any activity shall not exceed at any point on or beyond the lot line the maximum levels as set forth in the following table:

District/Area	**Maximum Equivalent Sound Level Measured in dBA (day-night)**
Rural Areas	50-40
Residential Districts	55-45
Town Residential Districts	55-45
Town Center, College Use Districts, Mixed Use Districts and I1 District	60-50
Highway Commercial and Cook's Corner Center Districts	70-60
Large Scale Business and Institutional Districts, excluding I1	70-60

B. The maximum equivalent sound level measured in dBA for any activity shall be computed based on representative samples during hours of operation over a one hour period. Daytime hours extend from 6:00AM to 8:00PM.

C. If a lot abuts a district requiring a lower noise level, the maximum permitted level for the lot shall be reduced by 5 dBA, however, the level of sound shall not exceed 55 dBA or whichever is lower at lot boundaries adjacent to residential districts.

D. The following temporary activities are exempt from the requirements of this section: parades, farming, forestry, emergency signals, water craft, automobile traffic.

E. Activities of a temporary nature unable to meet these requirements shall require development review by the Planning Board. Noise associated with construction may achieve a maximum equivalent sound level measured in dBA of 75 between the hours of 7:00AM and 7:00PM.

F. The sound level meter must be calibrated using manufacturing standards before and after conducting the measurement. The meter shall meet Type I or Type II specifications for ANSC standards.

109.5 Smoke and Particulate Matter. In all cases, air pollution control and abatement shall comply with applicable minimum Federal, State and local requirements, including receipt of all required permits. The maximum permitted density of smoke, dust and other particulate emissions during normal operations of any activity shall not exceed the maximum allowable under the regulations of the Maine Department of Environmental Protection.

109.6 Parking In Required Setbacks. Parking is not permitted in any required setback except on a legally established driveway. (Amended 1/20/04 R)

109.7 Motor Vehicles. With the exception of properties on which a legally established Motor Vehicle Sales or Motor Vehicle Repair Facility is located, not more than two currently unregistered and/or uninspected motor vehicle shall be parked, kept or stored outside. This provision shall not apply to vehicles that do not require registration and/or inspection. (Amended 1/20/04 R)

110 Miscellaneous

110.1 Conformity Required. A structure may not be constructed or used, and land may not be used or divided, except in accordance with this Ordinance. All other construction, use or division of land or buildings is expressly prohibited except that which is already lawfully existing when this Ordinance is enacted.

110.2 Special Exception or Variance Order of Precedence. For projects subject to development review where a special exception or variance is required, the variance or special exception must be obtained prior to development review.

111 Definitions

Accessory Structure: A structure subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building or use.

Accessory Use: A use customarily incidental and subordinate to the principal use or building, and that occupies no more than 40% of the floor area of all structures on a lot.

Adjacent Grade: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (Amended 1/19/99 R)

Agricultural Clearing: A clearing created to support the production of traditional agricultural crops including grazing areas for livestock, fields used for the production of hay, straw, and other fruit, grain, and vegetable crops, Christmas tree farms, and orchards, etc. This definition does not include mineral extraction. (Amended 3/6/06 R)

Agriculture: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruit and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities. (Amended 1/19/99 R)

Alteration: The addition, demolition or construction of any building on a pre-existing site, including the removal or addition of facade materials, the addition of floor area to a site, the erection of fences or the addition of signage, and the creation of new impervious surfaces.

Architectural or Archaeological Significance: A site, structure, object or artifact that is listed, or is eligible to be listed on the National or Maine Register of Historic Places, or that contributes archaeologically, culturally or architecturally to the history of the Town of Brunswick.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in section 211.3 of this ordinance. (Amended 1/19/99 R)

Assisted Living: A residence for people with disabilities that prevent them from living on their own. The residence provides private rooms or apartments with common areas for dining, socializing and programs along with daily meals, personal services, limited nursing and 24 hour care. (Amended 9/4/01)

Auto Graveyard: A yard, field, or other area used to store three or more unserviceable, discarded, worn-out, or junked motor vehicles.

Aviation Operations: Runways, taxiways, navigational devices, communication facilities, control towers, and similar facilities directly related to the operation and maintenance of an airfield including administrative offices and facilities for fueling aircraft. (Amended 7/20/09R)

Aviation Related Businesses: Facilities and businesses that rely on or directly benefit from proximity to airport facilities including, but not limited to, general and corporate aviation facilities, charter air service, aircraft maintenance/repair/overhaul, aviation related manufacturing, sales, service, or education, government and aerospace research and development, and similar aviation-related activities including ancillary facilities that service aviation uses. (Amended 7/20/09R)

Basal area: The area of cross-section of a tree stem, including bark, at 4 1/2 feet above ground level.

Basal Area, Residual: The sum of the basal area of trees remaining on a harvested site.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year commonly called the 100-year flood. (Amended 1/19/99 R)

Basement: Any area of building having its floor sub grade (below ground level) on all sides. For shoreland zoning purposes, basement means any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.(Amended 1/19/99 R)

Bed and Breakfast: A dwelling occupied by the owner as a principal place of residence with not more than 10 rooms which are rented on a per diem basis, where meals may be provided to those who rent rooms.

Boarding House: A building other than a hotel containing a shared kitchen and/or dining room, with sleeping rooms accommodating no more than two persons per room (excepting minor children) which are offered for rent, with or without meals. Includes a college fraternity or sorority.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. (Amended 1/19/99 R)

Business Office: A space used to conduct the administrative affairs of an organization, including the offices for academic or administrative staff of a post secondary school.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters. (Amended 1/19/99 R)

Canopy: The more or less continuous cover formed by tree crowns in a wooded area. (Added 6/15/09 R)

Club/Lodge: An association of persons for social or recreational purposes which may include the promotion of some common objective.

College Office: A space used to conduct the administrative affairs of a post secondary institution, including offices for academic and administrative staff.

Color Rendering Index (CRI): A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100. (Amended 5/20/02 R)

Common Development Plan: A proposed development approved by the Planning Board in accordance with Section 413. A common development plan may involve multiple new buildings or structures on a single lot, multiple new buildings or structures on multiple lots, or a single new building or a redevelopment building on an individual lot or multiple lots. (Amended 5/20/02 R)

Communication Tower: Any tower taller than 120 feet that transmits and/or receives signals by electromagnetic or optical means using antennas, microwave dishes, horns, or similar types of equipment. (Amended 9/2/09R)

Communication Tower: Small Scale Wireless. A free-standing structure with a maximum height of 120 feet that is designed, constructed or used primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and similar structures. (Amended 9/2/09R)

Community Center: A building which provides a meeting place for a local, non-profit community organization on a regular basis.

Congregate Living: A residence that provides private rooms or apartments with common areas for dining, socializing and programs. Housekeeping services are provided, but residents are relatively self-sufficient. (Amended 9/4/01 R)

Contractor's Space: A facility that contractors utilize for the storage, inventory and prefabrication of materials associated with construction.

Contributing Structure: A structure which contributes to the historic or traditional architectural character of the Village Review Zone.

Conformity/Conforming: Complying with use, density, dimension, and other standards of this ordinance.

Conservation Easement: A perpetual restriction on the use of land, created in accordance with the provisions of 33 M.R.S.A. Section 476 through 479(B), for the purposes of conserving open space, agricultural land, or natural, cultural, historic and scenic resources.

Convenience Store: A store of not more than 2,000 square feet that primarily sells grocery items, that may sell take out food items, and that incorporates, or is accessory to, a gasoline service station. (Amended 7/5/05 R)

Cook's Corner Master Plan: The Cook's Corner Master Plan dated June 1998 for the development of the Cook's Corner area prepared by the Cook's Corner Master Plan Committee as approved and amended by the Town Council. (Amended 5/20/02 R)

Curb Cut: An entry into a road or right-of-way for vehicular traffic.

Day Care Center: A Day Care Facility for Children, as defined in Title 22 M.R.S.A. Chapter 1673, Section 8301; Home Babysitting Services, as defined in Title 22 M.R.S.A. Chapter 1673, Section 8305; and Adult Day Care Programs, as defined in Title 22 M.R.S.A. Chapter 1679, Section 8601.

Demolition: The removal of part or the whole of a structure.

Development: Any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction or additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities. (Amended 1/19/99 R, 6/19/00 R)

Dimensional Requirement: Any requirement of this ordinance which regulates spatial aspects of land, structures and uses, including, not limited to, lot width, lot area, setbacks, height, impervious surface coverage and maximum building footprint and excluding density.

Disturbance: For the purposes of the Rural Brunswick Smart Growth Overlay Districts, "disturbance" shall be defined as the area to be graded and/or permanently cleared of naturally occurring stands dominated by woody vegetation for activities included in 217.3.A. (Amended 3/6/06 R)

Drive-Through: Any structure through which a product or service is provided directly to a customer seated in an automobile including, but not limited to, take-out windows, banking terminals, automatic teller machines, pay telephones and other facilities commonly referred to as drive-up, drive-through or take-out. This definition excludes gasoline service stations, car washes, drive-in theatres and drive-in restaurants where orders are taken and food delivered to an automobile that remains in a parking space. (Amended 5/20/02 R)

Driveway: That portion of a lot set aside for vehicular access between the public or private road and the portions of the lot used for buildings, structures, parking or the other uses to which the lot is devoted.

Dwelling Unit: A group of rooms providing living quarters containing independent cooking, sleeping, and bathroom facilities for one household. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented. Recreational vehicles are not dwelling units. (Amended 6/15/09)

Educational Facility: Any building consisting primarily of classroom space which is used for offering courses, lectures, training seminars or other similar use, including, but not limited to, private nursery, kindergarten, elementary, middle, secondary and post-secondary schools.

Elevated Building: For floodplain management purposes, an elevated building is a non-basement building

a. built, in the case of a building in Zones A1-30 or A to have the top of the elevated floor, or in the case of a building Zones V1-30, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post piers, or "stilts;" and
b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.
(Amended 1/19/99 R)

Essential Services: Utilities such as natural gas, electricity, telecommunications, water and sewer services, including the lines, poles and pipes necessary to deliver the service but excluding communication towers and business and management offices of utilities.

Expansion of a Structure: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses.

Fall Zone. An area around the base of a wireless communication tower required to be kept clear of buildings, other than accessory facilities associated with the wireless communication tower, to contain debris in the event of a tower structure failure. (Amended 9/2/09R)

First Flush: First flush is the volume generated by the first 1.25 inches of stormwater runoff. The first inch of runoff carries the majority of accumulated pollutants from impervious surfaces. (Amended 5/21/01)

Expansion of Use: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. (Amended 1/19/99 R)

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents. (Amended 1/19/99 R)

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the surface elevation by more than one foot in height. When not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map, it is considered to be the

channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain. (Amended 1/19/99 R)

Floor Area: The total area, in square feet, of all floors of a building measured within the exterior walls, excluding unfinished attics and unfinished cellars. In the case of a use which occupies a portion of a building, the floor area shall be measured from the interior of the walls which defines the space.

Footprint: Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and footings.

Foundation, for Shoreland Area zoning purposes: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material. (Added 6/15/09 R)

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions. (Amended 1/19/99 R)

Front Lot Line: That line which separates the lot from a public or private right-of-way. On corner lots, the front lot line shall be the line opposite the front of the principal building.

Functionally Dependent Use: For floodplain management purposes, a functionally dependent use is a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. **(**Amended 1/19/99 R)

Golf Course: An outdoor area laid out for the purpose of playing the game of golf, excluding miniature golf and golf driving ranges.

Grading: Excavation, alteration of land contours, grubbing, filling or stockpiling of earth materials.

Ground cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor. (Added 6/15/09)

Height of Structure: The vertical distance measured from the average ground elevation to the highest point on such structure. On a gabled roof height is measured from the midpoint between the eave and peak of the roof. Within the Shoreland Area, Height of Structure shall be the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area. (Amended 6/15/09 R)

Historic Structure: For floodplain management purposes, a historic structure is any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register:

b. Certified or preliminary determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    1. By an approved state program as determined by the Secretary of the Interior, or
    2. Directly by the Secretary of the Interior in states without approved programs. **(**AMENDED 1/19/99 R)

Hotel or Motel: Establishment excluding "bed and breakfast" which provides sleeping accommodations for transient guests, with or without a dining room or restaurant.

Hazardous Matter: Substances identified by the Board of Environmental Protection under 38 M.R.S.A. Section 1319, as amended.

Household: One person, or a group of two or more persons living together in the same dwelling unit as a single housekeeping entity.

Impervious Surface: Any material covering the ground through which water does not readily penetrate, including but not limited to roofed structures, decks, concrete, stone, tar, asphalt, pavement, gravel, crushed stone and shale. (Amended 12/4/06 R)

Impervious Surface Coverage: The ratio between impervious surface and total land area of a lot expressed as a percentage.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform. (Amended 6/15/09 R)

Industry, Class I: Production, manufacturing, assembly, fabrication, processing, treatment, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products in a space not to exceed 20,000 square feet and where no more than 25 employees typically occupy the space at any given time.

Industry, Class II: Production, manufacturing, assembly, fabrication, processing, treatment, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products in a space exceeding 20,000 square feet or where more than 25 employees typically occupy the space at any given time.

Junkyard/Dumps: A yard, field, or other area used to store or dispose of old, discarded, worn-out, scrapped, or junked materials such as, but not limited to, plumbing, heating supplies, household appliances, furniture, lumber, rope, rags, batteries, paper trash, rubber debris, waste, and all scrap iron, steel, copper, brass, and other scrap ferrous or nonferrous material; includes garbage dumps, waste dumps, and sanitary landfills.

Kennel: Any establishment including cages, dog runs, and/or structures where more than three dogs more than six months old are kept for sale, boarding, or breeding.

Landmark Registry: A listing of historic sites, buildings and districts in the Town of Brunswick nominated by the Village Review Board and approved by ordinance of the Town Council.

Lane: A secondary access road located behind a house within a subdivision**.**

Leachable Materials: Liquid or solid materials including solid wastes, sludge, and agricultural wastes that are capable of releasing water-borne contaminants into the ground.

Level of Service: A technical measure which assesses the traffic impact associated with new or expanded uses, as defined by the American Institute of Traffic Engineers.

Lot/Parcel: An area of land with ascertainable boundaries, all parts of which are owned by the same person(s) or entities. A lot/parcel shall include both sides of a public or private way if under the same ownership.

Lot of Record: A parcel of land described in a recorded deed or shown on an approved and recorded Subdivision Plan and meeting zoning requirements at the time it was created.

Lot, Rear: A lot which is located to the rear of another lot which lacks the minimum road frontage required in the land use district, and access to which is either by a strip of land which is part of that lot or a deeded right of way over one or more of the front lots.

Lot Width: The width of a lot measured along the front line between the points of intersection of the side lot lines with the front lot line on a public or private right-of-way.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in section 211.3.E of this ordinance. (Amended 1/19/99 R)

Manufactured or Mobile Home Park or Subdivision: For floodplain management purposes, a manufactured or mobile home park or subdivision is a parcel (or contiguous parcels) of land divided into two or more manufactured or mobile home lots for rent or sale. (Amended 1/19/99 R)

Marina: A business establishment having frontage on navigable water which, as its principal use, provides for hire moorings, slips, and/or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, setting of moorings, boat and tackle shops, and marine fuel service facilities.

Marine Activity: Construction including but not limited to piers, docks, wharves, breakwaters, causeways, marinas and bridges over 20 feet in length. Excluded are non-commercial structures which are: 1) accessory to a single or two-family dwelling and, 2) of a scale, design, location and function deemed not to warrant Special Exception or Development Review in the judgment of the Director of Planning and Development.(Amended 12/1/97 R, 6/19/00 R)

Media Studio: A studio used for the purpose of radio, television or cable broadcasting, or the recording of sound or production of films or video material.

Medical Office: A type of "Professional Office" being the office of a member of a recognized medical profession maintained for the conduct of that profession. (Amended 6/19/00 R)

Mineral Extraction: Any operation which removes within any 12 month period more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or similar mineral from its natural location for sale or use off-site.

Minor Development: See Section 402 for floodplain management purposes, a minor development is all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less that 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in section 211.3.E.5, mining, dredging, filling, grading, paving, excavation,
drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers. (Amended 1/19/99R)

Mixed Use: Any combination of residential and non-residential uses on the same lot or in the same building or building complex.

Mobile Home: A structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning or electrical systems contained therein. For floodplain management purposes, the term mobile home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. (Amended 1/19/99 R)

Modular Housing: A structure which is a type of manufactured housing, transportable in one or more sections, which is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities and includes the plumbing, heating, air-conditioning or electrical systems contained therein.

Motor Vehicle Service/Repair: An establishment where automobiles or other motorized vehicles and equipment are repaired or serviced. Includes small engine repair.

Municipal Facility: Any Town owned or leased facility which is provided to meet a municipal need, including, but not limited to, public elementary, middle and secondary schools. Facilities of the Brunswick-Topsham Water District and the Brunswick Sewer District are considered to be municipal facilities.

National Geodetic Vertical Datum (NGVD): For floodplain management purposes, the NGVD is the national vertical datum, whose standards was established in 1929, which is used by the National Flood Insurance Program (NFIP). The NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)". (Amended 1/19/99 R)

Naturally Occurring Stands Dominated by Woody Vegetation: an area of forest, shrub land, heath barren, or regenerating timber harvest. This definition does not include artificially planted Christmas tree farms or pine plantations. (Amended 3/6/06 R)

Neighborhood Store: A store of not more than 2,000 square feet, located on a collector street, that primarily sells grocery items, that may sell take out food items and that does not incorporate, and is not accessory to, a gasoline service station. (Amended 7/5/05 R)

New Floodplain Construction: Structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures. (Amended 1/19/99 R)

Nonconforming Structure: A structure which does not meet one or more of the dimensional requirements of this ordinance but which was lawfully constructed before the adoption of the ordinance provisions which cause it to be non-complying.

Nonconforming Use: A lawful use of land, building or structure existing on the effective date of this ordinance which does not conform to the requirements of this ordinance.

Normal High-Water Line (non-tidal waters): That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or stream during the period of normal high-water are considered part of the river or stream. (Amended 1/19/99 R, 6/15/09 R)

Nursing Home: A residence for people who need 24-hour skilled nursing care and can no longer live independently. (Amended 9/4/01 R)

Outdoor Sales: An outdoor vendor operating from a portable facility located on a given site, involved with the dispensing of information or selling products including, but not limited to, prepared or unprepared food but not including flea markets, yard sales, garage sales, church events or other similar activities.

Outdoor Storage: The regular or extended storage of materials not inside a fully enclosed building. Recreational vehicles, boats and trucks shall be considered outdoor storage if placed within a required front, side or rear setback for a period longer than 60 days.

Parking Facility: A parking lot or garage which is used for the parking of vehicles of occupants, customers, patrons, employees or visitors of a building, structure or use located on a different parcel.

Passive Recreation: Includes walking, hiking and biking, and other similar activities. Passive Recreation specifically excludes motorized vehicles and equipment.

Permanent Clearing: For the purposes of the Rural Brunswick Smart Growth Overlay Districts, "permanent clearing" shall be defined as the removal of 40% or more of the volume of trees, or the creation of a cleared opening in the forest canopy that is greater than 250 square feet as measured from the outer limits of the tree crown, neither of which is allowed to naturally regenerate. (Amended 3/6/06 R)

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. (Amended 1/20/04 R)

Primary Road: Within the Town of Brunswick, Bath Road, Bunganuc Road from Casco Road to Freeport Line, Church Road, Durham Road, Maine Street, Mill Street, Old Bath Road, Pleasant Hill Road, Pleasant Street, River Road, Route 1, Route 24, and Route 123.

Principal Structure: A structure which houses the principal use of the lot.

Principal Use: The primary purpose for which land is used.

Private Road: An easement containing a road or driveway that serves as the principal access for more than one property.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Recreation Facility: A place designed and equipped for the conduct of sports and/or leisure time activities excluding campgrounds, regulation size miniature golf courses, water slides, outdoor amusement centers, spectator sports facilities, race tracks or other similar facilities.

Recreational Vehicle: For floodplain management purposes, a recreational vehicle is a vehicle which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection;
c. designed to be self-propelled or permanently towable by a motor vehicle; and
designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
(Amended 1/19/99 R)

Religious Institution: A building or site used for religious worship, religious retreat, or religious education.

Residence Hall: A facility owned by a post-secondary school to house its students.

Retail, Class I: A business whose principal use is the retail sale of consumer goods, having less than 5,000 square feet of gross floor area.

Retail, Class II: A business whose principal use is the retail sale of consumer goods, having 5,000 square feet or more of gross floor area.

Right of Way: The easement encompassing an existing or future public or private road.

River: A free-flowing body of water including its associated flood plain and wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth. (Amended 1/19/99 R)

Salt Marsh: Areas of coastal wetlands that support salt-tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed. (Amended 6/15/09 R)

Salt Meadow: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common three square occurs in fresher areas. (Amended 6/15/09 R)

Scale: Factors which determine the intensity of a use, including but not limited to the size of buildings, the number of employees, residents, or customers, and the size and number of vehicles servicing the use.

Screening: The use of landscaping, fencing or site design techniques to minimize the view of a structure or use from a public road, public place or adjacent property.

Secondary Road: Any road not listed as a primary road in the definition of this Ordinance.

Service Business, Class 1: A business under 2,000 square feet in floor area where the principal use is the providing of personal services, including but not limited to: barber shops, beauty salons, shoe repair shops, tailors, laundries.

Service Business, Class 2: A business 2,000 square feet in floor area or greater where the principal use is the provision of personal services, including but not limited to: barber shops, beauty salons, shoe repair shots, tailors, laundries.

Service Drop: Any utility line extension which does not cross or run beneath any portion of a water body.

Setback: The horizontal distance from a property line to a structure on a lot. (Amended 6/15/09 R)

Shoreland Area: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including

all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream. (Added 6/15/09 R)

Shoreline: the normal high-water line, or upland edge of a freshwater or coastal wetland. (Added 6/15/09 R)

Sign: An object, device or structure, or part thereof, situated outdoors or displayed in a window, free-standing or attached, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, by means of words, letters, figures, design, symbol, advertising flags, fixtures, colors, illuminations or projected images.

Sign Face: The portion of a sign that includes words, letters, figures, designs and background.

Small Wind Energy System (SWES): A wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for public resale. (Added 10/21/09 R)

Solid Waste: Unwanted or discarded material with insufficient liquid content to be free- flowing including, but not limited to, rubbish, garbage, scrap, junk, refuse, inert fill, and landscape refuse, excluding septic tank sludge and agricultural waste.

Start of Construction: a) For floodplain management purposes only, the date the flood hazard permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Amended 1/19/99 R)

b) For purposes other than floodplain management, start of construction shall include demolition, excavation, filling, grading, clearing of vegetation and construction of buildings or structures. Activities noted in section 404.3 are exempt from this definition. (Amended 6/19/00 R)

Stream: A channel between defined banks created by the action of surface water and has two (2) or more of the following characteristics.

A. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year under normal seasonal rainfall conditions.
B. The channel bed is primarily composed of mineral material such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.
C. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
D. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

This definition is based on physical characteristics that in case of development need to be field verified. The Town has attempted to map streams throughout the community to serve as an initial guide for land owners and developers. This information is available in the Town Planning and Codes Enforcement Offices, but should not be considered a substitute for field verification.

Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these wetlands are present, the normal high water line of the stream is measured from the upland / wetland transition of bordering wetlands subject to periodic

stream water flooding or saturation, or where changes in wetland vegetation, soil characteristics, or topography clearly demonstrate wetland hydrology not associated with associated with periodic flood flows.

Natural and artificial impoundments at the source and along the course of the stream are considered to be part of the stream. Stream does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale. (Amended 11/18/02 R)

Structure: An object built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with any other object constructed or erected with a fixed location on or in the ground. For floodplain management purposes, a structure also means a walled and roofed building or a gas or liquid storage tank that is principally above ground. This definition does not apply to customary lawn accessories such as fences, mailboxes, benches, and other such items as determined by the Codes Enforcement Officer. (Amended 1/19/99 R, 6/19/00 R)

Subdivision: The division of a tract or parcel of land as defined in Title 30-A M.R.S.A. Section 4401(4), as amended.

Substandard Lot of Record: A substandard lot of record is a lot of record that was lawfully established prior to the effective date of this ordinance (or any preceding ordinance) which does not conform to one or more of the minimum lot size or dimensional requirements.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. (Amended 1/19/99 R)

Subsurface Wastewater Disposal System, For Shoreland Area zoning purposes: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping or any other fixture, mechanism, or apparatus used for those purposes. It does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system. (Added 6/15/09 R)

Tidal Waters: All waters affected by tidal action during the maximum spring tide.(Amended 6/15/09 R)

Timber Harvesting: The cutting and removal of wood products from their growing site and the attendant operation of cutting and skidding machinery, but not for the construction or creation of roads or the clearing of land approved for construction.(Amended 1/19/99 R)

Transportation Facility: A structure or land used primarily as an arrival or departure point or as a storage or repair facility for busses, airplanes, limousines, taxis, trucks, and other modes of passenger or freight transportation other than private automobiles.

Units: The number of dwelling units, non-residential floor area converted to dwelling units or combination thereof.

Upland Edge of a Wetland: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed

where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller. (Amended 6/15/09 R)

Utility Facility: An installation used by a public utility to supply electric, gas, water, cable television, telephone, or other utility service. Included are such facilities as electric unit substations, power and communication transmission lines, pump stations, water towers, and telephone substations. Utility distribution facilities serving customers directly are considered customary accessory uses, not utility facilities. Excluded are communication towers.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level. (Amended 1/19/99 R)

Veterinary Office: A professional office for the practice of veterinary medicine and at which related services such as pet boarding and grooming may be offered.

Volume of a Structure: The cubic foot volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Warehousing and Storage: A use in which materials, goods, or equipment are stored for compensation or in connection with a business operation.

Water body: Any great pond, river or stream. (Added 6/15/09 R)
(Watercourse Section deleted 6/15/09 R)

Water crossing: Any project extending from one bank to the opposite bank of a river, stream or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance on these crossings. (Added 6/15/09 R)

Wetlands: Those areas of any size that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetland boundaries shall be delineated using the methods described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, an inter-agency cooperative publication of the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and the U.S.D.A. Soil Conservation Service, January, 1989.

Wetlands, Coastal: All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands my include portions of coastal sand dunes. (Amended 6/15/09 R)

Wetlands, Floodplain: The lands adjacent to a river, stream or brook which are inundated with flood water during a 100-year flood event and which under normal circumstances support a prevalence of wetland vegetation typically adapted for life in saturated soils.

Wetlands, Forested: A freshwater wetlands dominated by woody vegetation that is 6 meters tall (approximated twenty (20) feet) or taller. (Amended 6/15/09 R)

Wetlands, Freshwater: Fresh water swamps, marshes, bogs and similar areas other than forested wetlands which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river or stream, such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Woody Vegetation: Live trees or woody, non-herbaceous shrubs. (Added 6/15/09 R)

Yard: The area between a lot line and the principal structure.

Yard, Front: A yard extending the width of a lot from sideline to sideline, between the front lot line and the nearest part of the principal structure on the lot.

Yard, Rear: The portion of a yard that is located behind the principal structure. A corner lot has no rear yard.

Yard, Side: A yard extending along a sideline of a lot from the front yard to the rear yard between the sideline and the nearest part of a principal structure on the lot.

CHAPTER TWO: ZONING DISTRICTS AND OVERLAY ZONES

All zoning districts and overlay zones described in this Chapter and Appendices III (BNAS Reuse District), IV (BNAS Conservation District) and V (College Use/Town Conservation District) are hereby created. Such districts and zones refer to geographic areas identified on the Zoning Map of the Town of Brunswick. (Amended 7/20/09R)

I. ZONING DISTRICTS

The following rules shall be applied relative to zoning districts and use table requirements:

1. **Use Table.** All uses that are permitted as a matter of right are indicated with a "P" in the Use Table. Those uses that are indicated with an "X" are prohibited in that district. Any uses indicated with an "-" is an "Unclassified Use", meaning that it is neither prohibited nor permitted in the district. Any use not listed on the table or prohibited in Chapter 3 is considered to be an "Omitted Use", meaning that it is neither prohibited nor permitted. Any use with a "*" has special requirements which are described after the Dimensional and Density Tables.

2. **Special Permits for Unclassified and Omitted Uses.** Any use that is an Unclassified or Omitted Use and that is not otherwise prohibited in Chapter 3 is eligible for consideration based on the requirements of Section 701.

3. **Dimensional and Density Tables.** Any dimensional or density requirement indicated in Section 305 (Supplementary Dimensional Regulations and Administrative Exceptions) shall supersede the requirements found in these tables. Unless otherwise indicated buildings, structures and impervious surfaces (with the exception of driveways and access roads) shall be located outside of required setbacks. Density is addressed in Section 301.

4. **Specific Provisions for Uses.** Any applicable requirements of Section 306 (Supplementary Use Regulations) shall complement or supersede any use requirement found in this Chapter.

5. **Zoning District Abbreviations.** Zoning Districts are named based on their predominant characteristics:

CP1	Coastal Protection 1 (Mere Point Area) Amended 5/21/01)
CP2	Coastal Protection 2 (Raymond Road Area) (Amended 5/21/01)
CC	Cook’s Corner Center
CR	Country Residential
CU	College Use
FF	Farm and Forest
HC	Highway Commercial
I	Large Scale Business, Industrial and Institutional
MU	Mixed Use
R	Residential
TC	Town Center
TR	Intown Residential
CU/TC	College Use/Town Conservation (Amended 7/20/09R)
BRU	BNAS Reuse District (Amended 7/20/09R)
BCN	BNAS Conservation District (Amended 7/20/09R)

201 GROWTH DISTRICTS/TOWN CENTER DISTRICTS

District Name	Geographic Reference
TC1	Maine Street
TC2	Fort Andross
TC3	Lower Park Row

Table 201.1 USE TABLE

Use/District	TC1	TC2	TC3
Bank	P	P	-
Bed and Breakfast	P	P	P
Boarding House		-	- -
Business Office	P	P	P
Car Wash	X	X	X
Congregate/Assisted Living	-	-	- (Amended 9/4/01 R)
Convenience Store	P	P	X
Club or Lodge	-	P	-
College Dining Facility	X	X	X
College Office	P	P	P
Community Center	P	P	-
Contractor's Space	X	P	X
Drive-Through	*	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	X	P
Dwelling, 3 or More Units	P	P	P (Amended 9/19/05 R)
Gasoline Service Station	X	X	X
Golf Course	X	X	X
Greenhouse or Florist	P	P	P
Educational Facility	P	P	P
Farm	X	X	X
Hotel	P	P	P
Industry Class I	X	P	X
Industry Class II	X	P	X
Kennel	X	X	X
Library or Museum	P	P	P
Media Studio	P	P	P
Motor Vehicle Sales	X	X	X
Motor Vehicle Service/Repair	X	X	X
Parking Facility	P	P	X
Photographers/Artists Studio	P	P	P
Professional Office	P	P	P
Recreation Facility	P	P	X
Religious Institution	P	P	P
Residence Hall	-	X	X
Restaurant	P	P	P
Retail Class I	P	P	P
Retail Class II	P	P	P
Service Business Class I	P	P	-
Service Business Class II	P	P	X
Veterinary Office	X	P	X
Warehousing and Storage	*	P	X
Theater	P	P	-

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701; "" indicates special requirements found in Section 202.3.*
See Section 306, Supplementary Use Regulations

Table 201.2 DIMENSIONAL AND DENSITY TABLE

***standard*/District**	**TC1**	**TC2**	**TC3**
Minimum Lot Area	n/a	n/a	10,000 s.f.
Maximum Density	n/a	n/a	7 units per acre
Minimum Lot Width	n/a	n/a	65 ft
Minimum Front Yard	n/a	n/a	15 ft
Minimum Rear Yard	n/a	n/a	15 ft
Minimum Side Yard	n/a	n/a	15 ft
Maximum Impervious Surface Coverage	100%	90%	45%
Maximum Building Height	40 ft	60 ft	35 ft
Maximum Building Footprint Per Structure	30,000 sf	n/a	4,500 s.f.

201.3 Additional Zone Specific Requirements

The following relate to uses delineated with an asterisk (*) in the use table.

A. Drive-Through Windows in the TC1 District. Drive-Through Windows shall be allowed only for Banks in the TC1 District. (Amended 5/20/02 R)

B. Warehouses in the TC1 District. Warehouses are permitted as-of-right only as an accessory use to a permitted use. They are neither permitted or prohibited when proposed for a pre-existing structure. They are prohibited as a primary use in any new structure.

See Section 305, Supplementary Dimensional Regulations and Administrative Exceptions

202 GROWTH DISTRICTS/INTOWN RESIDENTIAL NEIGHBORHOODS

District Name	Geographic Reference
TR1	Inner Pleasant Street Neighborhood
TR2	Federal Street Neighborhood
TR3	Water Street Neighborhood
TR4	Jordan Acres Neighborhood
TR5	Columbia Avenue-Spring Street Neighborhood

Table 202.1 USE TABLE

Use/District	TR1	TR2	TR3	TR4	TR5
Bank	-	X	X	X	X
Bed and Breakfast	P	-	-	-	-
Boarding House	-	X	-	-	-
Business Office	-	X	-	-	X
Car Wash	X	X	X	X	X
Congregate/Assisted Living	-	X	-	-	- (Amended 9/4/01 R)
Convenience Store	P	X	X	X	X
Club or Lodge	-	X	-	-	-
College Dining Facility	X	X	X	X	X
College Office	-	X	X	-	* (Am.12/7/98R)
Community Center	-	X	-	-	-
Contractor's Space	X	X	-	X	X
Drive-Through	X	X	X	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	P	P	P	P
Dwelling, 3 or More Units	P	P	P	P	P (Amended 9/19/05 R)
Gasoline Sales	X	X	X	X	X
Golf Course	X	X	X	X	X
Greenhouse or Florist	P	-	X	X	X
Educational Facility	-	X	P	P	P
Farm	X	X	X	X	X
Hotel	-	X	X	X	X
Industry Class I	X	X	X	X	X
Industry Class II	X	X	X	X	X
Kennel	X	X	X	X	X
Library or Museum	P	X	P	X	-
Media Studio	X	X	X	X	X
Motor Vehicle Sales	X	X	X	X	X
Motor Vehicle Service/Repair	X	X	X	X	X
Parking Facility	-	X	-	X	-
Photographer's/Artists Studio	-	-	-	X	-
Professional Office	-	X	-	X	-
Recreation Facility	-	X	-	X	X
Religious Institution	P	-	P	P	P
Residence Hall	X	X	X	X	*(Am.12/7/98R)
Restaurant	-	X	-	X	X
Retail Class I	-	X	X	X	X
Retail Class II	X	X	X	X	X
Service Business Class I	-	X	-	X	X
Service Business Class II	-	X	X	X	X
Veterinary Office	X	X	X	X	X
Warehousing and Storage	*	X	X	X	X
Theater	-	X	-	X	X

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701; "" indicates special requirements found on the following page. See Section 306, Supplementary Use Regulations*

Table 202.2 DIMENSIONAL AND DENSITY TABLE

***Standard*/District**	**TR1**	**TR2**	**TR3, TR4 & TR5**
Minimum Lot Area	7,500 s.f.	10,000 s.f.	10,000 s.f.
Maximum Density	10 units peracre	4 units per acre	5 units per acre
Minimum Lot Width	65 ft	65 ft	65 ft
Minimum Front Yard	15 ft	20 ft	20 ft
Minimum Rear Yard	15 ft	20 ft	20 ft
Minimum Side Yard	15 ft	15 ft	15 ft
Maximum Impervious Surface Coverage	50%	35%	35%
Maximum Building Height	35 ft	35 ft	35 ft
Maximum Building Footprint Per Structure	7,500 s.f.	5,000 s.f.	5,000 s.f.

202.3 Additional Zone Specific Requirements. The following relate to uses delineated with an asterisk (*) in the use table.

202.3.A. Warehouses in TR1 District. Warehouses are permitted as-of-right only as an accessory use to a permitted use, pursuant to Section 306.2. They are neither permitted or prohibited when proposed for a pre-existing structure. They are prohibited as a primary use in any new structure.

202.3.B. College Offices and Residence Halls in TR-5 District. College Office and Residence Hall uses are permitted as-of-right on properties currently or formerly owned and operated as college fraternity houses. The conversion of a former fraternity house to College Office or Residence Hall use shall require a Change of Use permit in accordance with Section 702 and, in addition, written acceptance by the Director of Planning and Development of plans, drawings, photographs and other information deemed necessary by the Director in order to establish the existing features of the exterior of the building and of the site as well as the interior layout and bed capacity at the time of conversion. Subsequent to the issuance of a Change of Use Permit, the accepted site information noted above shall be deemed to constitute an approved site plan which may be revised only in accordance with Section 407.7 (Revisions to Approved Plans) and Section 403.3.B (Minor Modifications) of the Ordinance. (Amended 12/7/98 R)

203 GROWTH DISTRICTS/EXTENDED NEIGHBORHOODS

District Name and Geographic Reference

R1	**Longfellow Neighborhood**	**R5**	**River Road Neighborhood**
R2	**Meadowbrook-Parkview Neighborhoods**	**R6**	**Cooks Corner Neighborhood**
R3	**Maquoit Road Neighborhood**	**R7**	**McClellan-Garrison Neighborhoods**
R4	**Merridith Drive-West McKeen Street Neighborhoods**	**R8**	**College Park Neighborhood**

Table 203.1 USE TABLE

Use/District	R1	R2	R3	R4	R5	R6	R7	R8	
Bank	X	X	X	X	X	X	X	X	
Bed and Breakfast	X	X	P	P	P	P	P	X	
Boarding House	X	X	-	-	-	-	P	X	
Business Office	X	X	X	-	X	X	X	X	
Car Wash	X	X	X	X	X	X	X	X	
Congregate/Assisted Living	X	X	-	-	-	-	-	X	Amended 9/4/01R
Convenience Store	X	X	X	X	X	X	X	X	
Club or Lodge	X	X	-	-	-	-	X	X	
College Dining Facility	X	X	X	X	X	X	X	X	
College Office	X	X	X	-	X	X	-	X	
Community Center	X	X	-	-	P	P	-	X	
Contractor's Space	X	X	X	X	X	X	X	X	
Drive-Through	X	X	X	X	X	X	X	X	Amended 05/20/02R
Dwelling,Single&Two Fam.	P	P	P	P	P	P	P	P	
Dwelling, 3 or More Units	X	X	P	P	P	P	P	X	
Gasoline Sales	X	X	X	X	X	X	X	X	
Golf Course	X	X	-	X	-	X	X	X	
Greenhouse or Florist	X	-	P	P	P	P	P	X	
Educational Facility	X	X	-	-	-	P	P	X	
Farm	X	X	P	X	P	X	X	X	
Hotel	X	X	X	-	X	X	X	X	
Industry Class I	X	X	X	X	X	X	X	X	
Industry Class II	X	X	X	X	X	X	X	X	
Kennel	X	X	-	X	X	X	X	X	
Library or Museum	X	X	-	-	P	P	-	X	
Media Studio	X	X	-	X	X	X	X	X	
Motor Vehicle Sales	X	X	X	X	X	X	X	X	
Motor Vehicle Service/Repair	X	X	X	X	X	X	X	X	Amended 9/3/02 R
Parking Facility	X	X	X	-	X	X	X	X	
Photographers/Artists Studio	X	X	-	-	-	X	-	X	
Professional Office	X	X	-	-	X	X	-	X	
Recreation Facility	X	X	-	-	-	-	-	X	
Religious Institution	X	X	-	-	P	P	-	X	
Residence Hall	X	X	X	X	X	X	X	X	
Restaurant	X	X	X	X	X	X	X	X	
Retail Class I	X	X	X	X	X	X	X	X	
Retail Class II	X	X	X	X	X	X	X	X	
Service Business Class I	X	X	-	-	X	X	-	X	
Service Business Class II	X	X	X	X	X	X	X	X	
Veterinary Office	X	X	-	-	-	X	-	X	
Warehousing and Storage	X	X	X	X	-	X	X	X	
Theater	X	X	-	X	X	X	-	X	

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701.

203.2 DIMENSIONAL AND DENSITY TABLE

***Standard*/District**	**R-1 & R-8**	**R-2**	**R-3 & R-4**	**R-5**	**R-6**	**R-7**
Minimum Lot Area	10,000 sf	15,000 sf	15,000 sf	15,000 sf	12,000 sf	10,000 sf
Maximum Density using Public Sewer	3 units per acre	5 units per acre	5 units per acre	5 units per acre	8 units per acre	7 units per acre
Maximum Density using Subsurface Wastewater Disposal Systems	3 units per acre	1 unit per 30,000 sq.ft.	1 unit per 30,000 sq.ft.	5 units per acre	8 units per acre	7 units per acre
Minimum Lot Width	65 ft	100 ft	100 ft	100 ft	100 ft	65 ft
Minimum Front Yard	15 ft	20 ft	20 ft	20 ft	20 ft	15 ft
Minimum Rear Yard	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
Minimum Side Yard	15 ft	15 ft	15 ft	15 ft	10 ft	15 ft
Maximum Impervious Surface Coverage	30%	35%	35%	35%	45%	30%
Maximum Building Height	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Maximum Building Footprint Per Structure	5,000 sf*	5,000 sf*	5,000 s.f.*	5,000 s.f.*	5,000 s.f.*	5,000 s.f.*

(Amended 5/21/01)

See Section 305, Supplementary Dimensional Regulations and Administrative Exceptions

203.3 Additional Requirements

203.3.A Boarding Care Facilities in the R4 District. The Planning Board may, subject to the Special Permit Standards of Section 701, allow a Boarding Care Facility to exceed the 5,000 square foot maximum footprint per structure standards provided that no building footprint exceeds 30,000 square feet. (Amended 1/19/99 R)

203.3.B Maximum Building Footprints for Dwelling, 3 or More Units: Where permitted, structures of 3 or more dwelling units shall not exceed 10,000 square feet in building footprint. (Amended 9/17/12 R)

204 COLLEGE USE DISTRICTS

District Name	Geographic Reference		
CU1	Campus Center	CU5	Brunswick Apartments
CU2	Pickard Field	CU6	Cleaveland St.-Bath RD. (Amended 5/21/01R)
CU3	College Street	CU7	Longfellow (Amended 10/3/11 R)
CU4	Bowdoin Pines		

Table 204.1 USE TABLE

Use/District	CU1	CU2	CU3	CU4	CU5	CU6	CU7
Bank	X	X	X	X	X	X	X
Bed and Breakfast	-	-	-	-	X	-	-
Boarding House	X	X	P	X	X	X	X
Business Office	X	X	X	X	X	X	X
Car Wash	X	X	X	X	X	X	X
Congregate/Assisted Living	X	X	X	X	X	X (1)	X
Convenience Store	X	X	X	X	X	X	X
Club or Lodge	X	X	X	X	X	X	X
College Dining Facility	P	-	P	X	X	X	*
College Office	P	P	P	P	*	P	P
Community Center	P	-	P	P	X	X	X
Contractor's Space	X	X	X	-	X	X	X
Drive-Through	X	X	X	X	X	X (3)	X
Dwelling, Single and Two Family	P	P	P	P	P	P	P
Dwelling, 3 or More Units	P	-	P	P	P	P	P
Gasoline Service Station	X	X	X	X	X	X	X
Golf Course	X	X	X	X	X	X	X
Greenhouse or Florist	P	-	-	P	X	X	P
Educational Facility	P	P	P	P	X	P	P
Farm	X	X	X	P	X	X	X
Hotel	X	X	X	*	X	X (2)	X
Industry Class I	X	X	X	X	X	X	X
Industry Class II	X	X	X	X	X	X	X
Junkyards	X	X	X	X	X	X	X
Kennel	X	X	X	X	X	X	X
Library or Museum	P	P	P	P	X	P	P
Media Studio	P	P	P	P	X	P	P
Motor Vehicle Sales	X	X	X	X	X	X	X
Motor Vehicle Service/Repair	X	X	X	X	X	X	X
Parking Facility	P	P	P	P	X	-	X
Photographers/Artists Studio	P	P	P	P	X	X	P
Professional Office	P	X	P	X	X	X	P
Recreation Facility	P	P	P	X	X	X	P
Religious Institution	P	-	P	P	P	P	P
Residence Hall	P	-	P	*	*	X (2)	X
Restaurant	P	X	-	*	X	X (2)	X
Retail Class I	X	X	X	X	X	X	X
Retail Class II	X	X	X	X	X	X	X
Service Business Class I	X	X	X	X	X	X	X
Service Business Class II	X	X	X	X	X	X	X
Veterinary Office	X	X	X	X	X	X	X
Warehousing and Storage	X	X	X	X	X	X	X
Theater	P	-	P	P	X	P	P

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701;""= Special requirements for the indicated permitted use are found under Section 204.3. See Section 306, Supplementary Use Regulations*

(1) Amended 9/4/01 R; **(2)** Amended 10/15/01 R; **(3)** Amended 5/20/02 R

204.2 DIMENSIONAL AND DENSITY TABLE

***standard*/District**	**CU1**	**CU2**	**CU3**	**CU4**	**CU5**	**CU6 (Amended 5/21/01 R)**	**CU7 (Amended 10/3/11 R)**
Minimum Lot Area	10,000 sf	10,000 sf	10,000 sf	10,000 sf	20,000 sf	10,000 sf	10,000 sf
Maximum Density	12 units per acre	10 units per acre	10 units per acre	5 units per acre	24 units per acre	8 units per acre	10 units per acre
Minimum Lot Width	65 ft	65 ft	65 ft	65 ft	65 ft	65 ft.	65 ft
Minimum Front Yard	15 ft	15 ft *	15 ft	15 ft	*	20 ft.	15 ft
Minimum Rear Yard	15 ft	15 ft*	15 ft	20 ft	*	20 ft.	15 ft
Minimum Side Yard	15 ft	15 ft*	15 ft	15 ft	*	15 ft.	15 ft
Maximum Impervious Surface Coverage	60%	50%	50%	30%	40%	35 %	50%
Maximum Building Height within 200 feet of District Boundary, as permitted in Section 204.3	70 ft	35 ft	45 ft	35 ft	35 ft	35 ft.	40 ft *
Maximum Building Height 200 feet from District Boundary	70 ft	55 ft	Same as above	35 ft	35 ft	Same as above	n/a
Maximum Building Footprint Per Structure	n/a	n/a	10,000 s.f.	5,000 s.f.*	8,500 s.f.*	5,000 s.f.*	20,000 s.f.

An asterisk (*) indicates additional requirements found in Section 204.3

See Section 305, Supplementary Dimensional Regulations and Administrative Exceptions

204.3 Additional Requirements

A) **Minimum Setback Requirements in the CU2 District.** There are additional setback requirements in the CU2 Zone based upon distances from specific zoning district boundaries as depicted on the map on this page. No new structure (including parking facility) may be constructed within 125 feet from Boundaries A and B, 80 feet from Boundary C, and 50 feet from Boundary D. See *Illustration 204.2A* below.

B) **Tree Cutting in the CU2 District.** Tree cutting, with the exception of clearing of dead trees and removal of overgrowth, is prohibited within 125 feet of Boundaries A and B depicted on the map on this page.

C) **Additional Development Review Requirements in the CU2 and CU5 Districts.** Applications for Development Review in the CU2 and CU5 districts shall not result in the construction of new roadways or driveways for motor vehicles which connect to Meadowbrook Road, Whittier Street, Breckan Rd, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the CU5 or CU2 Districts shall be accessed through any of these streets.

D) **Setback Requirements in the CU5 District.** Minimum Setbacks from Park Row and Longfellow Avenue are 15 feet. All other minimum setbacks shall be 25 feet.

E) **College Offices in the CU5 District.** College Offices may be allowed as a Special Permit, pursuant to Section 701, in the CU5 District. The aggregate density of all college office uses located anywhere in the CU-5 District shall not exceed 20 percent of the total possible maximum density for all of the land in the district, calculated in accordance with Section 301 and 301.1.

F) **Residence Halls in the CU5 District.** Any residence hall in the CU5 District shall be configured with individual kitchens, bathrooms and living rooms. For the purposes of calculating density, each individual apartment shall constitute one dwelling unit.

G) **Height Restrictions in the CU3 District**. Height may be increased by an additional 5 feet for every 10 additional feet of setback from any non-college owned residential property line, up to a maximum of 55 feet.

H) **Hotels, Residence Halls and Restaurants in the CU-4 District**. Hotels, residence halls and restaurants are permitted in the CU-4 District on properties in use as a hotel, boarding house or restaurant as of the date of the amendment of this ordinance. (Amended 10/15/01R)

I) **Height Restrictions in the CU7 District**. Maximum building height may not exceed 35 feet within a 25 foot setback of the Longfellow Avenue right-of-way.

J) **College Dining Facilities in the CU7 District.** College Dining Facilities are permitted only as an accessory use in the CU7 District.

K) **Maximum Building Footprints for Dwelling, 3 or More Units:** Where permitted, structures of 3 or more dwelling units shall not exceed 10,000 square feet in building footprint. (Amended 9/17/12 R)

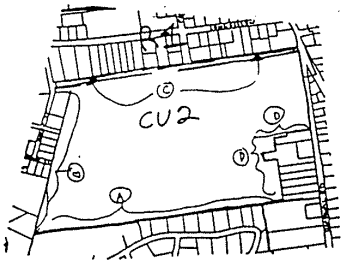


Illustration 204.2A

205 GROWTH DISTRICTS/COMMERCIAL DISTRICTS

District Name	Geographic Reference
CC	Cook's Corner Center
HC1	Outer Pleasant Street
HC2	Inner Bath Road

Table 205.1 USE TABLE

Use/District	CC	HC1	HC2	
Bank	P	P	P	
Bed and Breakfast	P	P	P	(Amended 5/20/02 R)
Boarding House	-	-	-	
Business Office	P	P	P	
Car Wash	-	P	P	(Amended 5/20/02 R)
Congregate/Assisted Living	-	-	-	(Amended 9/4/01 R)
Convenience Store	-	P	P	(Amended 7/5/05 R)
Club or Lodge	-	-	-	
Community Center	P	-	P	
Contractor's Space	X	-	X	
Drive Through	P	P	P	(Amended 5/20/02 R)
Dwelling, Single and Two Family	P	P	P	(Amended 5/20/02 R)
Dwelling, More Than Three Units	P	P	P	
Dwelling as Part of a Mixed Use Building or Project	P	-	-	(Amended 5/20/02 R)
Gasoline Service Station	-	P	P	(Amended 5/20/02 R)
Golf Course	-	X	X	
Greenhouse or Florist	P	P	P	
Educational Facility	P	P	P	
Farm	X	X	X	
Hotel	P	P	P	
Industry Class I	-	-	X	
Industry Class II	-	X	X	
Kennel	X	-	-	
Library or Museum	P	-	P	(Amended 5/20/02 R)
Media Studio	P	P	P	
Motor Vehicle Sales	P	P	P	(Amended 5/20/02 R)
Motor Vehicle Repair/Service	-	P	P	
Parking Facility	P	P	-	
Photographers/Artists Studio	P	P	P	
Professional Office	P	P	P	
Recreation Facility	P	P	P	
Religious Institution	P	-	-	(Amended 5/20/02 R)
Restaurant	P	P	P	
Retail Class I	P	P	P	
Retail Class II	P	P	P	
Service Business Class I	P	P	P	
Service Business Class II	P	P	P	
Veterinary Office	P	P	P	
Warehousing and Storage	-	-	-	
Theater	P	P	P	

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701.

See Section 306, Supplementary Use Regulations

205.2 DIMENSIONAL AND DENSITY TABLE

***standard*/District**	**CC**	**HC1, HC2**
Minimum Lot Area	15,000 s.f.	20,000 s.f.
Maximum Density	15 units per acre	5 units per acre
Minimum Lot Width	60 ft, Only if compatible with Section 513	100', Only if compatible with Section 513
Minimum Front Yard	None, but the maximum front yard shall be 25 ft on Thomas Point Road and all public and private connector roads or a maximum of 100 ft on Bath Road, Gurnet Road and proposed Perimeter Road, unless waived in accordance with the Cook's Corner Design Standards. See also the design standards for additional information and waivers. (Amended 5/20/02 R)	15 ft
Minimum Rear Yard	15 ft	15 ft
Minimum Side Yard	None (Amended 5/20/02 R)	20 ft
Maximum Impervious Surface Coverage	80%	70%
Maximum Building Height	40 ft	45 ft
Maximum Building Footprint Per Structure	50,000 s.f., unless the project meets the provision of Note 1 below. (Amended 5/20/02 R)	20,000 sf

See Section 305, Supplementary Dimensional Regulations and Administrative Exceptions

Note 1: 50,000 sf unless the building or structure meets one of the following conditions in which case the building footprint per structure shall not exceed a maximum of two hundred fifty thousand (250,000) square feet:

1) the building or structure will be occupied entirely by Professional Office, Business Office, Industry Class I, and/or Industry Class II uses, OR

2) the principal use of the building is as a Hotel, OR

3) the building will be occupied by multiple Retail Class I and/or Retail Class II uses and no individual occupant will occupy an area with a footprint of more than 50,000 square feet, OR

4) the building will be occupied by a mix of retail and non-retail uses and no individual retail occupant will occupy an area with a footprint of more than 50,000 square feet, OR

5) the building will be occupied by a mix of retail and non-retail uses with one or more Retail Class II occupants that will occupy an area with a footprint of more than 50,000 square feet and non-retail uses will occupy at least thirty percent (30%) of the gross leasable area of the building or residential uses will occupy at least fifteen percent (15%) of the gross leasable area of the building, OR

6) the building will be occupied by a Retail Class II occupant that occupies an area with a footprint of more than 50,000 square feet and the building is part of a mixed use development approved by the Planning Board as a common development plan in which at least thirty (30%) of the gross leasable area of the total development will be occupied by non-retail uses or at least fifteen percent (15%) of the gross leasable area of the total development will be occupied by residential uses. In this situation, at least fifty percent (50%) of the non-retail or residential space shall be constructed prior to or concurrently with the retail space or enforceable arrangements satisfactory to the Town Manager shall be in place to assure the completion of the construction of the non-retail or residential space within two (2) years of the occupancy of the retail space, OR

7) the building will be occupied by a Retail Class II occupant that occupies an area with a footprint of more than 50,000 square feet and the project will include specific community improvements in keeping with the 1998 Cook's Corner Master Plan such as community facilities, enhanced public space, environmental improvements, and/or public artwork with a minimum value of 1% of the total construction budget. This requirement may be satisfied, through approval by the Planning Board, by providing:

a) Community improvements on the project site; or
b) Community improvements elsewhere in Cooks Corner; or
c) A cash payment of 1 percent of the total construction budget to the Town for planning and/or creation of community improvements in the Cooks Corner area.

(Amended 5/20/02 R, 4/19/05 R)

205.3 ADDITIONAL ZONE SPECIFIC REQUIREMENTS

A) All new, enlarged, or redeveloped buildings and structures in the CC District that are subject to Chapter 4, Development Review, shall conform to the following additional requirements:

1) Conformance with Design Standards – All new development shall be carried out in a manner that is consistent with the Cook's Corner Design Standards, dated May 20, 2003. For projects involving the enlargement or modification of an existing building, including site improvements, all new construction shall conform to the Design Standards. In addition, the reviewing entity shall determine the applicability of the Design Standards to the existing building and site improvements based upon Section 407.7.C of this ordinance.

2) Waiver of the Design Standards – The reviewing entity may waive the requirement to conform to some or all of the design standards in the following situations:

a). The reviewing entity may waive any of the requirements set forth in the Design Standards if it finds that: a) the strict application of the standard will result in physical or economic burdens to applicant's project, but does not sacrifice significant benefits intended by the Design Standards being waived; or b) the project is part of a common development plan meeting the requirements of Section 413.

b). The reviewing entity may waive the specific provisions of the Design Standards relating to the "Relationship of Building to Street" if it finds that the lot is located on a boulevard and the building relates to public and private streets or a common green in a manner consistent with the Design Standards.

c). The reviewing authority may permit one single loaded row of parking to be located between a principal building and any public or private street that abuts the lot if it finds: a) that there is no feasible alternative to parking in front of the building, b) that a landscaped buffer strip at least fifteen (15) feet in width will be created between the parking or access drive and the front lot line, c) that the parking does not conflict with pedestrian movement, and d) that the parking area is designed and landscaped in accordance with the Design Standards.

Requests for waivers shall be made in writing to the Planning Director and shall be considered by the reviewing entity in conjunction with the development review."
(Amended 5/20/02 R)

B) **Expansions in excess of Maximum Footprint Limit in the HC1 District**. The footprint of a conforming or legally non-conforming building in the HC1 District may, with a Special Permit, be expanded beyond the maximum footprint limit provided that 1) the total area of the expanded footprint shall not exceed 150% of the building footprint as of 5/7/97 and, 2) that all other applicable dimensional requirements are met and/or no new non-conformity is created. (Amended 9/3/02 R)

206 GROWTH DISTRICTS/MIXED USE

District Name	Geographic Reference
MU2	Intown Railroad Corridor
MU3	Upper Harpswell Road
MU4	Fox Run
MU6	Lower Harpswell Road

Note: MU Districts located in Rural Areas (MU1 & MU5) are found in Section 208

Table 206.1 USE TABLE

Use/District	MU2	MU3	MU4	MU6
Bank	P	-	-	-
Bed and Breakfast	P	P	P	P
Boarding House	P	P	P	P
Business Office	P	P	P	P
Car Wash	X	X	X	X
Congregate/Assisted Living	P	P	-	- (Amended 9/4/01 R)
Convenience Store	-	P	P	P (Amended 7/5/05 R)
Club or Lodge	P	-	-	-
College Dining Facility	X	X	X	X
Community Center	P	P	-	-
Contractor's Space	-	X	-	-
Drive-Through	P	X	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	P	P	P
Dwelling, 3 or More Units	P	P	P	P
Gasoline Sales	-	X	X	X
Golf Course	X	X	X	X
Greenhouse or Florist	P	P	-	-
Educational Facility	P	X	-	-
Farm	X	X	P	X
Hotel	P	-	-	-
Industry Class I	P	X	-	-
Industry Class II	-	X	X	-
Kennel	-	X	X	X
Library or Museum	P	-	-	-
Media Studio	P	-	-	-
Motor Vehicle Sales	P	X	X	X
Motor Vehicle Repair/Service	P	X	X	X
Parking Facility	P	P	-	- (Amended 6/6/11 R)
Photographers/Artists Studio	P	P	-	-
Professional Office	P	P	P	P
Recreation Facility	P	-	P	P
Religious Institution	P	P	P	-
Residence Hall	X	P	X	X (Amended 4/1/13 R)
Restaurant	P	P	-	-
Retail Class I	P	X	P	-
Retail Class II	P	X	-	-
Service Business Class I	P	-	-	-
Service Business Class II	P	-	-	-
Veterinary Office	P	-	-	-
Warehousing and Storage	P	X	-	-
Theater	P	-	-	-

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701.
See Section 306. Supplementary Use Regulations

206.2 DIMENSIONAL AND DENSITY TABLE

***standard*/District**	**MU2**	**MU3**	**MU4**	**MU6**
Minimum Lot Area	10,000 sf	10,000 s.f.	40,000 s.f.	20,000 s.f.
Maximum Residential Density	4.5 units per acre	7 units per acre	10 units per acre	10 units per acre
Minimum Lot Width	60 ft	65 ft	200 ft	200 ft
Minimum Front Yard	20 ft	15 ft	30 ft	20 ft
Minimum Rear Yard	20 ft	20 ft	30 ft	50 ft
Minimum Side Yard	15 ft	15 ft	15 ft	15 ft
Maximum Impervious Surface Coverage	75%	45%	50%	50%
Maximum Building Height	40 ft	35 ft	60 ft	35 ft
Maximum Building Footprint Per Structure	20,000 sf	5,000 sf*	n/a	5,000 sf*

See Section 305, Supplementary Dimensional Regulations and Administrative Exceptions

206.3.A Maximum Building Footprints for Dwelling, 3 or More Units Located in MU3 and MU6 Districts: Where permitted, structures of 3 or more dwelling units shall not exceed 10,000 square feet in building footprint. (Amended 9/17/12 R)

207 GROWTH DISTRICTS/LARGE SCALE BUSINESS & INSTITUTIONAL

District Name	Geographic Reference
I1	Industry Road Industrial Park
I2	Church Road Industrial Park
I3	E. Bath Road-Harding Plant Area
I4	Exit 28 (Amended 9/2/09R)

Table 207.1 USE TABLE

Use/District	I1	I2	I3	I4
Bank	X	X	-	P
Bed and Breakfast	X	X	P	X
Boarding House	X	X	X	X
Business Office	X	P	P	P
Car Wash	X	X	X	X
Congregate/Assisted Living	X	X	-	X (Amended 9/4/01 R)
Convenience Store	X	X	-	- (Amended 7/5/05 R)
Club or Lodge	X	X	-	X
Community Center	X	X	-	X
Contractor's Space	X	P	P	P
Drive-Through	X	X	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	X	X	P
Dwelling, 3 or More Units	P	X	X	P
Gasoline Sales	X	X	-	-
Golf Course	X	X	X	X
Greenhouse or Florist	X	X	P	P
Educational Facility	P	P	P	P (Amended 1/29/07 E)
Farm	X	X	X	X
Hotel	X	X	P	P (Amended 1/20/04 R)
Industry Class I	P	P	P	P
Industry Class II	P	P	P	P
Kennel	X	X	-	X
Library or Museum	X	X	-	-
Media Studio	X	P	P	P
Motor Vehicle Sales	X	X	-	X
Motor Vehicle Repair/Service	X	X	P	X
Parking Facility	X	P	P	P
Photographers/Artists Studio	X	P	P	P
Professional Office	X	P	P	P
Recreation Facility	X	X	P	P
Religious Institution	X	X	P	X
Restaurant	X	X	-	P
Retail Class I	X	X	P	P
Retail Class II	X	X	-	-
Service Business Class I	X	P	P	P
Service Business Class II	X	P	P	P
Small Scale Wireless Communication Towers	-	-	-	- (Amended 9/2/09 R)
Veterinary Office	X	X	P	P
Warehousing and Storage	P	P	P	P (Amended 3/19/12 R)
Theater	X	X	P	P

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701;""indicates special requirements found on following page.*
See Section 306, Supplementary Use Regulations

207.2 DIMENSIONAL AND DENSITY TABLE

***standard*/District**	**I1**	**I2 & I3**	**I4**
Minimum Lot Area	80,000 s.f	20,000 s.f.	20,000 s.f.
Maximum Density	12 units per acre	12 units per acre	12 units per acre
Minimum Lot Width	200'	100 ft	100 ft
Minimum Front Yard	50'	20 ft	20 ft
Minimum Rear Yard	50'	20 ft	20 ft
Minimum Side Yard	50'	15 ft	15 ft
Maximum Impervious Surface Coverage	80%	80%	60%
Maximum Building Height	40'	60 ft	50 ft
Maximum Building Footprint Per Structure	n/a	n/a	30,000 s.f. for uses where primary use is retail; n/a for all other uses.

See Section 305, Supplementary Dimensional Regulations and Administrative Exceptions

207.3 Additional Zone Specific Requirements

A. **I1 Setback**. Where a lot in the I1 District abuts a lot in the TR2 District, all structures in the I1 District shall be set back 100 feet from the lot line abutting the TR2 District.

B. The minimum lot area for the placement of small scale wireless communication towers may be reduced to no less than 10,000 square feet. (Amended 9/2/09R)

208 RURAL DISTRICTS

District Name	Geographic Reference – (Amended 5/21/01)
FF1	Durham - Hacker Road Area
FF3	New Meadows River Area
CR1	Northwest Brunswick
CR2	Old Bath Road Area
MU1	Lower Old Bath Road Area
MU5	Portland Road Area

Table 208.1 USE TABLE

Use/District	FF1	FF3	CR1	CR2	MU1	MU5
Bank	X	X	X	X	-	-
Bed and Breakfast	P	P	P	P	P	P
Boarding House	-	-	-	-	P	-
Business Office	-	P	-	-	P	P
Car Wash	X	X	X	X	X	P
Congregate/Assisted Living	-	-	-	-	-	- (Amended 9/4/01 R)
Convenience Store	X	X	X	X	X	X (Amended 7/5/05 R)
Club or Lodge	-	-	-	X	P	P
Community Center	-	-	-	-	P	P
Contractor's Space	-	-	-	-	-	P
Drive-Through	X	X	X	X	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	P	P	P	P	P
Dwelling, 3 or More Units	P	P	P	P	P	P
Gasoline Sales	X	X	X	X	X	X
Golf Course	-	-	-	-	X	-
Greenhouse or Florist	P	P	P	P	P	P
Educational Facility	P	P	P	P	P	P
Farm	P	P	P	P	P	P
Hotel	X	X	X	X	-	-
Industry Class I	X	X	X	X	-	P
Industry Class II	X	X	X	X	-	-
Kennel	-	-	-	-	-	P
Library or Museum	P	-	-	P	P	P
Media Studio	-	X	X	X	-	P
Motor Vehicle Sales	X	X	X	X	X	X
Motor Vehicle Service/Repair	X	X	X	X	-	-
Parking Facility	X	-	X	X	X	-
Photographers/Artists Studio	P	P	P	P	P	P
Professional Office	-	P	X	X	P	P
Recreation Facility	-	-	X	X	P	P
Religious Institution	-	-	-	-	P	P
Restaurant	-	X	X	X	-	P
Retail Class I	X	X	X	P	P	P
Retail Class II	X	X	X	X	X	X
Service Business Class I	P	-	-	X	P	P
Service Business Class II	-	-	-	X	P	P
Veterinary Office	P	P	P	P	P	P
Warehousing and Storage	-	X	X	X	-	P (Amended 3/19/12 R)
Theater	-	X	-	X	-	X

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701.
See Section 306, Supplementary Use Regulations

208.2 DIMENSIONAL AND DENSITY TABLE - (Amended 5/21/01)

***standard*/District**	**FF1, FF3, MU5**	**CR1, CR2, MU1**
Minimum Lot Area	2 acres	1.5 acres
Maximum Density	1 unit per 2 acres	1 unit per 1.5 acre
Minimum Lot Width	150 feet	150 feet
Minimum Front Yard	25 ft	25 ft
Minimum Rear Yard	30 ft	30 ft
Minimum Side Yard	30 ft	30 ft
Maximum Impervious Surface Coverage	25%	20%
Maximum Building Height	40 ft	40 ft
Maximum Building Footprint Per Structure	10,000 s.f	10,000 s.f.

See Section 305, Supplementary Dimensional Regulations and Administrative Exceptions

209 COASTAL PROTECTION ZONE (CPZ)

District Name	Geographic Reference
CP-1	Coastal Protection 1 (Merepoint Area)
CP-2	Coastal Protection 2 (Raymond Road Area)

Purpose

The purpose of the CPZ is to protect coastal embayments from the potential impact of nutrient loading and other non-point source pollution as well as protect the economic resources of these embayments and their watersheds (see also section 104).

These goals are met by:

- a 4-acre maximum net density in CP-1 and 3.5 acre maximum net density in CP-2;
- the provision of appropriate stormwater management measures;
- specific subsurface wastewater system requirements; and
- regulation of residential lawn maintenance and agricultural practices.

Table 209.1 Use Table

	CP-1	CP-2	
Bank	X	X	P = permitted use
Bed and Breakfast	P	P	X = prohibited use
Boarding Care Facility	X	-	- = Special Permit required, see Section 701
Boarding House	X	-	* = Subject to Special Exception Provisions of Section 703.3
Business Office	X	-	
Campground	-	-	
Car Wash	X	X	
Convenience Store	P	P	
Club or Lodge	P	-	
Community Center	X	-	
Contractor's Space	X	-	
Drive In Window	X	X	
Dwelling,			
Single and Two Family	P	P	
Dwelling, 3 or More Units	X	P	
Gasoline Sales (non-marine)	X	X	
Golf Course	X	-	
Greenhouse or Florist	P	P	
Educational Facility	P	P	
Farm	P	P	
Hotel	X	X	
Industry Class I	X	X	
Industry Class II	X	X	
Junkyard	X	X	
Kennel	X	-	
Library or Museum	P	P	
Marina	*	X	
Marine Activities	*	X	
Media Studio	X	-	

	CP-1	CP-2
Mineral Extraction	-	-
Motor Vehicle Sales	X	X
Motor Vehicle Service/Repair	X	X
Parking Facility	X	X
Photographers/Artists Studio	X	P
Professional Office	X	-
Recreation Facility	-	-
Religious Institution	-	-
Restaurant	X	-
Retail Class I	X	X
Retail Class II	X	X
Service Business Class I	X	P
Service Business Class II	X	-
Veterinary Office	X	P
Warehousing and Storage	-	-
Theater	X	-

For certain of the above uses, Section 306, Supplementary Use Regulations, supercedes any other requirements of this Chapter.

209.2 Dimensional and Density Table

***Standard*/District**	**CP-1**	**CP-2**
Minimum Lot Area	20,000 s.f. for residential uses and 4 acres for non-residential uses	20,000 s.f. for residential uses and 4 acres for non-residential uses
Maximum Density (See Also 209.3.1)	4 acres/unit for projects that are subject to development review and 5 acres/unit for projects that are not subject to development review	3.5 acres/unit
Minimum Lot Width	125 feet	125 feet
Minimum Front Yard	30 feet	30 feet
Minimum Rear Yard	30 feet	30 feet
Minimum Side Yard	25 feet	25 feet
Maximum Impervious Surface Coverage	10,890 sq.ft. or 35%, whichever is less	21,780 sq.ft. or 40%, whichever is less
Maximum New Lawn Area for Wooded Sites	20,000 sq.ft.	20,000 sq.ft.
Maximum Building Height	40 feet	40 feet
Maximum Building Footprint per Structure	10,000 sq.ft.	10,000 sq.ft.

Certain of the provisions in Section 305, Supplementary Dimensional Regulations and Administrative Exceptions, apply to this Dimensional and Density Table.

209.3 Additional Requirements

209.3.1 Small Lot Density

209.3.1.1 CP-1

Notwithstanding the dimensional and density provisions of the CP1, any lot in existence on October 9, 1991 having an area of at least 160,000 s.f. but less than 10 acres, may be divided into two lots provided that neither lot has an area of less than 20,000 s.f.. (Amended 9/3/02 R)

209.3.1.2 CP-2

Notwithstanding the dimensional and density provisions of the CP2, any lot in existence on November 6, 2001 having an area of at least 3.5 acres but less than 7 acres may be divided into two lots provided that neither lot has an area of less than 20,000 s.f. (Amended 9/3/02 R)

209.3.2 Stormwater Management

A stormwater management plan (SMP) is required for all activities in the CPZ subject to development review. Control of stormwater runoff shall meet the design criteria for both flood (volume and peak discharge) control and nonpoint source pollution reduction. All assumptions, methodologies, and procedures used to design the Best Management Practices (BMPs) referenced in 209.3.2.3 shall accompany the design.

209.3.2.1. Water Quantity

The design and construction of each activity shall be done in a manner such that post-development runoff will not exacerbate or create flooding conditions, or alter surface water flow paths such as to impact adjacent properties to the site during the 2, 10, and 25-year 24 hour storm events.

a. No increase will be allowed in the peak rate of runoff for any of the above design storms.
b. No increase will be allowed in the volume of runoff for the ten (10) year, twenty-four (24) hour design storm

These standards may be waived upon a written finding by the Town Engineer that there is no downstream impact.

209.3.2.2. Water Quality

The “first flush” of stormwater runoff shall be treated prior to discharge. The treatment system(s) shall be designed to accommodate the first flush from the entire development area.

a. Treatment shall be provided to achieve 80% removal of total suspended solids (TSS) from the first flush.
b. Any development in the CPZ, which is an area sensitive to increased nitrogen loading, shall incorporate physical treatment processes to remove nitrogen at an efficiency rate of 30% or greater.

In addition, no untreated stormwater that is, stormwater flowing directly off an impervious surface, shall be piped directly to any water body, or wetland. Natural wetlands may be utilized for stormwater control so long as all State and Federal permitting requirements are met and the wetland is demonstrated to be a "finishing" part of an approved stormwater management plan.

209.3.2.3 References for Best Management Practices (BMPs)

Stormwater quality treatment by use of a Wet Extended Detention Basin, Recharge/Infiltration Devices/Dry Wells, Vegetated Buffer, and/or a Grassed Swale designed to achieve the above water quality treatment are considered acceptable BMPs for stormwater management in the CPZ. Other methods, as detailed in the Maine Department of Environmental Protection's "Best Management Practices" manual, dated 1995, as amended or the U.S. Environmental Protection Agency's "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters," dated January 1993, as amended, may be proposed if they show an equal or better effectiveness at meeting the design criteria of sections 209.3.2.1 and 2 as determined by the Brunswick Town Engineer.

209.3.2.4 Maintenance Plans for BMPs

Stormwater plans shall include maintenance plans for each BMP proposed to be used. Such a plan shall include a maintenance schedule, an outline of responsible parties and owners, and all pertinent agreements to be executed to insure proper maintenance.

209.3.3 Building Setbacks

209.3.3.1. If a wetpond is part of an approved stormwater management plan, the setback of buildings shall be 75 feet from the projected highwater mark of the 2 year storm volume.

209.3.3.2 Where slopes exceed 15% the minimum setback for buildings shall be 75 feet.

209.3.4 Subsurface Wastewater Disposal Systems

209.3.4.1 Subsurface wastewater disposal systems which are located in that portion of the NRPZ which is in the CP-1 must account for a one foot sea level rise in the lifetime of the system.

209.3.4.2 Subsurface wastewater disposal systems shall be pumped out at least once every three (3) years and maintained. A waiver regarding the frequency of pumping and maintenance may be approved in writing by the Local Plumbing Inspector when the Local Plumbing Inspector reviews and accepts evidence of significant underusage of the disposal system due to household size.

209.3.5 Fertilizers and Pesticides

Storage and application of fertilizer and pesticides shall conform to the following standards:

209.3.5.1 Agricultural

a. Agricultural practices shall comply with the Maine Guidelines for Manure and Manure Sludge Disposal on Land, as amended, and the State of Maine Strategies for Managing Non-Point Source Pollution from Agricultural Sources and Best Management System Guidelines, as amended.

b. All pesticides used shall be registered by the Maine Board of Pesticides Control and applied in accordance with the pesticide label and labeling. (Amended 1/20/04 R)

c. Enforcement of section 209.3.5 shall be the responsibility of the Maine Department of Food, Agriculture and Rural Resources and the Maine Board of Pesticides Control, respectively in cooperation with the Town of Brunswick. (Amended 1/20/04 R)

d. A farm or farm operation shall not be considered a public or private nuisance if the farm or farm operation alleged to be a nuisance, conforms to Best Management Practices, as determined by the Maine Commissioner of Agriculture, Food, and Rural Resources, and 17 M.R.S.A. Section 2805, as amended.

209.3.5.2. Residential

a. Lawn fertilizer shall be of the ureaform, IBDU (isobutylidene diurea) or similar slow-release, water insoluble (WIN) type,

b. Application rate shall not exceed 2 lbs. fertilizer/1000 s.f./yr.,

c. No fertilizer spreading shall take place on frozen ground or during the period of November 1 to March 31,

d. All pesticides used shall be registered by the Maine Board of Pesticides Control and applied in accordance with the pesticide label and labeling. (Amended 1/20/04 R)

209.3.5.3. Golf Courses, Playing Fields and Parks

a. Grasses having low nitrogen and maintenance requirements, i.e. fine fescue family, should be used on large lawn areas in the CPZ.

b. Lawn fertilizer shall be of the ureaform, IBDU (isobutylidene diurea) or similar slow-release, water-insoluble (WIN) type.

c. Application rate shall not exceed 9 lbs. fertilizer/ 1000 s.f./yr.

d. No fertilizer spreading shall take place on frozen ground or during the period from November 1 to March 31.

e. All pesticides used shall be registered by the Maine Board of Pesticides Control and applied in accordance with the pesticide label and labeling. (Amended 1/20/04 R)

f. A maintenance program, preferably involving a professional lawn and greens maintenance firm, shall be provided to and approved by the Planning Board,

g. A stormwater management program shall be provided to and approved by the Planning Board.

(Section 209 was amended in its entirety on 5/21/01 and is effective as of 11/6/01)

II. OVERLAY ZONES

Overlay districts supplement or supersede the provisions of the underlying zone. Where an inconsistency exists, the provisions of the overlay zone shall prevail. They do not change density, use or dimensional requirements of the underlying zone unless specifically stated.

ENVIRONMENTAL PROTECTION OVERLAY ZONES

210 AQUIFER PROTECTION ZONES (APZ)

210.1 PURPOSE

The purpose of the Aquifer Protection Zones is to protect the quality and quantity of Brunswick's present and future ground water resources by regulating activities and land use practices which are likely to affect those resources. The protection of ground water is critical to promoting the health, safety and general welfare of the residents of Brunswick.

210.2 DEFINITION OF ZONES

The APZ consist of sand and gravel aquifers and aquifer recharge areas. The Aquifer Protection Zones shall overlay the underlying zoning district. APZ regulations shall supplement or supersede any other applicable zoning restrictions.

210.3 CONFLICTS BETWEEN ORDINANCE SECTIONS AND OTHER LAWS

If a conflict is found between section 210 and other sections of the zoning ordinance, section 210 shall prevail. Nothing in this Ordinance shall be interpreted to supercede the provisions of any other local, state or federal ordinance, law, rule or regulation.

210.4 DELINEATION OF ZONES

The Aquifer Protection Zones are delineated on the Town's tax maps and are entitled "Aquifer Protection Zones" (APZ). These maps are prepared based upon:

- "Hydrogeology of the Jackson, Taylor and Williams Stations Aquifer in Topsham and Brunswick, Maine" report, dated February 25, 1994, by Caswell, Eichler and Hill; and
- "Hydrogeology of the Jordan Avenue Station Aquifer in Brunswick, Maine" report, dated March 22, 1994, by Caswell, Eichler and Hill.

The APZ maps are an amendment to the Brunswick Zoning Map, last revised March 16, 1998.

210.5 CLASSIFICATION OF ZONES

The Aquifer Protection Zones, as delineated on the Aquifer Protection Zone maps, are comprised of the following three zones:

A. **Zone 1** is the area within which leachable materials disposed of or applied into or onto land or waterbodies can travel to the public water supply wells within 200 days.

B. **Zone 1A** is the area outside of the Zone 1 boundary drained by streams which flow directly into the sand and gravel aquifer. The streams in zone 1A are important as they have eroded through the silt/clay cap leaving exposed a "window" to the underlying aquifer.

C. **Zone 2** is the area within which leachable materials disposed of or applied into or onto land or waterbodies can travel to the public water supply wells in more than 200 days.

210.6 REVISION OF ZONE DELINEATIONS

The delineation of aquifers, aquifer recharge areas, and Zones 1, 1A, and 2 may be revised by amendment to this ordinance in accordance with Section 108 of this ordinance. The Town shall notify the Brunswick and Topsham Water District of any hearing to amend section 210 of the ordinance at least 14 days prior to the date of the hearing.

210.7 APPEALS

Appeals shall be taken to the Zoning Board of Appeals under Section 703 of this Ordinance.
In a case where any Zone 1, 1A, or 2 boundary determination is appealed, the applicant shall show where the bounds should properly be located with a report submitted and accepted from a hydrogeologist licensed in the State of Maine. The Brunswick and Topsham Water District may hire a hydrogeologist to review all information submitted by the appellant. At the request of the appellant, the Water District may engage a licensed hydrogeologist to determine more accurately the location and extent of aquifers, aquifer recharge areas, and Zones 1, 1A, and 2, and may charge the appellant for the cost of the investigation.

210.8 USE PROVISIONS

The following use provisions are applicable in the Aquifer Protection Zones:

210.8.A Zone 1

All uses are prohibited with exception of the following:

1. Conservation of soil, water, plants and wildlife.
2. Outdoor recreation, including fishing, nature study, and hunting where otherwise legally permitted.
3. Pedestrian, bicycle and horse paths and bridges.
4. Operation, maintenance, and expansion of public water supply facilities.
5. Timber harvesting.
6. Natural gas or propane storage and transmission facilities. (Amended 9/21/68 R)

Motorized vehicles may be used in conjunction with the uses stated in item 1, 4 and 5 listed above. The use of motorized vehicles for recreational purposes is prohibited. The permitted uses shall meet the performance standards of section 210.10.

210.8.B Zone 1A

All uses are prohibited, except those uses allowed in zones 1 and 2 provided that they meet the requirements of the underlying zoning district and the following conditions:

1. All parts of all types of subsurface wastewater disposal systems shall be set back a minimum horizontal distance of 150 linear feet from the normal high water line of any stream. The Local Plumbing Inspector may consider a request concerning the setback of a replacement subsurface wastewater disposal system, if a report, prepared by a soils scientist or site evaluator registered in the State of Maine, is submitted and accepted stating that the existing system is failing and that the proposed location is the only suitable location on the applicant's property.

2. All home heating fuel tanks, except propane gas tanks, shall be enclosed and located within an impervious secondary containment unit.
3. Application of pesticides, nitrogen fertilizer or manure within a minimum horizontal distance of 150 linear feet from the normal high water line of any stream is prohibited. This setback requirement cannot be reduced. (Amended 1/20/04 R)
4. The storage of no more than two unregistered automobiles.

The permitted uses shall meet the performance standards of section 210.10.

210.8.C Zone 2

Prohibited uses and management practices are: (Amended 6/6/05 E)

1. The disposal of solid waste other than brush or stumps.
2. The disposal or storage of hazardous matters, as defined in Section 111, with the exception of the above ground propane gas tanks.
3. The disposal or storage of leachable materials, except subsurface wastewater disposal systems and water from residential swimming pools.
4. The bulk or commercial disposal or storage of road salt or other de-icing agents.
5. The storage of petroleum products in containers with a total volume in excess of 10 gallons, except those stored for heating use by that property owner or his designee only.
6. The disposal, storage or application of sludge or other sludge containing products, except for the application of class A composted residuals that are licensed for unrestrained distribution by the Maine Department of Environmental Protection which shall require a permit in accordance with section 210.10.J. (Amended 6/6/05 E)
7. The disposal of any unregistered automobiles or the storage of more than two unregistered automobiles.
8. Use or storage of pesticides, other than for households or agriculture and those products that are permitted by the Organic Materials Review Institute (OMRI). (Amended 6/6/05 E)
9. Use or storage of fertilizer, compost, or manure, other than: (Amended 6/6/05 E)
   a. slow-release organic fertilizer,
   b. products used for households and agriculture, and (Amended 6/6/05 E)
   c. natural organic compost that is: (Amended 6/6/05 E)
      i. in keeping, but not limited to compost approved by USDA National Organic Program, or which (Amended 6/6/05 E)
      ii. in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association (MOFGA) Certified Farms, or which (Amended 6/6/05 E)
      iii. meets the standards and test requirements to qualify for unrestrained distribution under Chapter 419 of the Maine Department of Environmental Protection regulations, titled "*Agronomic Utilization of Residuals*," as amended. (Amended 6/6/05 E)
10. Aerial spraying of pesticides from aircraft, except for applications for public health reasons performed under the auspices of the Town of Brunswick or State of Maine. (Amended 6/6/05 E)
11. Pipelines for transmission of petroleum products or hazardous materials, except natural gas or propane storage and transmission facilities.
12. Commercial boat, internal combustion engine, and motor vehicle sales, service and repair.
13. Metal plating operations.
14. Dry cleaning operations.
15. Truck terminals.
16. Furniture stripping, painting, and wood preserving operations.
17. Mining operations.
18. Sand and gravel extraction.

Other uses or management practices, not listed above but permitted in the underlying zones, may be permitted in Zone 2 provided that they will not have an unreasonable adverse effect on the water supply and meet the performance standards of section 210.10. (Amended 6/6/05 E)

210.8.D Pesticide Exemption

The Codes Enforcement Officer may, upon written request, approve an exception to Section 210.8.C.8 for pesticides to be used:

- to control or destroy a health hazard, i.e. a pest which has or is likely to have an adverse effect on the health of any person;
- to control or destroy pests which have caused infestation to property, i.e. where the presence of pests in numbers or under conditions which involve an immediate or potential risk of substantial loss or damage; or
- to control or destroy bees nests or poison ivy.

The Brunswick and Topsham Water District shall be notified of any such requests and approvals. (Amended 6/6/05 E)

210.9 NON-CONFORMITY

The non-conforming use of land, building or structure existing on the effective date of this ordinance is governed by section 304 of this ordinance, subject to the provision that expansion of non-conforming uses will not adversely affect the water supply and meets the performance standards of section 210.10.

210.10 PERFORMANCE STANDARDS AND PERMITS

All uses or management practices not specifically prohibited in Section 200 or elsewhere in this Ordinance or legally non-conforming shall meet the following performance standards and require the following permits, as applicable. (Amended 6/6/05 E)

Household uses are exempt from the permitting process. (Amended 6/6/05 E)

The "reviewing authority" shall be the Planning Board, Staff Review Committee or Codes Enforcement Officer as determined by the scope and nature of a particular project in accordance with section 402, 403, and 704 of this ordinance. (Amended 6/6/05 E)

210.10.A General Standards for Uses and Practices Requiring Permits (Amended 6/6/05 E)

210.10.A.1 The stormwater run-off of the use or expansion of the use shall be either retained on the specific property or allowed to infiltrate or transported off-site through a subsurface stormwater system to the Town's collection system.

210.10.A.2 The calculated or actual levels of any contaminants in the groundwater at the property line of the specific lot associated with the use, expansion of the use, or management practices shall not exceed 50% of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water Act, as amended. (Amended 6/6/05 E)

210.10.A.3 The use, expansion of the use, or management practices shall not cause the cumulative, calculated or actual levels of any contaminants in the groundwater at the Brunswick and Topsham Water District property line to exceed 50% of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water act, as amended.
(Amended 6/6/05 E)

210.10.B Timber Harvesting

Timber harvesting shall conform with the provisions of section 211.2.I of the zoning ordinance. (Amended 1/20/04 R)

210.10.C Application of Fertilizers and Manure

Application of nitrogen fertilizer and manure is allowed subject to permit approval from the reviewing authority. Permit applications shall include application materials and rates and rates and shall conform to section 210.10.A.

210.10.C.1 All manure spreading shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the University of Maine Soil and Conservation Commission in July 1972, or the latest revision thereof.

210.10.C.2 Provisions shall be made to control runoff from areas where manure or fertilizer is being applied to the land.

210.10.C.3 Application of manure or fertilizer to sand, or bare soil where the topsoil has been removed, is prohibited.

210.10.C.4 Lawn maintenance and home garden care is allowed without permit approval.

210.10.D Manure Storage

Agricultural operations which generate or utilize manure must provide containment facilities for manure storage. Manure containment facilities must be adequate to hold 1 year's production and must be covered.

210.10.E Animal Husbandry

The landowner shall minimize potential impact on groundwater quality when managing manure generated on-site through utilization of effective collection and storage measures.

210.10.F Use of Pesticides

Land application of pesticides is allowed. Provisions shall be made for control of surface runoff and erosion in areas where pesticides are being applied. Lawn maintenance and home garden care is allowed without a permit. Applications of pesticides for agriculture are allowed subject to permit approval from the reviewing authority. Permit applications shall include copies of the pesticide labels and materials safety data sheets and the proposed rate of application and shall conform to section 210.10.A. (Amended 1/20/04 R)

210.10.G Subsurface Waste Disposal Systems

210.10.G.1 Disposal of hazardous materials to subsurface waste disposal systems, including organic solvents designed for cleaning septic systems, is prohibited.

210.10.G.2 Subsurface waste disposal systems in Zones 1 and 1A shall be pumped out at least once every 3 years and maintained. A waiver regarding the frequency of pumping and maintenance may be approved by the Local Plumbing Inspector when evidence of significant underusage of the disposal system is presented and accepted.

210.10.G.3 Homeowners shall retain receipts when their tank is pumped to demonstrate compliance to the Codes Enforcement Officer during an inspection. To establish an accurate pumping record for each existing tank, homeowners shall submit receipts to the Codes Enforcement Officer within 60 days of the effective date of this amendment.

210.10.H STORAGE TANKS

210.10.H.1 All underground tanks in place prior to the effective date of this amendment shall be non-conforming. All existing underground storage tanks and piping systems which are single wall and double wall tanks without an interstitial space monitoring system shall be precision-tested annually. Double wall tanks and piping systems with an interstitial space monitoring system are exempt from annual precision-testing. Tanks failing to pass the precision test shall be excavated and examined for leaks. If found to be leaking, the tank and any material discharged from the tank shall be removed at the expense of the owner in accordance with the requirements of the Maine Department of Environmental Protection. When it becomes necessary to replace an underground tank and/or its piping systems it shall be replaced with a double wall tank and/or piping system with an interstitial space monitoring system, or better. (Amended 11/2/98 R)

210.10.H.2 All aboveground storage tanks located within Zones 1 and 1A in place prior to the effective date of this amendment and which are not enclosed and located within an impervious secondary containment unit shall be non-conforming. When it becomes necessary to replace these tanks, the replacement tanks shall be enclosed and located within a secondary containment unit. (Amended 11/2/98 R)

210.10.H.3 This Section does not apply to propane gas or natural gas storage tanks. (Amended 11/2/98 R)

210.10.I Sand and Gravel Extraction

210.10.I.1 Excavation shall not be allowed below 5 feet above the average seasonal high water table.

Artificial lowering of the water table is prohibited.

210.10.I.2 Access roads into and around the pit shall not be oiled, salted, or paved.

210.10.I.3 The excavation area shall not be used for disposal of solid or hazardous wastes at any time including the period following closure of the pit.

210.10.J Permit Application for Compost and Sludge Products, and Organic Fertilizer (Amended 6/6/05 E)

210.10.J.1 An initial permit for land application of compost or sludge products and/or organic fertilizer shall be submitted and shall include data listed in section 210.12, as applicable, land application materials and rates, as well as an Integrated Pest Management Plan. Land application materials are limited to those specified in 210.8.C. (Amended 6/6/05 E)

210.10.J.2 No annual submission of this permit application is required. Any amendment to a permit application does require resubmission and reapproval prior to land application. (Amended 6/6/05 E)

210.10.J.3 Records of past land applications shall be kept and included with any permit application. (Amended 6/6/05 E)

210.10.J.4 Homeowner and agricultural use is exempt from permit approval. (Amended 6/6/05 E)

210.11 ADMINISTRATION AND ENFORCEMENT

210.11.A No activity or land use may be conducted in Zone 1, 1A, or 2 except in accordance with these provisions.

210.11.B If any portions of a lot are located in Zone 1, 1A, or 2, all land located in Zone 1 shall be governed by the regulations for Zone 1, all land located in Zone 1A shall be governed by the regulations for Zone 1A, all land located in Zone 2 shall be governed by the regulations for Zone 2.

210.11.C Monitoring wells may be required for a use known by the Codes Enforcement Officer to be an actual or potential source of pollution. A licensed hydrogeologist chosen or approved by the Town shall determine the number, location, and depth of monitoring wells. Monitoring wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983). Monitoring wells shall be installed on the property at the expense of the owner. The Codes Enforcement Officer shall determine, in consultation with the Brunswick and Topsham Water District and/or a licensed hydrogeologist, when monitoring wells shall be sampled. Results from monitoring well samples shall be submitted to the Department of Planning and Development and the Brunswick and Topsham Water District.

210.12 DEVELOPMENT REVIEW SUBMISSION DATA

In addition to the requirements of Chapters 4 and 5, all submittals for Development Review approval for uses in the Aquifer Protection Zone shall include the following as applicable:

A. A site plan showing the following:
   1. The Aquifer Protection Zone boundaries, labeled, if they cross the parcel.
   2. The location of all storage tanks.
   3. The location and description of storage areas and types of materials to be stored.
   4. Location, size, capacity and design of subsurface waste disposal systems, sewage lift stations, force mains, and grease traps.
   5. Location of nearby wells or surface waterbodies.
   6. Location of existing or proposed monitoring wells.

B. The reviewing authority may require additional site plan information, including, but not limited to:
   1. Groundwater contours of the seasonal high water table.
   2. Location and design of stormwater drainage system, including runoff control measures.
   3. Calculations of pre- and post-development runoff. Calculations must be prepared by a licensed engineer or hydrogeologist.
   4. Background water quality data from on-site monitoring wells.

C. A complete list of all chemicals, pesticides, fuels, and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion, and leakage, and measures proposed to provide for control of spills.

D. A description of potentially toxic or hazardous wastes to be generated on site, indicating proposed methods of storage and disposal.

E. Evidence of the use of best management practices to control water quality in agricultural and animal husbandry operations, where applicable.

F. The amount and types of any waste to be generated by the proposed activity, and the adequacy of the disposal system and plans.

G. The topography and drainage of the site and its susceptibility to flooding.

In making a finding of fact, the reviewing authority shall find that water quality meets the standards of this Ordinance.

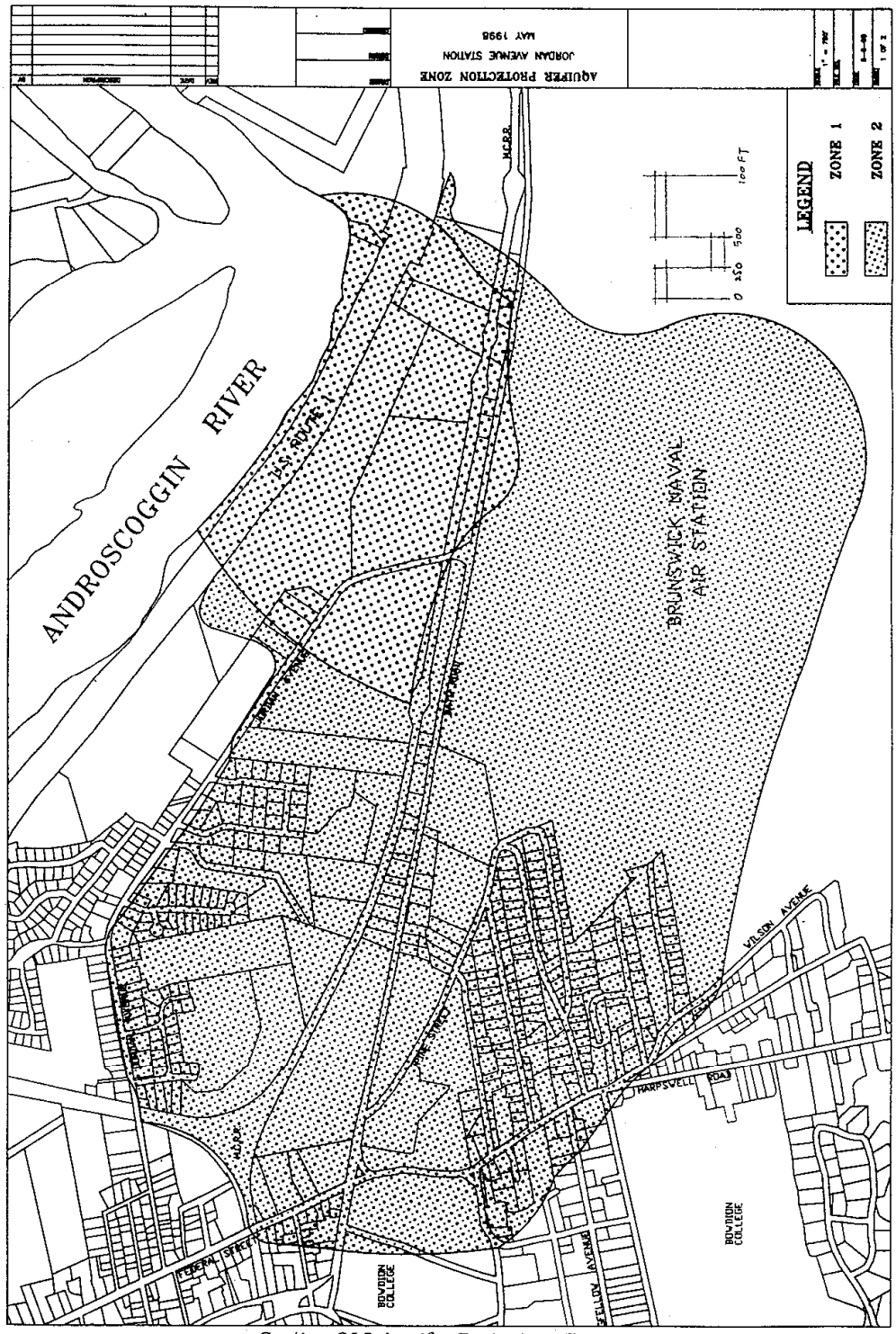
210.13 GENERAL CONDITIONS

210.13.A The Brunswick and Topsham Water District shall promptly inform the Town Council, Codes Enforcement Officer, Planning Board and Zoning Board of Appeals when the calculated or actual levels of any contaminants in the groundwater reach 10% of the allowable Primary Public Drinking Water Standards for contaminants as measured at the Water District monitoring wells and recommend remedial actions.

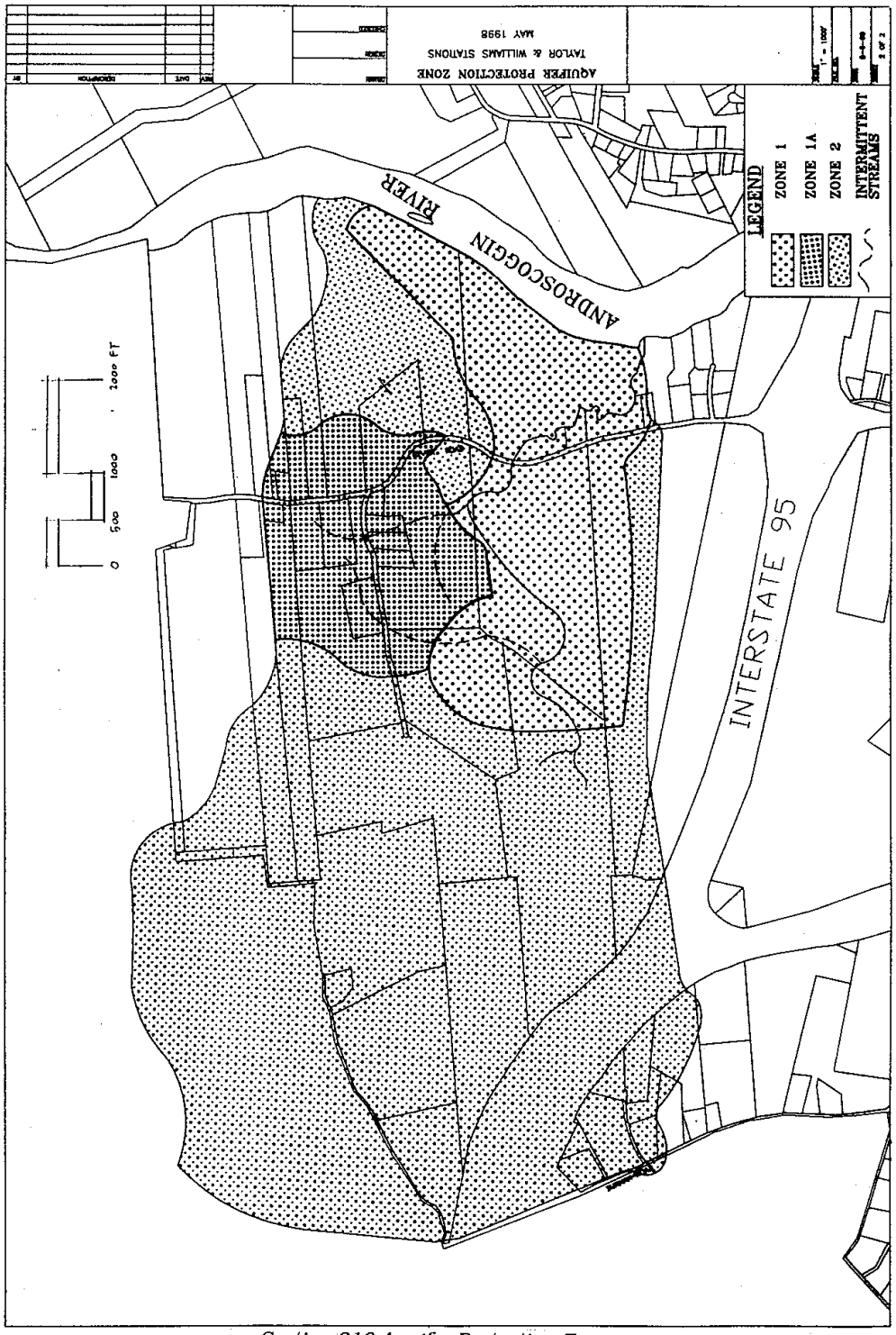
210.13.B The Brunswick and Topsham Water District shall promptly inform the Town Council, Codes Enforcement Officer, Planning Board and Zoning Board of Appeals, and no development review approval(s) and/or waivers will be allowed, when the calculated or actual levels of any contaminants in the groundwater exceeds 50% of the allowable Primary Public Drinking Water Standards for contaminants as measured at the Brunswick and Topsham Water District monitoring wells.

210.14 WATER DISTRICT REVIEW

Before the reviewing authority takes final action on any applications within the Aquifer Protection Zones, the Brunswick and Topsham Water District shall be offered an opportunity to provide its review and comments regarding water quality issues pertaining to the application.
(Section 210 was amended in its entirety 8/3/98R)



Section 210 Aquifer Protection Zone
Map Amendment
Amendment: 8/3/98
Effective: 9/2/98
(Map 1 of 2)



Section 210 Aquifer Protection Zone
Map Amendment
Amendment: 8/3/98
Effective: 9/2/98
(Map 2 of 2)

211 NATURAL RESOURCE PROTECTION ZONE (NRPZ)

211.1 DEFINITION OF ZONE

The Natural Resource Protection Zone consists of the following areas:

A. Shoreland Area: All land areas within 250 feet, horizontal distance, of the:

- normal high-water line of any river,
- upland edge of a coastal wetland, including all areas affected by tidal action, or
- upland edge of a freshwater wetland,

  and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland. (Amended 6/15/09 R)

B. Special Flood Hazard Area: Any land in the floodplain lying within the 100-year flood boundary as delineated on the Flood Insurance Rate Map of the Town as part of the National Flood Insurance Program.

211.2 ADDITIONAL REQUIREMENTS FOR THE SHORELAND AREA

211.2.A PRINCIPAL AND ACCESSORY STRUCTURES

211.2.A.1 No new principal or accessory structures, except structures which require direct access to the water as an operational necessity (including but not limited to piers, docks, retaining walls and public waterfront trails, but excluding recreational boat storage buildings) shall be located within any of the following areas:

a. Areas within one hundred twenty-five (125) feet, horizontal distance, of the normal high water line of a river; or within one hundred twenty-five (125) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. (Amended 11/18/02 R, 6/15/09 R)

b. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of December 31, 2008, as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map. These areas are defined as "Resource Protection Areas" and include areas which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values (see also section 211.2.A.3). (Amended 5/17/99 E/R, 6/15/09 R)

c. Water and wetland setback measurements shall be taken from the top of a coastal bluff such as those that have been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map, and as depicted on the Brunswick GIS. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist to make a determination. (Section inserted 6/15/09 R)

d. Flood plains adjacent to tidal waters, rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps Flood Boundary and Floodway Maps or the flood of record. (Amended 6/15/09 R)

e. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

f. Areas of two (2) or more contiguous acres of wetlands which are not part of a freshwater or coastal wetland and which are not surficially connected to a river, tidal waters or stream during the period of normal high water. (Amended 11/18/02 R, 6/15/09 R)

g. Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

211.2.A.2 Proposals for new Principal and Accessory structures requiring direct access to the water as an operational necessity are subject to the provisions of section 306.7.

211.2.A.3 **Special Resource Protection Permit**

Properties that were created prior to June 6, 1994 and that are located in a Resource Protection Area as defined under 211.2.A.1(b); and those properties created prior to November 18, 2002 that lie within the Natural Resource Protection Zone of a stream created after November 18, 2002 may be developed with single family residential structures by a Special Resource Protection Permit if the Staff Review Committee makes a positive finding that the applicant has demonstrated that all of the following conditions are met: (Amended 9/4/01 R, 11/18/02 R)

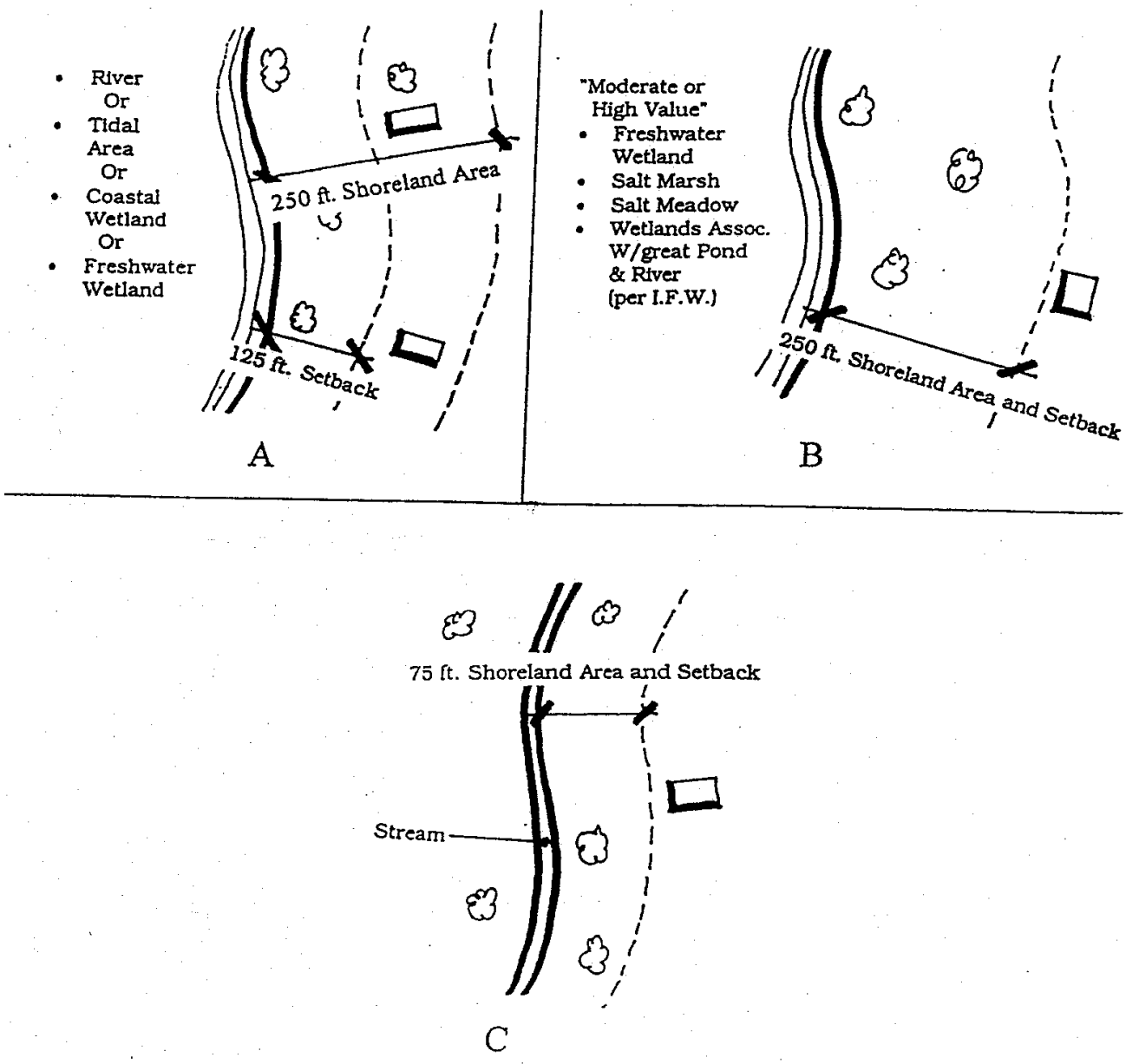
1. There is no location on the property, other than a location within the Resource Protection Area, where the structure can be built.

2. The lot was established and recorded in the Cumberland County Registry of Deeds prior to June 6, 1994 if applying for a Special Resource Protection Permit in the Resource Protection Area, or November 18, 2002 if applying for a Special Resource Protection Permit in a stream NRPZ created after November 18, 2002.

3. All proposed buildings, sewage disposal systems and other improvements are: (Amended 6/15/09 R)

   a. Located on natural ground slopes of less than 20%; and
   b. Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

4. The total ground floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance. (Amended 6/15/09 R)



SHORELAND AREA
VS.
SHORELAND SETBACK SCENARIOS
(Not to Scale)

5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a waterbody or upland edge of a coastal or freshwater wetland to the greatest practical extent, but not less than 125 feet, horizontal distance; or not less than 75 feet, horizontal distance from a stream. In determining the greatest practical extent, the Staff Review Committee shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands. (Amended 9/4/01 R, 11/18/02 R, 5/17/99 E/R, 6/15/09 R)

211.2.B **AGRICULTURE**

211.2.B.1 All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209). (Amended 6/15/09 R)

211.2.B.2 Manure shall not be stored or stockpiled within one hundred twenty-five (125) feet, horizontal distance, of the normal high water line of a river or tidal waters; or within one hundred twenty-five (125) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. (Amended 6/15/09 R)

211.2.B.3 Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the Shoreland Area shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this ordinance. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District Office. (Amended 6/15/09 R)

211.2.B.4 Newly established fields which require tilling of soil shall not be permitted within seventy-five (75) feet, horizontal distance, of the normal high water line of any river, tidal waters or stream; nor of the upland edge of a coastal or freshwater wetland.

The tilling of fields associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such tilling is conducted in accordance with a Conservation Plan. (Section Amended 6/15/09)

211.2.B.5 Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of normal high water line of a river, coastal or freshwater wetland or stream.

Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan. (Section Amended 6/15/09)

211.2.C **BEACH CONSTRUCTION**

Before beach construction is commenced, an applicant must obtain a permit from the Department of Environmental Protection and site plan approval by the Planning Board.

211.2.D **CLEARING OR REMOVAL OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING** (Amended 6/15/09 R)

211.2.D.1 Except to allow for development of permitted uses, within a strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high water line of a river, tidal waters or

stream; seventy-five (75) feet, horizontal distance, from the upland edge of a coastal or freshwater wetland; a buffer strip of vegetation shall be preserved as follows: (Amended 11/18/02 R, 6/15/09 R)

a. There shall be no cleared opening greater than 250 s.f. in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created. (Amended 6/15/09 R)

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 211.2.D.1 a "well-distributed stand of trees" shall be defined as maintaining a rating score of 24 or more in any 25 foot by 50 foot rectangle (1250 s.f.) area as determined by the following rating system. (Amended 6/15/09 R)

Diameter of Tree at 4-1/2 feet above ground level (inches)	Points
2 - < 4 in.	1
4 - < 8 in.	2
8 - < 12 in.	4
12 in or greater	8

Note: As an example, if a 25-foot x 50 foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is: (4x1) + (2x2) + (3x4) + (2x8) = 36 points Thus, the 25 foot by 50 foot plot contains trees with 36 points. Trees totaling 12 points (36-24 = 12) may be removed from the plot provided that no cleared openings are created. (Amended 6/15/09 R)

The following shall govern in applying this point system:

i. The 25 foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
ii. Each successive plot must be adjacent to, but not overlap a previous plot;
iii. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
iv. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
v. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter. (Section added 6/15/09 R)

For the purposes of Section 211.2.D.1 “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangular areas. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot. (Section added 6/15/09 R)

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4)

inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a foot path or other permitted uses as described in Section 211.2.D.1 paragraphs 1(a) and (b) above. (Amended 6/15/09 R)

d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed. (Amended 6/15/09 R)

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 211.2.D.1 does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary. (Amended 6/15/09 R)

211.2.D.2 At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40%) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40%) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland area or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. (Entire section amended 6/15/09)

211.2.D.3 Legally existing cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance. This rule applies specifically to continued maintenance, but not enlargement of lawns, gardens, and agricultural fields and pastures in existence at the effective date of this amendment. (11/18/02 R, 6/15/09 R)

211.2.D.4 Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 211.2.D. (Amended 6/15/09 R)

211.2.D.5 The clearing of vegetation shall be limited to that which is necessary for permitted uses in the following areas:

a. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map. (Amended 6/15/09 R)

b. Flood plains adjacent to tidal waters, rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Boundary and Floodway Maps or the flood of record. (Amended 6/15/09 R)

c. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

d. Areas of two (2) or more contiguous acres of wetlands which are not part of a freshwater or coastal wetland and which are not surficially connected to a river, tidal waters or stream during the period of normal high water. (Amended 11/18/02 R, 6/15/09 R)

e. Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs. Land along the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. (Amended 6/15/09 R)

211.2.D.6 The vegetation clearing standards of this ordinance can be exceeded on a temporary basis with prior written approval of the Codes Enforcement Officer under the following conditions:

a. The work shall be completed by a qualified professional under the supervision of a public natural resource agency or municipal department exclusively for the purpose of controlling the spread of invasive species and restoring natural areas.

b. Woody species removed that exceed the required stand scoring limits are non-native invasive species including: Norway Maple (*Acer platanoides*), Japanese barberry (*Berberis thunbergii*), Asiatic bittersweet (*Celastrus orbiculata*), glossy buckthorn (*Frangula alnus*), Morrow's honeysuckle (*Lonicera morrowii*), Japanese honeysuckle (*Lonicera japonica*),
Tartarian honeysuckle (*Lonicera tatarica*), multiflora rose (*Rosa multiflora*), or other species identified as woody invasive plants by the Maine Natural Areas Program (MNAP).

If removal of these species exceeds the required stand scoring limits, native species will be planted to return the area to compliance with the "well distributed stand" definition as specified in 211.2.D.1.b prior to the start of the next growing season.

c. Non-native invasive woody species under three (3) feet in height and herbaceous invasive species including Japanese knotweed (*Fallopia japonica*), purple loosestrife (*Lythrum salicaria*), and other species identified as invasive plants by the Maine Natural Areas Program (MNAP) can be removed if the area is replanted and monitored for the successful establishment of native species at an equal or greater density than the species removed.

d. Temporary erosion control measures shall be installed prior to the start of the activity if the invasive species removal effort has the potential to result in erosion of soil into the resource.

e. All disturbed areas shall be permanently stabilized.
(Amended 11/18/02 R)

211.2.E **EROSION AND SEDIMENTATION CONTROL**

211.2.E.1 Activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Planning Board or Codes Officer in accordance with this ordinance for approval and shall include, where applicable, provisions for:

a. Mulching and revegetation of disturbed soil.

b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

c. Permanent stabilization such as retaining walls or rip rap.

211.2.E.2 In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

211.2.E.3 Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

211.2.E.4 Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

211.2.E.5 Natural and artificial drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

211.2.F **MINERAL EXPLORATION AND EXTRACTION**

All mineral exploration and extraction must conform to requirements of Section 306.6 of this ordinance. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A special exception from the Zoning Board of Appeals shall be required for mineral exploration which exceeds the above limitation.

All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety. Mineral extraction may be permitted under the following conditions:

211.2.F.1 A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe, in detail, procedures to be undertaken to fulfill the requirements of Section 211.2.F.3 below. (Amended 6/15/09 R)

211.2.F.2 No new gravel pits may be developed within the Shoreland Area unless it can be demonstrated that no reasonable alternative exists outside the zone. When gravel pits must be located within the zone, they shall be set back as far as practicable, and, at a minimum, in conformance with the setback standards below.

No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred twenty five (125) feet, horizontal distance, of the normal high water

line of a river or tidal waters; or one hundred twenty-five (125) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; or seventy-five (75) feet, horizontal distance, of a stream. Gravel pits shall be screened from the resource(s) by vegetation. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property. (Amended 6/15/09 R)

(Section 3 omitted and renumbered 6/15/09)

211.2.F.3 Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on site. Only materials generated on-site may be buried or covered on-site.

b. The final graded slope shall be two and one half to one (2 1/2:1) or flatter. (Amended 6/15/09 R)

c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional top soil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

211.2.F.4 The Planning Board may impose such other considerations as necessary to minimize adverse impacts associated with mineral extraction operations on surrounding uses and resources.

211.2.G PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BELOW THE NORMAL HIGH-WATER LINE OF A WATER BODY OR WITHIN A WETLAND

a. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

b. The location shall not interfere with existing developed or natural beach areas.

c. The facility shall be located so as to minimize adverse effects on fisheries.

d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

e. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

f. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Codes Enforcement Officer that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

g. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of waterbody or within a wetland shall be converted to residential dwelling units.

h. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

i. Commercial marine activities and piers, docks, wharves, breakwaters, causeways, marinas, bridges and other structures projecting into water bodies must conform to the provisions outlined in Section 306.7.

Note: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters. (Section Amended 6/15/09 R)

211.2.H **ROADS AND DRIVEWAYS**

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

211.2.H.1 Unless no reasonable alternative exists as determined by the Planning Board, roads and driveways shall be set back at least one-hundred twenty-five (125) feet, horizontal distance, from the normal high-water line of a river or tidal waters; one hundred twenty-five (125) feet, horizontal distance, from the upland edge of any coastal or freshwater wetland; seventy-five (75) feet from the normal high water line of a stream. If no reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the protected resource(s). Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the protected resource(s). (Amended 6/15/09 R)

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

Section 211.2.H.1 does not apply to approaches to water crossings to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 211.2.H.1 except for that portion of the road or driveway necessary for direct access to the structure.

211.2.H.2 New roads and driveways are prohibited in the areas described in section 211.2.A.1. except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the those areas, upon a finding that no reasonable alternative route or location is available outside of those areas, in which case the road and/or driveway shall be set back as far as practicable from the protected resource. (Amended 6/15/09 R)

211.2.H.3 Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, stream or wetland. (Amended 6/15/09 R)

211.2.H.4 Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in section 211.2.E. (Amended 6/15/09 R)

211.2.H.5 Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet. (Amended 6/15/09 R)

211.2.H.6 In order to prevent road and driveway surface drainage from directly entering a protected resource, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope in horizontal width between the outflow point of the ditch or culvert and the normal high water line of a river, tidal waters, stream, or upland edge of a coastal or freshwater wetland. The unscarified buffer strip along a stream shall be twenty-five (25) feet in horizontal width. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip. (Amended 6/15/09 R)

211.2.H.7 Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified bufferstrips before the flow gains sufficient volume or head to erode the road, driveway or ditch. (Amended 6/15/09 R)

To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table: (Amended 6/15/09 R)

Grade (in percent)	Spacing (in feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less. (Amended 6/15/09 R)

c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway. (Amended 6/15/09 R)

d. Ditch relief shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

211.2.H.8 Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

211.2.I **TIMBER HARVESTING**

Section 211.2.I in its entirety is to be repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the Bureau of Forestry will administer and enforce the statewide standards for timber harvesting in shoreland areas. (Added 6/15/09 R)

211.2.I.1 Timber Harvesting shall conform with the following provisions

a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches

or more in diameter measured at 4 ½ feet above ground level on any lot in any ten (10) year period is permitted. In addition:

i. Within seventy-five (75) feet, horizontal distance, of the normal high-water line of a river, tidal waters or stream; or within seventy-five (75) feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. (Amended 6/15/09 R)

ii. In areas outside of those described in paragraph i. above, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

b. Timber harvesting operations exceeding the 40% limitation in paragraph a. above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.

c. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a river, tidal waters or stream. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground. Any debris that falls below the normal high- water line of a water body shall be removed. (Amended 6/15/09 R)

d. Timber harvesting equipment shall not use stream channels as travel routes.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soils and the normal high water line of a river, tidal waters, or stream; or upland edge of a coastal or freshwater wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the river, tidal waters, stream, coastal wetland or freshwater wetland, provided however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the protected resource. (Amended 6/15/09 R)

In addition, an unscarified strip of vegetation of at least seventy-five (75) feet in width shall be retained between the exposed mineral soils and the normal high-water line of a stream.

211.2.J **CAMPGROUNDS**

Campgrounds shall conform to the minimum requirements imposed under State licensing and permitting procedures and the following:

211.2.J.1 The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings, shall be set back a minimum horizontal distance of one hundred twenty-five (125) feet, horizontal distance, from the normal high-water mark line of a river or tidal waters, or the upland edge of a coastal or freshwater wetland; seventy-five (75) feet, horizontal distance from the normal high water line of a stream. (Amended 6/15/09 R)

211.2.J.2 Campgrounds shall contain a minimum of 5000 sq feet of land, no including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site. (Added 6/15/09 R)

211.2.J.3 All campgrounds are subject to approval of the Planning Board through site plan review and the Department of Human Services.

211.2.K **SANITARY STANDARDS**

As well as meeting all requirements of the State of Maine Subsurface Wastewater Disposal Rules, all on-site septic systems located within the Shoreland Area shall meet the following additional standards:

211.2.K.1 All parts of all types of subsurface wastewater disposal systems shall be setback a minimum horizontal distance of one hundred twenty-five (125) feet from the normal high water line of a river or tidal waters; one hundred twenty-five feet from the upland edge of a coastal or freshwater wetland; seventy-five (75) feet from the normal high water line of a stream (Amended 5/21/01, 6/15/09 R)

The clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall not extend closer than one hundred twenty-five (125) feet, horizontal distance from the normal high water line of a river, tidal waters, or coastal or freshwater wetland; or within seventy-five (75) feet, horizontal distance, from the normal high water line of a stream. A holding tank is not allowed for a first-time residential use in the shoreland zone.

211.2.K.2 The Local Plumbing Inspector may approve a request concerning the setback of a replacement subsurface wastewater disposal system, if a report, prepared by a soils scientist or site evaluator registered in the State of Maine, is submitted and accepted stating that

a. the existing system is failing
b. no suitable location exists outside the setbacks and
c. the proposed location meets the required setbacks to the great extent.
(Amended 5/21/01)

211.2.K.3 Setbacks for new subsurface wastewater disposal facilities in the Shoreland Zone cannot be reduced by variances.

211.2.L **OVERBOARD DISCHARGE SYSTEMS**

Overboard discharge from a sewage disposal system, in which sewage, chlorinated or otherwise, flows into a protected resource is prohibited. Systems licensed prior to the passage of this amendment may continue as long as they are in compliance with all appropriate state law and do not involve expansion of the existing system.

211.2.M **WATER QUALITY**

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, stream or wetland. (Amended 6/15/09 R)

211.2. N **SIGNS**

The use of signs in the NRPZ must adhere to Sections 601 through 604. (Amended 6/15/09 R)

211.2.O **INDIVIDUAL PRIVATE CAMPSITES**

Individual, private campsites not associated with campgrounds are allowed provided the following conditions are met: (Amended 6/15/09 R)

1. One campsite per lot existing on the effective date of this ordinance, or thirty thousand (30,000) s.f. of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be setback one hundred twenty five (125) feet, horizontal distance, from the normal high water line of a river or tidal waters, or from the upland edge of a coastal or freshwater wetland; seventy-five (75) feet, horizontal distance from the normal high water line of a stream. (Amended 6/15/09 R)

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation and no structure(s) except canopies shall be attached to the recreation vehicle. (Amended 6/15/09 R)

4. The clearing of vegetation for the sitting of the recreational vehicle, tent or similar shelter shall be limited to one thousand (1,000) s.f.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off site, written authorization from the receiving facility or land owner is required.

6. No recreational vehicles, tent or similar shelter shall be placed on-site for more than one hundred and twenty (120) days per year.

211.2. P **SOILS**

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction.

Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and prepared by a state certified professional. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevations, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

211.2.Q **ARCHAEOLOGICAL SITES**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Maine Historic Preservation Commission shall be submitted to that Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the commission prior to rendering a decision on the application. A list of Historic Places compiled by the Maine Historic Preservation Commission will be kept on file in the Planning and Codes Enforcement Offices.

A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures. (Added 6/15/09 R)

211.2.R **PARKING AREAS**

211.2.R.1 Parking areas shall meet the shoreline setback requirements for structures. If the Planning Board finds that no reasonable alternative exists, the setback requirement for parking areas serving public or private boat launching facility may be reduced to no less than fifty (50) feet from the normal high water line of a river, tidal waters, stream; or no less than fifty (50) feet from the upland edge of a coastal or freshwater wetland. (Amended 6/15/09 R)

211.2.R.2 Parking areas shall be designed to prevent stormwater runoff from flowing directly into a protected resource, and where feasible, to retain all runoff on site.

211.2.R.3 Parking areas shall conform with the design and performance standards of Section 512. In addition parking spaces for vehicles with boat trailers shall be 40' in length.

211.2.S **STORM WATER RUNOFF**

211.2.S.1 All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

211.2.S.2 Direct discharge of stormwater into any water body shall be avoided.

211.2.S.3 Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

211.2.T **ESSENTIAL SERVICES**

211.2.T.1 Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

211.2.T.2 The installation of essential services, other than road-side distribution lines, is not allowed in the Shoreland Area except to provide services to a permitted use within the district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts. (Amended 6/15/09 R)

211.2.T.3 Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit. (Added 6/15/09 R)

211.3 **REQUIREMENTS FOR SPECIAL FLOOD HAZARD AREAS**

The following requirements shall be met within the Special Flood Hazard Areas, Zones A, A1-A30, and V1-V30, as identified by the Federal Emergency Management Agency in the report "Flood Insurance Study - Town of Brunswick, Maine, Cumberland County" dated January 3, 1986 with accompanying "Flood Insurance Rate Map" (FIRM) and "Flood Boundary and Floodway Map" which is adopted by reference as a part of this Ordinance."

211.3.A **FLOOD HAZARD DEVELOPMENT PERMIT REQUIREMENTS**

All construction or other development (as defined in Section 111) in special flood hazard areas, including the placement of mobile homes, shall require a Flood Hazard Development Permit from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required by this Ordinance. No Flood Hazard Development Permit shall be issued until the Code Enforcement Officer has determined that all other necessary federal, state, and municipal permits have been obtained.

211.3.B **APPLICATION FOR FLOOD HAZARD DEVELOPMENT PERMITS**

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

a. The name and address and phone numbers of the applicant, owner and contractor;

b. An address and a map indicating the location of the construction site;

c. A site plan showing location of existing and/or proposed development, including but not limited to, structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and the dimensions of the lot;

d. A statement of the intended use and cost including all materials and labor of the structure and/or development;

e. A statement as to the type of sewage system proposed.

f. Specification of dimensions of the proposed structure and/or development;

g. The elevation in relation to National Geodetic Vertical Datum (NGVD) or to a locally established datum in Zone A only, of the:

    1. base flood at the proposed site of all new or substantially improved structures, which is determined:

        a. in Zones A1-30 and V1-30 from data contained in the "Flood Insurance Study - Town of Brunswick, Maine," as described above; or,

        b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;

    2. highest and lowest grades at the site adjacent to the walls of the proposed building;

    3. lowest floor, including basement; and whether or not such structures contain a basement; and,

    4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

h. A description of an elevation reference point established on the site of all new or substantially improved structures;

i. Either an Elevation Certificate (FEMA Form 81-31) by a Professional Land Surveyor, registered professional engineer or architect, or for non-residential structures to be floodproofed, a Floodproofing certificate (FEMA Form 81-65) completed by a registered professional engineer or architect. These certificates verify that the elevations shown on the application are accurate;

j. Certification by a registered professional engineer or architect that:

    1. non-residential structures will meet the floodproofing criteria of section 211.3.B.g.4.; 211.3.E.2; and, other applicable standards or Section 211.3.E.

    2. construction in coastal high hazard areas, Zones V1-30 will meet the criteria of section 211.3.E. 11; and,

3. engineered hydraulic openings in foundation walls will meet the standards of section 211.3.E.7.2.

4. bridges will meet the standards of section 211.3.E.8.

5. containment walls will meet the standards of section 211.3.E.9.

k. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

l. A statement of construction plans describing in detail how each applicable development standard in section 211.3.E will be met.

211.3.C REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

a. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Section 211.3.E (Development Standards) have, or will be met;

b. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Brunswick, Maine," as described in section 211.3. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources.

c. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described above;

d. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.1334;

e. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

f. Issue one of the following Flood Hazard Development Permits based on the type of development:

(a) Issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a professional land surveyor, engineer, or architect based on the Part 1 permit construction, "as built" for verifying compliance with the elevation requirements of section 211.3.E.1., 2., 3., or 11. Following review of the Elevation Certificate the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or

(b) Issue a Flood Hazard Development permit for floodproofing of non-residential structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the flood proofing standards of section 211.3.E.2.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or

(c) Issue a Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided in section 211.3.E.5, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

g. Maintain, as a permanent record, copies of all flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Chapter 703 of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates and Certificates of Compliance required under the provisions of this Ordinance.

211.3.D. CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

a. The applicant shall submit an Elevation Certificate completed by:

1. a Professional Land Surveyor for compliance with section 211.3.E.1-3 or 11; and,

2. a registered professional engineer or architect, in the case of:

(a) floodproofed non-residential structures, for compliance with section 211.3.E.2; and,

(b) construction of structures in the coastal floodplains for compliance with section 211.3.E.11.

b. Written notification that the development is complete and complies with this ordinance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.

c. The Code Enforcement Officer shall review the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.

211.3.E DEVELOPMENT STANDARDS IN FLOOD HAZARD AREAS

All developments in areas of special flood hazard shall meet the following applicable standards:

(1) All development shall be designed or modified and anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement resulting from the hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Construction material and utility equipment must be resistant to flood damage.

(3) Construction methods and practices shall be used to minimize flood damage.

(4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(5) All new and replacement sanitary sewage systems including on-site waste disposal systems, shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters.

(6) All electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(7) All development associated with altered or relocated portions of a water course shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the water course.

211.3.E.1 RESIDENTIAL STRUCTURES

New construction or the substantial improvement of any residential structures located within:

(1) Zones A1-A30, shall have the lowest floor (including the basement), elevated at least one foot above the base flood elevation.

(2) Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing elevation information available from federal, state and other sources.

(3) Zones V1-30 shall meet the requirements of section 211.3.E.11.

211.3.E.2 NON-RESIDENTIAL STRUCTURES

New construction or substantial improvement of any non-residential structures located within:

(1) Zones A1-30, shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, and shall include a record of the elevation above mean sea level to which the structure is flood proofed.

(2) Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation by utilizing elevation information elevation available from federal, state or other sources or together with attendant utility and sanitary facilities meet the floodproofing standards of section 211.3.E.2.(1).

(3) Zones V1-30 shall meet the requirements of section 211.3.E.11.

211.3.E.3 MOBILE HOMES

New or substantially improved mobile homes located within:

(1) Zones A1-30 shall:

a. be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation; and,

b. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (modular housing less than 50 feet long require one additional tie per side); or by,

(2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (modular housing less than 50 feet long require four additional ties per side).

(3) All components of the anchoring system described above shall be capable of carrying a force of 4800 pounds.

(2) Zone A shall be elevated on a permanent foundation such that the lowest floor is elevated to at least one foot above the base flood elevation as determined by utilizing information on the base flood elevation available from federal, state and other sources.

(3) Zones V1-30 shall meet the requirements of section 211.3.E.11.

211.3.E.4 RECREATIONAL VEHICLES

Recreation vehicles located within:

(1) Zones A1-30 shall either:

a be on the site for fewer than 180 consecutive days,

b be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities an security devices, and has no permanently attached additions; or,

c be permitted in accordance with the elevation and anchoring requirements for "modular housing" in section 211.3.E.3.(1).a and b.

(2) Zones V1-30 shall meet the requirements of either section 211.3.E.4.(1).a or b or 211.3.E.11.

211.3.E.5 ACCESSORY STRUCTURES

Accessory structures as defined in Section 111, located within Zones A1-30 and A, shall be exempt from the elevation criteria required in section 211.3.E.1 and 2, if all other requirements of section 211.3.E and all the following requirements are met. Accessory Structures shall:

(1) be 500 square feet or less and have a value less than $3,000.

(2) have unfinished interiors and not be used for human habitation.

(3) have hydraulic openings, as specified in section 211.3.E.7.(2).b.3 in at least two different walls of the accessory structure.

(4) be located outside the floodway.

(5) when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwater and be placed further from the source of flooding than is the primary structure.

(6) have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

211.3.E.6 **FLOODWAYS**

(1) In Zones A1-30 encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map," unless the alteration is a necessity and a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) In Zones A1-30 riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted on the floodway as determined in section 211.3.E.6.(3) unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and

b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/January 1995, as amended).

(3) In Zones A1-30 and A, riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain. Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of section 211.3.E.6.(2).a and b.

211.3.E.7 **ENCLOSED AREAS BELOW THE LOWEST FLOOR**

New construction or substantial improvement of any structure in Zones A1-30 and A that meets the development standards in section 211.3.E including the elevation requirements of section 211.3.E,1., 2., or 3 and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

(1) Enclosed areas are not "basements" as defined in Section 111.

(2) Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

(a) be engineered and certified by a registered professional engineer or architect; or

(b) meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for ever square foot of the enclosed area;

2. The bottom of all openings shall be no higher than one foot above the lowest grade; and,

3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

(3) The enclosed area shall not be used for human habitation; and,

(4) The enclosed areas are usable solely for building access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

211.3.E.8 BRIDGES

New construction or substantial improvement of any bridge located within Zone A1-30 and V1-30 shall be designed such that:

(1) when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

(2) a registered professional engineer shall certify that:

a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of section 211.3.E.6; and

b. the foundation and superstructure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

211.3.E.9 CONTAINMENT WALLS

New construction or substantial improvement of any containment wall located within:

(1) Zones A1-30 and V1-30 shall:

a. have the containment wall elevated to at least one foot above the base flood elevation;

b. have structural components capable to resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by section 211.3.B.j.

(2) Zone A shall have the containment wall elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to section 211.3.B.g or 211.3.C.b.

211.3.E.10 WHARVES, PIERS AND DOCKS

New construction or substantial improvement of wharves, piers and docks are permitted in Zone A, A1-30 and V1-30, in and over water and seaward of the mean high tide if the following requirements are met:

(1) wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

(2) commercial wharves, piers, and docks involving fill shall adhere to the design and construction standards contained in the U.S. Army Corps of Engineers' "Shore Protection Manual".

211.3.E.11 COASTAL FLOODPLAINS

(1) All new construction located within Zones A1-30, A, and V1-30 shall be located landward of the reach of the mean high tide except as provided in section 211.3.E.11.(8).

(2) New construction or substantial improvement of any structure located within Zones V1-30 shall:

a. be elevated on posts or columns such that:

(1) the bottom of the lowest structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;

(2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,

(3) water loading values used shall be those associated with the baseflood. Wind loading values used shall be those required by applicable state and local building standards.

b. have the space below the lowest floor:

(1) free of obstructions; or,

(2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,

(3) constructed with non-supporting breakaway walls which have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

c. A registered professional engineer or architect shall:

(1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the Coastal Construction Manual, (FEMA-55/February, 1986); and,

(2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of section 211.3.E.11(2).

d. The use of fill for structural support in Zones V1-30 is prohibited.

e. Human alteration of sand dunes within Zones V1-30 is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

f. The enclosed areas may be used solely for parking vehicles, building access, and storage.

g. Lobster sheds and fishing sheds located seaward of mean high tide shall be exempt from the elevation requirement in section 211.3.E.2 and are permitted by the Planning Board if all the following requirements and those of section 211.3.E.6 and 7 are met and a Public Hearing is held:

1. The sheds shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

2. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

3. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

4. The structure shall have unfinished interiors and shall not be used for human habitation.

5. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or flood proofed to one foot above the base flood elevation.

6. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

211.3.F **WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increases by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted with such areas will be free from flooding of flood damages. This ordinance shall not create liability on the part of the Town of Brunswick or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

211.4 **LAND INCORRECTLY DELINEATED AS PART OF THE NATURAL RESOURCE PROTECTION ZONE**

211.4.A In a case where the Special Flood Hazard Area boundary is believed to be incorrectly delineated, the property owner may apply to the Federal Emergency Management Agency for a Letter of Map Correction as outlined in the National Flood Insurance Program Regulations 44 CFR Part 65.

211.4.B In a case where a Shoreland Area boundary determination is appealed to the Zoning Board of Appeals, the owner or applicant shall show where the bounds should properly be located with a report submitted and accepted from a registered professional engineer, registered geologist or other appropriate professional acceptable to the Board.

(Section 211 was amended in its entirety on 1/19/99 R)

USE PROTECTION OVERLAY ZONES

212 Medical Use Zone(MUZ)

212.1 **Permitted Uses**. The following uses are permitted in the Medical Use Zone as an overlay of the primary district provided they meet the standards of this section:

Medical Office	Nursing Home
Hospital	Congregate Care Facility
Boarding Care Facility	

Accessory Uses including, but not limited to the following, are allowed providing they meet the standards of this section.

Hospice	Mental Health Clinic
Ambulance	Helicopter Landing Pad
Prof. Office	Coffee Shop and Restaurant
Pharmacy	Gift Shop and related retail
Physical Therapy	Bank Class II
Day Care Center	Service Business

212.2 **Special Exception**. There are no special exceptions permitted in the Medical Use Zone.

212.3 **Performance Standards**

A. Minimum Lot Size 30,000 square feet

B. Dimensions Requirements
   (1) Minimum Lot Width: 150'
   (2) Yard Depths
      (a) Front 30'
      (b) Rear 30'
      (c) Side 30'
   (3) Maximum Building Height: 40' (Amended 6/19/00 R)

C. Maximum Footprint Factor: 25%

D. Maximum Gross Density Factor 50%

E. Landscaping Factor: 50%

F. Buffer Zone. Where a use permitted in this zone abuts a residential use, a 50 foot buffer yard must be maintained between the building and the lot line of the residential use. The yard, which may be included as part of the landscape factor, must be sufficiently landscaped or fenced so as to provide a screen from the residential use.

G. Lighting. All lighting must be of the cutoff luminaire variety so that no lighting is emitted beyond the lot lines. The lighting must be no higher than 35' and must produce no direct glare.

H. Noise. Noise must be confined to the lot and must not exceed existing levels.

I. Vibrations. Vibrations must be imperceptible without instruments at the walls of the building on the site.

J. Odors. Odors must not be objectionable beyond the lot line of the site.

K. Parking Review Standards. Parking must be screened from abutting residential uses. Screening may include fencing, but must include plantings designed to reduce visual contact and absorb sounds.

L. Traffic Impact Analysis. A traffic impact analysis, conducted by a recognized traffic expert, acceptable to the municipality, shall be required. The following requirements must be met:

1. The level of service shall be maintained within 200' of the point of ingress/egress of the proposed use.

2. The use must not result in an increased risk to pedestrian movement within 200' of the point of ingress or egress.

   If either of the above would be likely to occur, the applicant must make improvements to the systems so as to maintain existing levels of service.

M. Hazardous Matter. Hazardous matter must be so controlled that there is no concentration of it beyond the building limits which would endanger public health or cause property damage. The only permitted storage of hazardous matter is that necessary for medical purposes. A plan for handling such matter is required.

N. Storage of Materials. All materials must be stored within an enclosed structure so as to be screened from view.

O. Any project located within the Medical Use Zone shall conform to the specific requirements of the Cook's Corner Design Standards. (Amended 5/20/02 R)

213 Mobile Home Park (MHZ)

213.1 Overlay Zone Provisions

A. The Mobile Home Park Zone has been identified as a suitable location for manufactured housing and manufactured housing parks, which shall be permitted by right in the Mobile Home Park Zone, subject to site plan and subdivision approval.

B Existing Mobile Home Parks may be expanded, one time only, up to a maximum of one-third of their land area on December 1, 1995. Such expansion may encompass contiguous land outside the mapped Mobile Home Park Zone.

C. All other use regulations applicable to the underlying land use district will continue to apply in the Mobile Home Park Zone.

213.2 Mobile Home Park Standards

A. Review Requirements

All mobile home parks, including the expansion of an existing park, are subject to subdivision approval.

B. Public Water and Public Sewer

Public water and public sewer are required for all mobile home parks, unless it can be demonstrated that on-site water supply and septic disposal systems are available.

C. Minimum Lot Size

1. With public sewer, the minimum individual lot size shall be 4,000 square feet.

2. With on-site sewage disposal within the park, the minimum individual lot size shall be 13,000 square feet, provided that a community septic system, approved by the Department of Human Services, is utilized and that the maximum residential density in the park does not exceed one dwelling unit per 20,000 square feet of net site area. Where on-site sewage disposal is located on each lot, the lot size shall be at least 20,000 square feet.

3. Mobile home parks shall not be subject to the residential density requirements applicable to other residential development.

D. Dimensions

Dimensions for individual sites or lots are as follows:

1.	Minimum Lot Width		50 feet
2.	Yard Depths		
	a.	Front	10 feet
	b.	Rear	15 feet
	c.	Side	10 feet

E. Open Space and Recreation

An area equal to at least 10% of the combined area of all individual lots shall be reserved for playgrounds and other recreational facilities and open space

F. Park Setbacks

A mobile home park shall maintain a 25 foot setback along all property lines, except where the mobile home park abuts a residential use or development, where the minimum setback shall be 50 feet. The setback, which may be included as part of the required open space, shall be sufficiently landscaped or fenced to effectively screen the park from surrounding properties.

G. Landscape Plan

A mobile home park shall have a landscape plan which takes into consideration the relationship of individual sites to one another, the proposed use of open space, the relationship of the park to surrounding property, and a specific planting scheme. The plan shall include a permanent landscape maintenance program.

H. Placement on Pad

In a mobile home park, each individual unit shall be placed upon a dwelling unit pad and shall have a skirting placed around its base to screen the base from view.

214 Telecommunications Zones (TCZ)

214.1 **Permitted Uses**. All telecommunication towers are permitted within the Telecommunications Zones as a matter of right. Telecommunication includes, but is not limited to:

VHF and UHF Television
FM Radio and AM Radio
Private radio transmission and reception facilities on all bands licensed by the FCC.
Public radio communications services using bands licensed by the FCC.
Fixed-Point Microwave transmission and reception

214.2 DIMENSIONAL TABLE

Standard/District	TCZ1	TCZ2
Minimum Lot Area	80,000 sf	30,000 sf
Minimum Lot Width	200’	60’
Minimum Front Yard	30’	30’
Minimum Rear Yard	30’	30’
Minimum Side Yard	30’	30’
Maximum Impervious Surface Coverage	50%	50%
Maximum Tower Height	400’	199’ (Amended 10/17/11 R)

Note: For the purposes of Section 214.2 leased land shall be treated as a lot.

214.3 **Permit from FAA.** In order to erect a telecommunication tower, the applicant must first obtain a permit from the Federal Aviation Administration. As part of the application for a building permit, the applicant shall file with the Codes Enforcement Officer a copy of the application to, and the permit issued by, the Federal Aviation Administration. Upon compliance with all the requirements of this section, the Codes Enforcement Officer shall issue a building permit to the applicant without the necessity of site plan review.

214.4 **Other Provisions**. The following additional standards shall be complied with:

A. The installation and operation of all towers and equipment shall be in accordance with Federal Aviation Administration and Federal Communications Commission regulations.

B. A new wireless telecommunications tower and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural landforms on the site shall also be preserved to the maximum extent practicable. The cutting of trees or other vegetation within the "fall zone" stipulated in section 214.4.K, below, shall be limited to the minimum necessary for: 1) construction of the tower, accessory structures, fencing and vehicular access to the facility, 2) removal of trees that are dead, diseased and/or create a hazard, and 3) a footpath through the area not to exceed 6 (six) feet in width.

C. The applicant shall provide at least one parking space for each tower along with circulation and vehicle access.

D. All towers must be constructed so as to meet or exceed the manufacturer's specifications and the current building code of the Town.

E. The owner shall arrange for an annual inspection of each tower to determine that it meets the most current B.O.C.A. standards. One copy of the inspection results shall be submitted to the Code Enforcement Officer with a plan and schedule for correction of each deficiency noted. The owner shall have the deficiency corrected within 90 days of the receipt of the report.

F. A wireless telecommunications tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The Codes Enforcement Officer shall notify the owner of an abandoned tower in writing and order the removal of the tower within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the Codes Enforcement Officer that the tower has not been abandoned. If the Owner fails to show that the tower is in active operation, the owner shall have sixty (60) days to remove the tower. If the tower is not removed within this time period, the municipality may remove the tower in accordance with the financial guarantee provided for this purpose at the time of issuance of the building permit in accordance with section 214.4.N.3.D, below. The owner may apply to the Codes Enforcement Officer for release of the financial guarantee when the tower is removed to the satisfaction of the Codes Enforcement Officer. By May 1 of each year, the tower owner shall submit a letter to the Codes Enforcement Officer stating the name and address of owners of equipment on the tower as of April 1 of that year.

G. Provided there are no FAA color requirements to the contrary, a new wireless telecommunications tower and related equipment must be constructed with material and colors that match or blend with the surrounding natural or built environment, to the maximum practical extent. Galvanized metal shall be considered to satisfy this provision.

H. A new wireless telecommunications tower and related equipment must be designed and constructed to accommodate the collocation of at least three independent arrays of antennae and related equipment.

I. In any case where a tower is determined by the FAA to need obstruction marking or lighting, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in FAA applications. Security lighting must comply with the lighting provisions of section 109.3.

J. A new wireless telecommunications tower and related equipment must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers. Fencing shall be a minimum of six (6) feet in height and be topped with barbed wire.

K. In the TCZ2 zone, only AM radio towers/antennae or similar installations may be installed with guy wire support and transmission wiring. All other new wireless telecommunications tower must be a freestanding monopole structure with a round base and section throughout its length. Any tower constructed in the TCZ2 shall be designed to collapse upon itself and no habitable structure shall be located within 100' of the tower. The tower owner shall own or otherwise have control of the land within this 100' "fall zone" in order to assure compliance with this requirement. (Amended 10/17/11 R)

L. In the TCZ1 zone, if guy wires and anchors are to be located on adjoining property, permanent easements must be obtained by the applicant and presented to the Codes Enforcement Officer as part of the application for a building permit.

M. Accessory facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcasting studios, except for emergency purposes, or other uses that are not needed to send or receive transmission signals.

N. Guy wired towers/antennae shall include techniques to mitigate bird and bat injuries. (Amended 10/17/11 R)

O. The following standard conditions of approval shall be part of any building permit issued by the Codes Enforcement Officer. Where necessary to ensure that a permitted project meets the criteria of this ordinance, the Codes Enforcement Officer can impose additional conditions of approval. If the Codes Enforcement Officer determines that the tower owner is in non-compliance with any of these conditions of approval, the Codes Enforcement Officer shall order operation of the tower to cease. Reference to the conditions of approval shall be clearly noted on the building permit and shall include:

1) The owners of the wireless telecommunications tower and his or her successors and assigns agree to:
   a. respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
   b. negotiate in good faith for shared use of the wireless telecommunications tower by third parties;
   c. allow shared use of the wireless telecommunications tower if an applicant agrees in writing to pay reasonable charges for collocations;
   d. require no more than a reasonable charge for shared use of the wireless telecommunications tower, based on prevailing market rates within a 20-mile radius and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications tower.

2) Upon request by the municipality, the applicant shall certify compliance with all applicable FCC radio frequency exposure guidelines.

3) That, prior to issuance of a building permit for a new tower, the applicant shall provide:
   a) a copy of an executed contract between the applicant and an FCC licensed carrier to provide space on the tower for a minimum of five years,
   b) copies of all necessary permits and approvals from the FCC, FAA and any other agency having jurisdiction over the tower and the carrier's telecommunications facilities,
   c) evidence, satisfactory to the Codes Enforcement Officer, that no existing tower can serve the purpose and accommodate the equipment proposed for deployment on the proposed tower. (This evidence may include the contract stipulated in item a, above, drive test data and other correspondence from prospective users of the tower. The Codes Enforcement Officer may require an independent analysis of this evidence prior to issuance of a building permit. If an independent analysis is required, the applicant shall deposit funds in a dedicated Town account to cover the cost of the independent analysis.),
   d) a financial guarantee, satisfactory to the Codes Enforcement Officer, that shall cover the cost of removal of the tower and related equipment in accordance with section 214.4.F, above.

Section 214 was amended in its entirety 2/4/02 R

SPECIAL DISTRICTS

215	**BNAS FLIGHT PATH ZONES**
District Name	**Geographic Reference**
FPZ1	Clear Zone
FPZ2	Noise/Accident Zone

215.1 Purpose - The Purpose of the Flight Path Zones is to prevent development which is incompatible with the levels of noise and accident potential within the approaches to the Naval Air Station runways. The zone boundaries are based on the Air Installation Compatible Use Zone Study, NAS Brunswick, 1977, revised 1986 (available in the Brunswick Planning and Development Office). Issues of safety and noise will be carefully reviewed by the Planning Board as it considers any and all Special Permit applications within the Flight Zones. (Amended 3/16/98R)

215.2 Use Table - In cases where a use classification indicated on this table conflicts with the use classification relating to any other applicable primary or overlay zone, the most restrictive classification shall apply. (Amended 3/16/98R)

Use/District	FPZ1	FPZ2
Bank	X	-
Bed and Breakfast	X	X
Boarding Care Facility	X	X
Boarding House	X	X
Business Office	X	-
Car Wash	X	-
Club or Lodge	X	X
Community Center	X	X
Contractor's Space	X	-
Drive-Through	X	- (Amended 5/20/02 R)
Dwelling, Single-Family	X	P
Dwelling, Two-Family	X	X
Dwelling, 3 or More Units	X	X
Gasoline Sales	X	X
Golf Course	X	-
Green House of Florist	X	-
Educational Facility	X	X
Farm	-	-
Hotel	X	X
Industry Class I	X	-
Industry Class II	X	-
Kennel	X	-
Library or Museum	X	-
Media Studio	X	-
Motor Vehicle Sales	X	-
Motor Vehicle Service/Repair	X	-
Parking Facility	X	-
Photographer and Artists Studio	X	-
Professional Office (except Medical)	X	-
Recreation Facility	X	-
Religious Institution	X	X
Restaurant	X	X
Retail Class I	X	-
Retail Class II	X	-

Use/District	FPZ1	FPZ2
Service Business Class I	X	-
Service Business Class II	X	-
Veterinary Office	X	-
Warehousing and Storage	X	-
Theatre	X	X

Key:P= "permitted use"; X= "prohibited use"; "-"= Special Permit required, see Section 701.

215.3 Additional Zone Specific Requirements

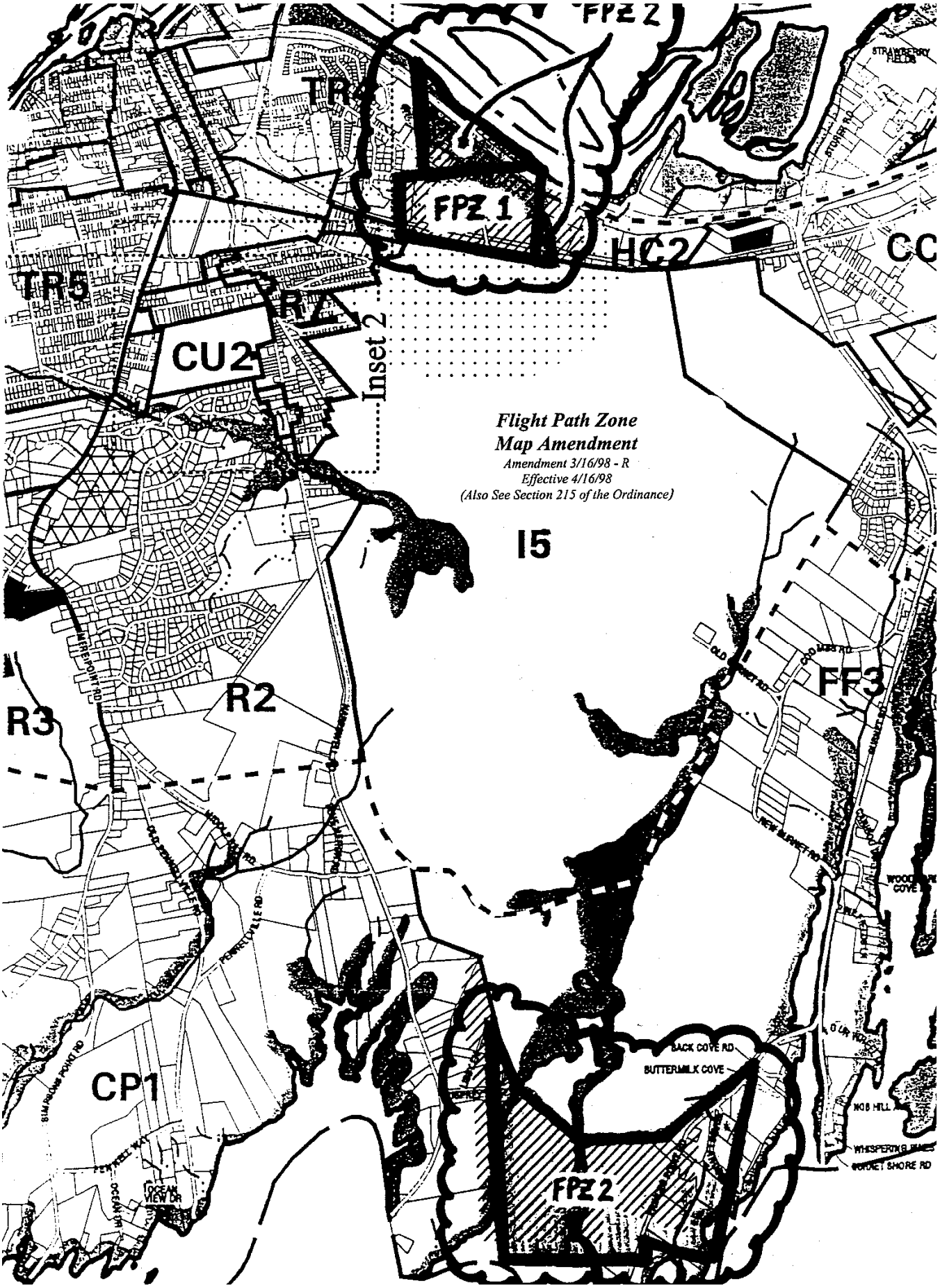
In cases where the following provisions conflict with the provisions of any other applicable primary or overlay zone, the most restrictive provisions shall apply. (Amended 3/16/98 R)

A. Residential density shall not exceed one unit per two acres.

B. The maximum building height is 35 feet.

215.4 Additional Zone Specific Recommendations (Amended 3/16/98)

A. Additional sound insulation measures are recommended for habitable spaces.


FPZ 2
TR4
FPZ 1
HC2
CC
TR5
RA
CU2
Inset 2
Flight Path Zone
Map Amendment
Amendment 3/16/98 - R
Effective 4/16/98
(Also See Section 215 of the Ordinance)
I5
R3
R2
FF3
CP1
FPZ 2
BACK COVE RD
BUTTERMILK COVE
NOB HILL
OCEAN VIEW DR

216 Village Review Zone (VRZ)

216.1 Purpose

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

A. Applying Ordinance standards and design guidelines in a reasonable and flexible manner to maintain Brunswick's traditional character and to ensure compatible construction and rehabilitation of existing structures in the Village Review Zone without stifling change or forcing modern recreations of historic styles.

B. Developing administrative processes and objective standards that identify and encourage the preservation and enhancement of neighborhood character, sites, and structures having historic or architectural significance.

C. Promoting economic development by enhancing the attractiveness of the Town to businesses and their patrons, residents, and visitors to Brunswick.

D. Fostering civic pride in the Town's history and development patterns as represented in distinctive sites, structures, and objects.

E. Promoting and protecting significant features of the historic patterns of development, including traditional landscaping, densities, structural mass and scale.

216.2 Duties of the Village Review Board

The duties of the Village Review Board are to:

A. Review new construction, additions, alterations, relocations and demolitions within the Village Review Zone, and issue a Certificate of Appropriateness for applications satisfying the requirements of this Section.

B. Develop, regularly update, and consult the Village Review Zone Design Guidelines in review of applications for Certificates of Appropriateness.

C. Act in an advisory capacity to the Town Council, Planning Board and other Town entities regarding the protection of historic sites, structures, and artifacts.

D. Review and comment upon proposed National Register of Historic Places nominations for properties within the Town.

E. Maintain and update the existing historic building/structure survey using forms and guidelines established by the Maine Historic Preservation Commission.

F. Provide educational and informational opportunities for Brunswick residents and businesses regarding historic preservation.

216.3 Village Review Board Membership

A. The Village Review Board shall consist of seven members.

B. The membership of the Village Review Board shall include a resident of the Village Review Zone and a Brunswick resident who is a representative of the Pejepscot Historical Society. To the extent possible, the remaining members shall include Brunswick residents with expertise or experience in the fields of architecture, historic preservation and construction engineering.

C. All members shall be appointed by the Town Council for a three-year term.

D. Annually, on or about February 22, the Village Review Board shall choose a Chair and Vice-Chair from its membership.

E. A quorum shall consist of four members.

F. The Village Review Board may adopt its own rules of procedure and shall establish appropriate meeting times.

216.4 Classifications

A. Contributing resources as listed in Appendix 6, as amended, shall include:

i. Properties listed on the National Register of Historic Places.
ii. Properties eligible for listing on the National Register of Historic Places, as determined by the Maine Historic Preservation Commission.
iii. Properties located within a National Register Historic District, deemed to be contributing resources by the Maine Historic Preservation Commission.
iv. Properties deemed to be contributing resources of local and regional significance by the Town of Brunswick.

B. Noncontributing resources are all remaining resources not considered to be contributing.

216.5 Certificate of Appropriateness

A. A Certificate of Appropriateness is required for any of the following activities in the Village Review Zone involving contributing resources or, if visible from a public right-of-way, noncontributing resources:

1. Construction of a new structure.
2. Addition to an existing structure.
3. Alteration to the exterior appearance of any structure with the exception of in-kind replacement of windows, facades and building ornamentation, normal maintenance and painting. This includes, but is not limited to, any construction requiring a building permit, the construction of fences, changes in windows or façade materials, or the elimination or addition of any ornamentation.
4. Relocation of any structure, or portions thereof.
5. Demolition of any structure or portions thereof.
6. Construction, installation or alteration of any sign, with the exception of directional signage less than three square feet in size.

B. The power to grant a Certificate of Appropriateness for new construction, additions, alterations, relocations and demolitions under this Section is vested in the Village Review Board; however that power is hereby delegated in accordance with the following provisions:

1. The Director of Planning and Development shall have the power to grant a Certificate of

Appropriateness in cases where, in her/his judgment, the impact of the proposed activities will be minor, as defined in Section 216.8(B)(1) herein, and in keeping with the review standards of the Ordinance.

2. The Director of Planning and Development shall regularly apprise the Village Review Board of Certificates of Appropriateness granted in accordance with subparagraph 1.
3. Notwithstanding the authority delegated to the Director of Planning and Development, the applicant and the Village Review Board Chair each has the right to require review of an application by the Village Review Board.
4. The Director of Planning and Development may find proposed changes to an approved Certificate of Appropriateness to be a minor modification, in which case approval by the Village Review Board shall not be required.
5. In the event vacancies exist on the Village Review Board such that a quorum cannot be achieved to permit the Village Review Board to act on a pending or new application for a Certificate of Appropriateness, the Brunswick Planning Board shall act as the Village Review Board and shall hear and decide any such pending or new application, applying the criteria set forth in this Section 216. To the extent the applicant is also required to seek development review from the Planning Board in accordance with Chapter 4 of this Ordinance, the Planning Board shall hear the application for a Certificate of Appropriateness together with such development review. The Village Review Board shall hear and decide new applications filed after vacancies on the Village Review Board are filled such that a quorum can be achieved. **(Amended 2/3/14 R)**

C. If a structure or property has been damaged by fire, flood, storm or other disaster, and emergency temporary repairs or partial demolition are required in order to protect health or safety, or to prevent further damage to the structure or property, the Codes Enforcement Officer may waive temporarily the requirements of this Section for a Certificate of Appropriateness and issue a building permit for such emergency temporary repairs, including partial demolition. No later than 30 days after the issuance of the permit, the permit applicant must apply for a Certificate of Appropriateness for the repairs or demolition already made and/or any planned permanent repairs or additional demolition work that requires a Certificate of Appropriateness under Section 216.5. A.

216.6 Limitation on Granting of Other Permits

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

216.7 Application for Certificate of Appropriateness

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

A. Name, address and interest in the property.

B. Location and nature of the proposed activity.

C. A brief description of the proposed construction, reconstruction, alteration, relocation or demolition and proposed reuse. The description shall include the reason for the request, and

must demonstrate how the proposal is in compliance with Section 216.9.

D. Drawings illustrating the design, texture, and location of any construction, alteration, or demolition/relocation for which a certificate is required. The drawings shall include plans and exterior elevations drawn to scale, with sufficient detail to show their relation to exterior appearances and the architectural design of the building. Proposed materials and textures shall be described, including samples where appropriate. Drawings need not be prepared by an architect or engineer, but shall be clear, complete, and specific.

E. Photographs of the building(s) involved and of immediately adjacent properties. Staff shall provide completed historic building/structure survey forms if available for the structure. For demolition or relocation applications, interior and exterior photographs shall be provided clearly indicating the existing condition of the structure and, if available, the structural condition at the time of purchase by the applicant.

F. A site plan showing the relationship of proposed changes to walks, driveways, signs, lighting, landscaping, and adjacent properties, if applicable. For relocation or demolition applications, provide post-demolition plans, including a site plan for the property specifying site improvements and a timetable for completion.

G. The reviewing entity may grant a waiver of submission requirements if it finds the submission of that information is not relevant to a determination.

H. Application fee.

216.8 Application Review Process

A. All applicants are encouraged to consult with Department of Planning and Development staff prior to submitting an application for a Certificate of Appropriateness at which time a determination can be made as to the level of review required. During consultation, Department staff shall provide appropriate guidance and available resources, including the Village Review Zone Design Guidelines, to the applicant.

B. Within four days of an application being submitted to the Department of Planning and Development, staff shall make a determination regarding completeness. If incomplete, staff will notify the applicant of deficiencies. If complete, staff will process the application as either a minor or major application as follows:

1. Minor Activities (staff-level review)

a. Activities shall include:

1) Any alterations or additions not visible from a public right-of-way;
2) Replacement of existing exterior siding or other materials, windows or doors which do not alter architectural or historic character;
3) Repair, replacement or re-pointing of exterior masonry walls which do not alter architectural or historic character;
4) Placement of sheds or other outbuildings, fences or dumpsters located in rear yards not visible from a public right-of-way;
5) Any demolitions, partial demolitions or relocations of noncontributing resources not visible from a public right-of-way.
6) Roof-top appurtenances not visible from a public-right-of-way; and,
7) Removal of non-historic elements concealing original architectural character-defining features.

b. Minor Applications for Certificate of Appropriateness shall be submitted to the Department of Planning and Development staff.

1) Staff shall review and either render a decision to the applicant or forward to the Village Review Board for their consideration within ten days of determining the application complete.
2) The Village Review Board may conduct a review of a minor application at the recommendation of either the Director of Planning and Development or Board Chair.
3) A person with standing may appeal the decision by staff to the Village Review Board by submitting an appeal application to the Director of Planning and Development within 30 days of the date of the action. The Village Review Board may hold a public hearing and shall render its decision following the review procedure set forth in Section 216.8.B.2.b.

2. Major Activities (Village Review Board-level review)

a. Activities shall include:

1) Any alterations or additions to existing structures or new construction visible from a public right-of-way;
2) Any roof-top appurtenances visible from a public right-of-way;
3) Exterior renovations, alterations or modifications to the structure or site not determined to be minor in nature;
4) Any demolitions, partial demolitions or relocations of either contributing resources or noncontributing resources visible from a public right-of-way. The independent demolition of incidental noncontributing structures accessory to a contributing resource are exempt from review; and.
5) Any alterations or new placement of walks, driveways or new impervious surfaces associated with any of the above major activities.

b. Major Applications for Certificate of Appropriateness shall be submitted to the Department of Planning and Development staff no less than fourteen days from the date of the Village Review Board's meeting in which it will be discussed.

1) The Town shall provide notification to all property owners within a 200-foot radius of the boundaries of the property under review in the proposed application, giving a general description of the activity and specifying its location. Notifications shall be distributed by first class mail at least 10 days prior to a scheduled review, stipulating the time and place of the Board's meeting. The Board may also schedule a publicly noticed site visit of the subject property prior to their meeting.
2) Within 30 days of the Town's receipt of a complete application, the Village Review Board shall hold a public meeting and make a determination as to the completeness of the application. Once the Board determines that the application is complete, it shall review the application. After completing its review, the Board shall vote to deny, approve or approve the application with conditions. The Village Review Board shall set forth the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the applicant and any interested member of the public of the basis for the decision. The date of approval, denial, or approval with conditions shall be the date that the Board votes on an application for a Certificate of Approval.

3) A written notice of the determination of the Village Review Board, including findings of fact and Certificate of Appropriateness, shall be sent by regular mail to the applicant and to the Planning Board within 10 days of the Village Review Board's determination.

4) The Village Review Board, by a majority vote, may request an independent peer review of the application or portion thereof at their discretion. All costs associated with the peer review shall be borne by the applicant. Peer review shall not be undertaken unless it is necessary for an informed review of the submitted materials and at a reasonable cost. Estimated costs for the peer review shall be disclosed to the applicant prior to undertaking such review. The Town shall require an applicant to deposit funds into an escrow account to be held for the purpose of reimbursing peer review costs. The applicant shall be entitled to an accounting of the use of all funds, as well as to a refund of all funds not expended upon final approval, denial or withdrawal of an application.

c. Additional Processing Requirements for Relocation or Demolition Activities:

1) In addition to the above, additional processing requirements for Certificate of Appropriateness applications for demolition or relocation of a contributing, as well as noncontributing resources visible from public right-of-way shall be as follows:

a) General

i. A permit for demolition or relocation of a contributing resource, a noncontributing resource visible from a public right-of-way or portions thereof, within the Village Review Zone shall not be issued unless a Certificate of Appropriateness has been approved. No exterior demolition work and interior demolition work rendering the structure uninhabitable, or relocation of the resource may commence until the expiration of the 30-day decision appeal period or, if an appeal is taken, upon final disposition of the appeal.

b) Review Process

i. Applications to demolish or relocate contributing resources individually listed on the National Register of Historic Places or deemed eligible by the Maine Historic Preservation Commission, and contributing resources located within a National Register-listed Historic District must adhere to a 90-day delay period. The Village Review Board may impose a 90-day delay period for contributing resources of local and regional significance. Such 90-day delay period shall commence when application is deemed complete by the Village Review Board.

ii. During the 90-day delay period, the applicant shall:

1. Consult with Village Review Board and Maine Preservation or Maine Historic Preservation Commission in seeking alternatives to demolition, including the reuse and/or relocation of the resource.

2. Consult with and notify other related organizations of intent to demolish the contributing resource, as identified during consultations with Village Review Board and Maine Preservation or Maine Historic Preservation Commission.
3. Document "good faith" efforts in seeking an alternative, including relocation and/or reuse, resulting in the preservation of the resource. Such efforts shall include posting a visible sign on the property, listing the property for sale and/or relocation, and publishing a notice of availability in a general circulation local newspaper. The notice of the proposed demolition shall be forwarded to the Pejepscot Historical Society, the Town Council, the Planning Board
4. Thoroughly photo or video document the resource and provide photo/video and written documentation to the Town and Pejepscot Historical Society. Any significant architectural features shall be salvaged, reused and/or preserved as appropriate.
5. Provide post-demolition plans, including a site plan for the property specifying site improvements and a timetable for completion.

iii. If at the end of the 90-day period, no satisfactory alternative has been found, the Village Review Board shall either grant or deny a Certificate of Appropriateness to demolish or relocate the resource, applying the criteria set forth in Section 216.9(B).

2) Noncontributing Resources.

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

216.9 Review Standards

A. General Standard.

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

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

1. In approving applications for a Certificate of Appropriateness for new construction, additions or alterations to contributing resources, the reviewing entity shall make findings that the following standards have been satisfied:

a. Any additions or alterations shall be designed in a manner to minimize the overall effect on the historic integrity of the contributing resource.
b. Alterations shall remain visually compatible with the existing streetscape.
c. Concealing of distinctive historic or architectural character-defining features is prohibited. If needed, the applicant may replace any significant features with in-kind replacement and/or accurate reproductions.
d. New construction or additions shall be visually compatible with existing mass, scale

and materials of the surrounding contributing resources.

e. When constructing additions, the applicant shall maintain the structural integrity of existing structures.

f. For new construction of or additions to commercial, multi-family and other non-residential uses the following additional standards shall apply:

1) Parking lots shall be prohibited in side and front yards, except if the application involves the renovation of existing structures where such a configuration currently exists. In cases where such parking configurations exist, the parking area shall be screened from the public right-of-way with landscaping or fencing.

2) Site plans shall identify pedestrian ways and connections from parking areas to public rights-of-way.

3) All dumpsters and mechanical equipment shall be located no less than 25 feet away from a public right-of-way and shall be screened from public view.

4) Roof-top-mounted heating, ventilation, air conditioning and energy producing equipment shall be screened from the view of any public right-of-way or incorporated into the structural design to the extent that either method does not impede functionality. Parapets, projecting cornices, awnings or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.

5) Building Materials:

a) The use of cinder-block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.

b) The use of vinyl, aluminum or other non-wood siding is permitted as illustrated in the Village Review Board Design Guidelines. Asphalt and asbestos siding are prohibited.

c) Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.

6) No building on Maine Street shall have a horizontal expanse of more than 40 feet without a pedestrian entry.

7) No building on Maine Street shall have more than 15 feet horizontally of windowless wall.

8) All new buildings and additions on Maine Street:

a) Must be built to the front property line. This may be waived if at least 60% of the building's front facade is on the property line, and the area in front of the setback is developed as a pedestrian space.

b) If adding more than 50% new floor area to a structure, the addition shall be at least two stories high and not less than 20 feet tall at the front property line.

c) The first floor facade of any portion of a building that is visible from Maine Street shall include a minimum of 50% glass. Upper floors shall have a higher percentage of solid wall, between 15% and 40% glass.

2. Proposed additions or alterations to noncontributing resources shall be designed to enhance or improve the structure’s compatibility with nearby contributing resources as compared to the existing noncontributing resources.

C. Signs

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

D. Demolition and Relocation

1. Demolition or partial demolition or relocation of a contributing or, if visible from a public right-of-way, a noncontributing resource, excluding incidental or noncontributing accessory buildings and structures located on the same property, shall be prohibited unless the application satisfies at least one of the following criteria:

   a. The structure poses an imminent threat to public health or safety. An application must be accompanied by a report from a qualified structural engineer for review by the Town Code Enforcement Officer and photographs depicting the current condition of the building.
   b. The condition of the structure is such that it cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, resulting in a reasonable economic return, regardless of whether that return represents the most profitable return possible, provided that the applicant can document he/she has not contributed significantly to the deterioration of the structure.
   An opinion shall be provided from an architect, licensed engineer, developer, real estate consultant or appraiser or from a professional experienced in historic rehabilitation, as to the economic feasibility for restoration, renovation, or rehabilitation of the contributing resource versus demolition or relocation of same.
   c. The proposed replacement structure or reuse of the property is deemed to be as appropriate and compatible with the existing streetscape and surrounding contributing resources.

2. Demolition, partial demolition or relocation of a noncontributing resource visible from a public right-of-way, shall be approved by the Village Review Board if it is determined that the proposed replacement structure or reuse of the property is deemed more appropriate and compatible with the surrounding contributing resources than the resource proposed for demolition.

216.10 Appeal to Zoning Board of Appeals

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

216.11 Expiration of Certificate of Appropriateness

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

216.12 Definitions

Definitions specific to this Section are as follows:

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

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

Contributing Resource: A building, site, structure, or object that adds to the historic association, historic architectural quality, or archeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity, or is capable of yielding important information about the period; or it independently meets the National Register criteria.

Contributing Resource of Local or Regional Significance: A building, site, structure, or object over 50 years of age identified in Appendix 6 as having local or regional significance based on Town-established criteria as follows:

1. Its value as a significant example of the cultural, historic, architectural, archeological, or related aspect of local or regional heritage;
2. Its location as a site of significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property.
3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological, or related aspect to local or regional heritage.
4. Its exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials and artisanship.
5. Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in local or regional history or development.
6. Its representation of a significant cultural, historic, architectural, archeological, or theme expressed through distinctive areas, sites, structures, objects, or artifacts that may or may not be contiguous.

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

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

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

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

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

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

(Section 216 was amended in its entirety on 7/1/13 R)

217 Rural Brunswick Smart Growth Overlay Districts

217.1 Purpose

A. The purpose of the Rural Brunswick Smart Growth Overlay Districts ("overlay districts") is to reduce the continuing loss of habitat for native species in rural districts, while simultaneously accommodating development in those districts.

B. The intent of the requirements of section 217.3 is to minimize the removal of woody vegetation that breaks large unfragmented blocks of forest into smaller patches of forest; and to minimize activities that block or limit species movement between unfragmented blocks of forest. These activities are hereafter referred to as "fragmentation".

C. The overlay districts are the following

1) Wildlife Habitat Block Districts, are the rural portions of large (greater than 150-acre) continuous blocks of naturally occurring stands dominated by woody vegetation, and;

2) Wildlife Corridor Districts, are the overland connections between Wildlife Habitat Blocks and which provide naturally vegetated linkages that support daily and seasonal species movement between Wildlife Habitat Blocks

217.2 District Boundary

A. Geographic Coverage

The provisions in this section apply only to overlay districts depicted on the Town of Brunswick, Maine Zoning Map as "Rural Brunswick Smart Growth Overlay Zoning Districts" on file in the Department of Planning and Development.

B. Boundary Determination

The overlay district boundaries are based on aerial photo imagery and updated to include land-use changes known to have occurred through December 2005. The boundary of the overlay districts will be adjusted as approved development within the overlay districts occurs.

217.3 Requirements within Overlay Districts

A. Applicability. This section shall apply to the following activities in the overlay districts:

1. Disturbance, as defined in section 111;

2. New subdivisions;

3. Construction, enlargement or placement of a new building or structure;

4. Construction of a road, driveway, or parking lot;

5. Creation or expansion of commercial utility corridors;

6. Installation of a fence within the Wildlife Corridors except:
   a. fences used as lawn accessories; or
   b. fences that enclose existing cleared areas; or
   c. fences erected for standard agricultural purposes; or
   d. fences lower than 4-½ feet and that have at least 16 inches of clearance between the lowest horizontal part of the fence and the ground.

B. Exempt Activities

The following activities do not pose a significant adverse impact on the environmental value of unfragmented blocks and corridors, and therefore do not require approval under this section of the ordinance. The standards of the underlying zone would continue to govern these activities where applicable:

1. Maintenance of existing hayfields and pastures

2. Standard farming activities at an existing establishment practicing agriculture, including but not limited to:

   - the construction of traditional walls and fences for the purpose of enclosing existing livestock areas or delineating existing fields, pastures, crops, and garden plots
   - construction or improvement of structures used for agriculture
   - bush-hogging existing regenerating fields for agricultural purposes
   - creation of utility lines and corridors directly associated with farm operations
   - creation of impervious surfaces for the purposes of equipment and product storage, and access to existing agricultural facilities, fields and pastures.

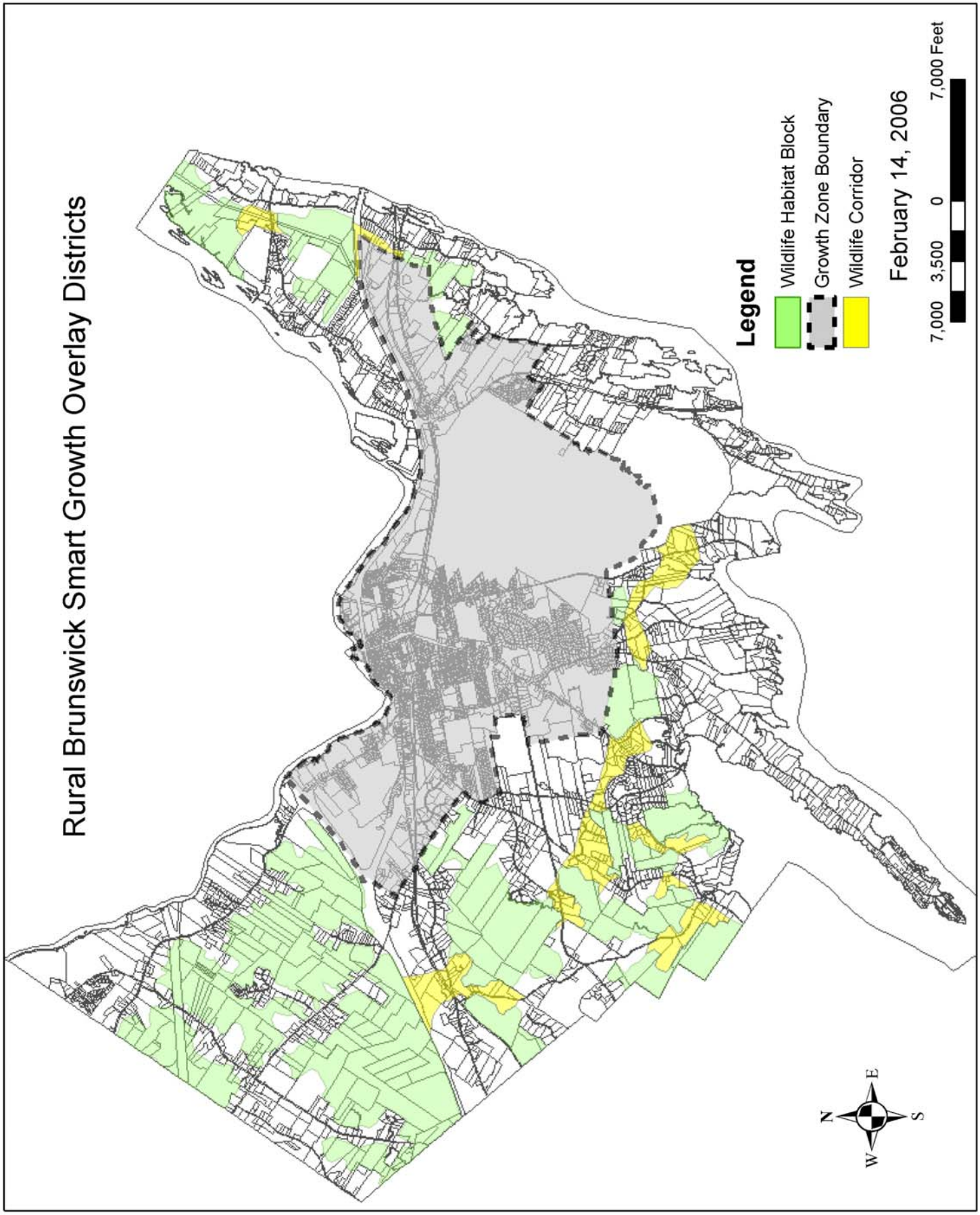
3. Forest management activities including commercial woodlot management completed in accordance with Maine Forest Practices Act; harvesting of wood products for personal use, but not permanent clearing as defined in section 111; and removal of dead, dying, and diseased trees. The removal of stumps, and grading conducted to limit natural regeneration of trees is not considered a forest management activity.

4. Structures constructed or placed on existing maintained lawns or impervious surfaces.

5. Permanent clearings within Wildlife Corridors less than 10,000 square feet in size.

6. The construction of one single family residence and accessory structures on a lot that is created by a single division of an existing parcel and has frontage on a public road. The total area of disturbance in the overlay district on the parcel must not exceed 1 acres.

7. The enlargement of existing agricultural clearings, or the creation of new agricultural clearings including pastures, provided the permanent clearings are utilized for agricultural purposes for a minimum of 30 years prior to any non-agricultural use. If such clearings are used for agriculture for fewer than 30 years , but are maintained as permanent clearings, the area maintained as a permanent clearing within the Overlay District shall be considered a disturbance for the purposes of 217.4. If the agricultural use is abandoned during the 30-year period and the clearing is allowed to naturally regenerate, the cleared area will not be considered a disturbance.


Rural Brunswick Smart Growth Overlay Districts
Legend
Wildlife Habitat Block
Growth Zone Boundary
Wildlife Corridor
February 14, 2006
7,000 3,500 0 7,000 Feet
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C. Standards for Development Activity

1. Activities in the overlay districts shall minimize disturbances to the extent feasible.

2. Activities in the overlay districts are subject to habitat mitigation, or eligible for bonus densities, based on the provisions in Section 217.4 Habitat Disturbance Analysis.

3. The Codes Enforcement Officer or Planning Board may reduce front, side, and rear setback requirements to minimize disturbances within the overlay district provided:

   a. no other reasonable alternative exists, and

   b. the setback reduction(s) will not cause unreasonable adverse impacts to the adjacent property.

D. Approval of Activities

1. Development review classifications and thresholds are defined under Section 402 of this ordinance.

2. Activities requiring a building permit, but not formal development review, will be reviewed jointly by the Codes Enforcement Officer and Planning Department for compliance with this section of the ordinance.

4. Activities requiring an Entrance permit must include a copy of the Entrance Permit Application with the building permit application. Clearing for these activities shall not occur until the driveway location and layout is approved as part of building permit review.

5. On-site project planning meetings with the Natural Resources Planner are encouraged in order to avoid and minimize disturbance of the overlay district.

217.4 Habitat Disturbance Analysis

In the case of subdivisions, disturbance shall include the area within residential lots other than those portions of the lot encumbered by deed restriction, conservation easement, or similar mechanism that limits future disturbances to those which meet the purposes of this ordinance.

A. Wildlife Habitat Block

Habitat mitigation, or density bonus eligibility, within the Wildlife Habitat Block District shall be provided in accordance with the following table. The amount of the disturbance is the cumulative amount on parcels that exist as of record on the date this section is adopted (“original parcel”). Division of the original parcel after the adoption of this ordinance does not change the measurement of cumulative disturbance on the original parcel.

The mitigation requirement is determined separately for each percentage category of disturbance.

Area of Overlay District within Original Parcel that is disturbed up to:	Area of Original Parcel covered by Overlay: 0 – 50%	Area of Original Parcel covered by Overlay: 51 -75%	Area of Original Parcel covered by Overlay: 76 – 100%
0%	no mitigation	15% density bonus	20% density bonus
15%	no mitigation	no mitigation	15% density bonus
25%	1:1 mitigation	no mitigation	10% density bonus
50%	2:1 mitigation	1:1 mitigation	1:1 mitigation
100%	3:1 mitigation	2:1 mitigation	2:1 mitigation

B. Wildlife Corridor

Subdivisions that avoid disturbance in the Wildlife Corridor, and place structures so as to avoid blocking wildlife travel ways, are eligible for a 15% density bonus.

217.5 Density Bonus – Permanent Habitat Protection Requirement

A density bonus will be granted only if the remaining land in the overlay district on the parcel is permanently protected through a conservation easement, deed restriction, or similar mechanism that limits future disturbance.

217.6 Habitat Impact Mitigation Requirements

Applicants are encouraged to discuss approaches to meeting this requirement with staff of the Department of Planning and Development prior to finalizing formal real estate agreements.

A. Acceptable Mitigation

1. Wildlife Habitat Block Requirement

a. Land for mitigation shall be permanently protected through a conservation easement, deed restriction, or similar mechanism that limits future disturbance. Mitigation land should be within the same continuous block as the disturbed area; if the CEO or Planning Board determines that no land is available in the same district, then land in other wildlife overlay districts may be used to satisfy this requirement.

b. The Town will maintain a list of landowners who are potentially willing sellers of acreage in fee, or development rights, of a portion of their property located within Wildlife Habitat Blocks.

c. A conservation easement, deed restriction, or similar mechanism that limits future disturbance can be utilized on portions of newly created lots to meet the mitigation requirement.

2. Wildlife Corridor Requirement

a. Land for mitigation within the Wildlife Corridor must be permanently protected through a conservation easement or similar mechanism that limits future disturbance. Mitigation land must be within the corridor as the disturbed area.

b. If the requirements under 217.6.2.a cannot be met, then the applicant can satisfy mitigation requirements by restoring or enhancing woody vegetation cover in portions of the mapped corridor that have been previously disturbed by clearing or similar disturbance. Restoration and enhancement proposals must be reviewed and approved by the Director of Planning and Development, and the restored and/or enhanced acreage must be placed under permanent protection through a deed restriction, conservation easement or similar mechanism.

c. The Town will maintain a list of landowners who are potentially willing sellers of acreage in fee, or development rights, of a portion of their property located within Wildlife Corridors.

(Section 217 was adopted in it's entirety on 3/6/06 R)

CHAPTER THREE: SPECIFIC DIMENSIONAL AND USE PROVISIONS

The purpose of this Chapter is to set forth more specific requirements than those found in Chapter 2. These requirements pertain to circumstances found throughout the Town in all zones. The standards set forth in this Chapter shall prevail over the requirements of any other chapter, with the exception that any conflicting standards found in an Overlay Zone shall prevail.

301 Density

All proposed development shall satisfy the density requirements for the zoning district in which it is located. The Planning Board may not waive density requirements, except where indicated in this Ordinance. Density is calculated on a net basis (except in the CP1 district) whereby the number of units is established by dividing the net site area as defined in Section 501.2 by the maximum density of the zoning district in which the proposed development is located. Density requirements apply only to developments or parts of developments involving dwelling units, as defined. (Amended 9/4/01 R)

302 Mixed Uses and Unit Ownership

302.1 Mixed Uses

Residential and non-residential uses may be combined in a building permit, Subdivision or Site Plan provided that all required Site Plan approvals or other applicable approvals are obtained and that the application complies with applicable density, impervious surface, use, and performance standards. The determination of density shall be in accordance with all applicable density standards for the zoning district in which the site is located.

302.2 Unit Ownership

Nothing in this Ordinance precludes the subdivision of buildings into units, either attached or detached, on a single lot provided that all applicable lot area, dimensional and density standards are met. An applicant seeking approval for any such proposal which involves development that requires development review must also submit to the Planning Board for approval all legal documents related to unit associations, ownership in common and appropriate by-laws, deeds and covenants to be recorded in the registry of deeds by the applicant.

303 Lots in Two Zoning Districts

A. **Lots Greater Than Ten (10) Acres.** When a lot greater than ten (10) acres is divided by a district boundary, the zoning requirements for each district shall be applied as though the portions in each district were separate lots. The only exception is that there shall be no setback or frontage requirements along the zoning boundary line.

B. **Lots Less Than Ten (10) Acres.** When a lot less than ten (10) acres is divided by a district boundary, the provisions of the zoning district in which the larger portion of the lot lies govern the use, density, lot area and dimensional requirements of the lot.

C. **Lots in Overlay Zones.** When a lot is partially within an overlay zone, the provisions of the Overlay Zone shall apply only to the affected portion of the lot, regardless of the size of the lot.

304 NON-CONFORMITY

304.1 CONTINUANCE

The non-conforming use of land, building or structure existing on the effective date of this Ordinance may be continued, even though such use does not conform to this Ordinance. (Amended 1/19/99 R)

304.2 DISCONTINUANCE

If the nonconforming use of land, building or structure is discontinued for thirty-six (36) consecutive months, as determined by the Codes Enforcement Officer, it may thereafter be developed only as a permitted use or Special Permit in accordance with Section 701 except as modified in section 304.2.A. (Amended 1/19/99 R)

304.2.A Discontinuance in the APZ

If the nonconforming use of land, building or structure in the APZ is discontinued for twelve (12) consecutive months, as determined by the Codes Enforcement Officer, it may thereafter be developed only as a permitted use, or Special Permit in accordance with Section 701. (Amended 6/15/09 R, 6/15/09 R)

304.3 CHANGE OF USE

A non-conforming use may be changed to a permitted use in the zoning district in which it is located; for Non-Classified or Omitted Uses, a Special Permit must be obtained from the Planning Board pursuant to Section 701.

304.4 STRUCTURES DAMAGED OR DESTROYED BY FIRE OR OTHER DISASTER

304.4.A Where a structure which houses a non-conforming use, or a structure which does not comply with current zoning provisions is destroyed by fire or other disaster, the owner of the structure has two years during which to obtain a building permit to restore it to its original condition or lose any vested rights. (Amended 1/20/04 R)

(Section 304.4.B omitted 6/15/09)

304.5 EXPANSION OF A NON-CONFORMING USE

304.5.A As Of Right

Any non-conforming use may be expanded by not more than 1,000 square feet over a 5-year period as a matter of right, provided that no new non-conformity is created.

304.5.B By Special Exception

A non-conforming use may be expanded by Special Exception by the Zoning Board of Appeals, in accordance with Section 703.3 of this Ordinance, provided that no new non-conformity is created.

304.6 EXPANSION OF NON-CONFORMING BUILDING OR STRUCTURE WITHOUT VARIANCE

A building or structure that is non-conforming with regard to dimensional requirements may be expanded, altered and/or replaced subject to the following. (Amended 6/19/00 R)

304.6.A The expansion alteration and/or replacement shall not cause a new non-conformity. (Amended 6/19/00 R)

304.6.B The construction of an additional story or upper floor space over an existing first floor space, where the first floor is located within a required setback is allowed and is not considered to increase the non-conformity or create a new non-conformity.

304.6.C The expansion may occur within a required setback if an existing non-conforming setback exists, and the expansion does not extend beyond the non-conforming setback line established by the building or structure which is being expanded.

(Section 304.7omitted & renumbered 6/15/09)

304.7 NON-CONFORMING LOTS

304.7.A Where a non-conforming lot of record was part of a subdivision approved in conformance with Town and State subdivision regulations and statutes, said lot may be constructed upon in accordance with the zoning requirements in effect at the time the lot was lawfully established, provided the proposed use is a permitted one. However, such zoning requirements shall apply only to new construction upon a vacant lot. This provision does not apply to such lots located within the NRPZ zoned as Resource Protection Areas. (Amended 1/19/99 R, 6/15/09 R)

304.7.B For any non-conforming lot of record lawfully established prior to the existence of subdivision review or where a subdivision review was not required in accordance with appropriate laws, and where the lot area or frontage, or both, is less than the minimum standard of this ordinance, said lot may be used as permitted in the zoning district in which it is located, provided the minimum yard setback requirements are complied with. (Amended 1/19/99 R)

304.7.C Where a non-conforming lot cannot meet the yard setback requirements of this ordinance, the Zoning Board of Appeals may grant a variance in accordance with Section 703.2. No variance shall be granted if the lot is in common ownership with an adjacent lot, and the combined lot satisfies ordinance requirements. (Amended 1/19/99 R)

304.8 NON-CONFORMITY IN THE NATURAL RESOURCE PROTECTION ZONE (NRPZ)

Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more con-conforming. (Amended 6/15/09 R)

304.8.A Discontinuance in the NRPZ

If the nonconforming use of land, building or structure in the NRPZ is discontinued for twelve (12) consecutive months, as determined by the Codes Enforcement Officer, it may thereafter be developed only as a permitted use, or Special Permit in accordance with Section 701.

304.A.1 Change of Use in the NRPZ

The use of a non-conforming structure may be changed to another use in accordance with Section 702. A written application must be submitted to the Planning and Development Department demonstrating that the new use will have no greater adverse impact on the water body, stream, or wetland, or on the adjacent properties and resources than the existing use.

To determine that no greater adverse impact will occur, the written documentation from the applicant must assess the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources,
and commercial fishing and maritime activities, and other functionally water-dependent uses. (Section added 6/15/09 R)

304.8.B Reconstruction and Replacement in NRPZ

Reconstruction or replacement of non-conforming structures that have been damaged or destroyed, regardless of the cause, by more than 50% of their market value is allowed under the following conditions: (Amended 6/15/09 R)

1. A building permit is obtained for reconstruction or replacement within one year and; (Amended 1/20/04 R)

    a. To the greatest extent practical, the structure meets water body, stream or wetland setback requirements. (Amended 6/15/09 R)

b. In no case shall a structure be reconstructed or replaced in a manner that increases its non-conformity.

2. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 304.8.C below, as determined by the non-confirming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 304.8.D below. (Section added 6/15/09 R)

The Staff Review Committee shall review all reconstruction or replacement of structures damaged by over 50% using the standards listed in this section and section 211.3.E.

For non-conforming structures with 50% or less damage, the Codes Enforcement Officer may issue a building permit provided the structure is reconstructed in place and meets the standards listed in this section. (Amended 1/19/99 R, 10/15/01 R, 6/15/09 R)

304.8.C Expansions in NRPZ.

A non-conforming structure may be added to or expanded after obtaining a permit from the Codes Enforcement Officer if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (1) and (2) below. (Amended 10/15/01 R)

304.8.C.1 If any portion of a structure is less than the required setback from the normal high-water line of a water body, stream or upland edge of a wetland, that portion of the structure existing as of January 1, 1989 shall not be expanded, as measured in floor area or volume, by 30% or more during the lifetime of the structure. If a replacement structure conforms with the requirements of Section304.8.B, and is less than the required setback from a water body, stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date. (Amended 6/15/09 R)

304.8.C.2 Whenever a new, enlarged, or replacement foundation is constructed under a non-confirming structure, the

a. structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Codes Enforcement Officer, basing its decision on the criteria specified in Section 304.8.D; below. If
b. the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 304.8.C.1 above, and
c. the foundation does not cause the structure to be elevated by more than three (3) feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

(Entire Section Amended 6/15/09 R)

304.8.D RELOCATION IN THE NRPZ

A non-conforming structure may be relocated within the boundaries of the parcel on which it is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by Staff Review Committee and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and Rules. In no case shall a structure be relocated so that it is more non-conforming. (Amended 1/19/99 R, Amended 10/15/01 R)

In determining whether the building relocation meets the setback to the greatest practical extent, the Staff Review Committee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. It is the responsibility of the applicant to provide this information to the Board. (Amended 1/19/99 R)

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Staff Review Committee shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows: (Section added 6/15/09 R)

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. (Section added 6/15/09 R)

   Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed. (Section added 6/15/09 R)

2. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof. (Section added 6/15/09 R)

304.8.E NON-CONFORMING LOTS IN THE NRPZ

304.8.E.1 Non-conforming Lots in the NRPZ: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area and lot width can be met. Variances relating to setback or other requirements not involving lot area or lot width shall be obtained by action of the Zoning Board of Appeals.

304.8.E.2 Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that minimum lot size of the underlying zoning district and the State of Maine Subsurface Wastewater Disposal Rules (in those areas not served by public water) are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

304.8.E.3 Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

a. Each lot contains at least 20,000 square feet of lot area; or

b. Any lots that do not meet the lot width and lot size requirements of the underlying zoning district are reconfigured or combined so that each new lot contains at least 20,000 square feet of lot area.

(Entire Section E added 6/15/09)

305 Supplementary Dimensional Regulations and Administrative Exceptions

305.1 Front Setbacks. In cases where there is a uniform and consistent street wall along a street, and the front setback requirements are greater than the typical setback as determined by the Director of Planning & Development, front setbacks may be reduced to the prevailing setback by the Codes Enforcement Officer. When such setback reduction occurs, the front setback for the proposed building must be the prevailing setback.

305.2 Corner Lots and Through Lots

A. Whenever a side or rear yard is adjacent to a street, the front yard setback requirement shall apply to such side or rear yard.

B. To establish a new public street or private right-of-way that would convert one or more existing lots into corner lots, existing structures on such new corner lots must be able to satisfy the front setback. The right-of-way shall be 50 feet in width.

305.3 Projections into Required Yards

The following projections into required yards are permitted:

A. Open fire escapes, steps and stoops: four feet into any required side or rear yards. (Amended 9/3/02 R)

B. Awnings or movable canopies: six feet into any required yard.

C. Cornices, eaves, and other similar architectural features: three feet into any required yard.

D. Steps and stoops: eight feet into any required front yard. (Amended 9/3/02 R)

E. Front or wraparound porches, open or enclosed only with screens and not glassed in: ten feet into any required front yard.

F. Semi-Public Spaces, such as tables and patios may occur within any required front yard.

G. Access ramps for persons with disabilities may project into required yards provided they are designed in a manner that is compatible with the design and style of the building.

305.4 Height Exception

Otherwise applicable height limitations shall not apply to any flagpole, radio or television antenna, spire or cupola, chimney, elevator or stair bulkhead, parapet, railing, or any similar structure, provided that such structure is firmly attached to the roof or side of a building and covers no more than 10% of the roof area. This provision does not prohibit satellite dishes that are greater than 2 feet in diameter. This provision also excludes uses in the Telecommunications Zone.

305.5 Setbacks for Accessory Structures

Swimming pools, tennis courts, garages, and storage sheds that are accessory structures may encroach into required side or rear yards in accordance with the following requirements:

A. Structures accessory to a residential use may be located in a rear yard provided that they do not exceed fifteen feet in height and do not occupy more than 10% of the area of the rear yard, including the areas where the rear and side yards overlap.

B. In Intown Residential (TR) and Residential (R) districts, accessory structures may be located no closer than 10 feet to side or rear lot lines except that, on lots with 80 feet or less of road frontage, portions of such structures not exceeding one story may be located no closer than 3 feet to side lot lines. In all other districts, accessory structures may be located no closer than 5 feet to side or rear lot lines. (Amended 6/19/00 R)

C. No accessory structure shall be located closer to the street than the front yard setback required for a principal building, except for fences, gates, mailboxes, newspaper receptacles, signs, sand storage bins, and similar roadside structures with less than 100 square feet of footprint, as well as ornamental structures such as entry pillars and statues. On any such structure with lights, there shall be no glare onto the public roadway, and no flashing lights shall be permitted.

D. Any swimming pool, tennis court, or other accessory structure or use with a footprint greater than 600 square feet shall be located further to the rear of the lot than the principal structure in all growth area zoning districts. In Rural Area Zoning Districts, if such accessory structures are located in front of the principal building, they shall be set back at least twice the minimum front yard requirement.

E. Driveways shall be set back at least 20 feet from side lot lines in Rural Districts and 10 feet in Growth Districts, except that:

1. Common driveways may occupy any part of a side yard adjoining the lot of another user of the common driveway.

2. On lots with less than 80 feet of road frontage, no setback shall be required for individual driveways.

3. Where applicable building setbacks are less restrictive and the conditions noted in 1 and 2, above, are present, the applicable building setbacks shall apply to driveways. (Amended 1/20/04 R)

305.6 Fences and Walls

A. Setback requirements shall not apply to fences, retaining walls, or seawalls in any side or rear yard, except where corner clearances are required for traffic safety.

B. The setback requirements shall not apply to any front yard fences or walls less than four feet high, except that customary agricultural wire or board fencing which does not obstruct visibility may be higher.

C. No fence on a residential lot in a growth district shall exceed six feet in height.

305.7 Rear ("Flag") Lots

A. In Rural Districts a rear lot shall be accessed by one of the following:

1. Access Strip. A single rear lot may be accessed by a strip of land owned by the owner of the rear lot that has a minimum width of 25 feet and at least 25 feet of frontage on a public street. No more than two access strips shall be adjacent to one another. When there are two access strips adjacent to one another, a shared driveway shall be used and the width of each access strip may be reduced to 15 feet. (Amended 1/20/04 R)
2. Deeded Right-of-Way. A rear lot may utilize a deeded right of way with a minimum width of 25 feet, through another parcel (Amended 1/20/04 R)

B. In Growth Districts rear lots shall be accessed by on of the following. (Amended 1/20/04 R)

1. Access Strip. A single rear lot may be accessed by a strip of land, owned by the owner of the rear lot that has a minimum width of 25 feet and at least 25 feet of frontage on a public street. This width may be reduced to 15 feet with approval of a stormwater plan by the Town Engineer. No more than two access strips shall be adjacent to one another. When there are two access strips adjacent to one another, a shared driveway shall be used and the width of each access strip may be reduced to 15 feet. (Amended 1/20/04 R)
2. Deeded Right-of-Way. A rear lot may utilize a deeded right of way**,** with a minimum width of 25 feet, through another parcel. This width may be reduced to 15 feet with approval of a storm water plan by the Town Engineer. (Amended 1/20/04 R)

C. All rear lots shall have safe access for fire, police and emergency vehicles as determined by the Fire Chief. (Amended 1/20/04 R)

D. Rear lots shall not be bound by the lot width requirements of the district in which it is located. (Amended 1/20/04 R)

305.8 Spaghetti Lots Prohibited

A. If any lot less than five acres in a proposed subdivision has shore frontage on a river, stream, brook, great pond or coastal wetland as these features are identified in Title 38, M.R.S.A. Section 480-B, none of the lots created within the subdivision may have a lot depth to shore frontage ratio greater than five to one.

305.9 Footprint Exception

Boarding Care Facilities and Day Care Centers may exceed otherwise applicable maximum building footprint dimensional standards by no more than 50% with approval of a Special Permit by the Planning Board in accordance with Section 701. (Amended 7/6/99 R)

305.10 Cul-de-Sac Lot Width Requirements.

Lot width requirements may be reduced to a minimum of 50 feet for lots fronting on a cul-de-sac. (Amended 6/19/00 R)

306 Supplementary Use Regulations

The following requirements apply to specific uses. Such standards shall be applied by any reviewing entity when considering development review, special permit, variance or special exception. These requirements supersede any other requirement found in Chapter 2 or Chapter 5.

306.1 Multiple and Accessory Dwellings

A. Two-Family Dwellings
Two-family dwellings shall be permitted without site plan approval on individual lots, or as part of an Open Space Development, provided that all density requirements are satisfied.

B. Accessory Apartments
An accessory apartment is a dwelling unit which may be created without Development Review.

1. The creation of an accessory apartment shall not be counted for density purposes.

2. Accessory apartments are allowed on single family residential and commercial lots in either a principal or accessory structure. (Amended 6/19/00 R)

3. Only one accessory apartment is permitted per lot.

4. No front facade shall be altered to construct an accessory apartment.

5. The accessory apartment shall not be greater than 750 square feet or 35% of the floor area of the principal structure, whichever is greater. (Amended 6/19/00 R)

6. The accessory apartment shall be secondary, incidental and subordinate to the single family residential or commercial use. (Amended 6/19/00 R)

C. Multi-Family Dwellings

1. Multi-family dwellings shall require Site Plan approval. This includes the adding of units to any unit that contains two or more dwelling units.

2. Multi-family development shall not exceed the density requirements.

D. Multiple Residences on a Lot

1. A lot may contain more than one principal residential structure, provided that each dwelling unit has sufficient area to comply with the density requirements.

306.2 Reuse of Agricultural Structures in Rural Districts

The purpose of this provision is to provide guidance to applicants and the reviewing entity whenever a development review or special permit application involves the reuse of an agricultural structure in a rural district. These standards are to ensure that such applications result in the preservation of the appearance of the structure as agricultural, and to ensure that proposed special permits are compatible with the structure.

Any agricultural structure, or portion thereof, last legally used for the purpose of conducting agriculture, or legally converted to other uses, may be converted to another use with a Special Permit, pursuant to Section 301 of this Ordinance and pursuant to the requirements of this subsection. If the applicant proposes to reuse the structure for one that is permitted in the zoning district, these standards shall be applied only when the project requires site plan review. In cases where a Special Permit is necessary for the use, the Planning Board shall find that the proposed use complies with these standards in addition to the requirements of Section 701:

A. The subject structure must be at least 1,000 square feet in size.

B. The structure may not be enlarged beyond its present dimensions.

C. The proposed use may not result in an increase in vehicular traffic flow beyond that of an agricultural activity that might typically occupy a similarly sized agricultural structure.

D. The structure shall retain its general appearance as an agricultural structure. The structure's facade, silhouette, configuration, roof line, and exterior treatment shall render it to be readily identifiable as a former agricultural structure.

E. Parking areas, loading areas and drives shall be situated first on areas that are currently impervious. If the site contains preexisting parking areas, loading areas and drives, those areas shall be utilized first for those purposes. Additional parking areas, loading areas and drives shall be incorporated into existing ones.

F. Any application submitted under this subsection which involves the storage, handling, use or disposal of hazardous matter must be disclosed. The handling, storage, disposal or use of hazardous materials shall comply with all Federal, State and local laws, ordinances, rules and regulations.

306.3 Home Occupations

Home occupations are permitted in any single or two family structure or any structure that is accessory to a single or two family structure. Home occupations that cannot comply with all the requirements listed below shall be considered non-residential activities, subject to all applicable requirements of this Ordinance. (Amended 1/20/04 R)

A. Only one person other than family members residing on the premises may be employed on site at any one time

B. Automobile and truck traffic generated shall not be greater than 15 trips per day. No deliveries by trucks of the size typically larger than the single unit trucks used by Federal Express or the United Parcel Service shall be permitted.

C. In Growth Districts, there shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation.

D. No exterior alterations to the structure may be made in relation to the home occupation.

E. The home occupation may not exceed the lesser of 35% of the gross floor area of the dwelling unit and finished portions of accessory structures associated with that dwelling unit or 750 square feet whichever is less. (Amended 1/20/04 R)

F. No retail sales shall occur, except of goods produced on the premises and accessories for such goods.

G. Each home occupation is entitled to one four (4) square foot non-illuminated sign.

H. The home occupation shall not contribute to excessive noise, traffic, nuisance, fire hazard, and other possible adverse impacts as determined by the Codes Enforcement Officer.

306.4 Adult Entertainment Establishments

Adult Entertainment Establishments are those businesses in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials or devices of any kind which appeal to prurient interest and which depict or describe specified sexual activities. "Specified sexual activities" include: 1) the exposure of human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse or sodomy; 3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts; 4) live nude exhibition.

Adult entertainment establishments are prohibited in all zoning districts except for Highway Commercial districts. In Highway Commercial Districts, no Adult Entertainment Establishment may be located closer than 1,000 feet from any school, religious institution, library, dwelling unit or other Adult Entertainment Establishment. The distance of 1,000 feet shall be measured in a straight line without regard to intervening structures or objects, from the customer entrance of the adult entertainment establishment to the nearest point on the boundary of the property occupied by the school, religious institution, library, dwelling unit or other Adult Entertainment Establishment.

306.5 Protection of Agriculture from Potentially Incompatible Uses

A. Agricultural Buffers

Wherever agricultural uses and non-agricultural new development abut, screening shall be provided to reduce the exposure of the abutting development to odors, noise and other potential nuisances related to the agricultural operation. Provision of buffers shall be the responsibility of the proponent of the non-agricultural use. Such buffers may consist of vegetative screening, woodlands, vegetated berm, or natural topographic features.

B. Setbacks from Existing Wells

Stables, pens and other areas where animals are kept shall be setback at least 50 feet from any pre-existing well or drinking water supply. In cases where a new well is being proposed, the new well shall be located 50 feet away from areas where animals are customarily kept.

C. Right-to-Farm

Pursuant to 17 M.R.S.A. 2805, no method of operation used by a farm or farm operation located in a district where agriculture is a permitted use may be considered a violation of this Ordinance if the method of operation constitutes a best management practice as determined by the Maine Department of Agriculture. This section is not intended to relieve any farm from required lot area, density or dimensional requirement of the zoning district in which it is located, but shall exempt farms from compliance with the nuisance provisions of Section 109.

D. Required Disclosure

In the case of any proposed residential development that abuts agricultural uses, the reviewing entity shall require the applicant to issue a disclosure to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration." This disclosure shall be required as a note on a Subdivision Plan or Site Plan, and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting, distribution of handbills, inclusion in an offering plan or real estate listing information sheet, or letter of notification. This Section may also be applied to any commercial development at the discretion of the reviewing entity.

306.6 Mineral Extraction

Site Plan approval shall be required for mineral extraction. For mineral extraction operations existing at the time this Ordinance is enacted, Site Plan approval shall only be required when the operation expands beyond the limits of excavation at the time of enactment. Mineral Extraction is permitted in rural districts, and prohibited in all growth districts except for the Large Scale Business, Industrial and Institutional districts.

A. Site Plan Requirements

1. Water Quality Impact Assessment

The applicant shall provide appropriate information such as soil borings or test pit data, collected and researched by a qualified and licensed engineer. With this information, the applicant shall demonstrate that the excavation will have no adverse impact on area water quality or supply.

2. Excavation Schedule

The applicant shall submit an excavation schedule and the anticipated annual yield of the operation for the duration of the scheduled operation. Phasing plans shall also be required if phasing is a part of the excavation operation. If development permit is granted, it shall cover a specified time period. Any further operation or expansion beyond the specified date shall require a new Site Plan approval.

3. Soil Protection and Erosion Control Techniques

The applicant shall include soil profiles of the land as mapped by the USDA Soils Conservation Service. This information shall be provided by a qualified soils specialist or licensed engineer.

4. Traffic Impact Analysis

The applicant shall submit a traffic plan and analysis for truck traffic. The plans shall include:

a. Routes to major highways.
b. Trips per day per truck.
c. Weight impacts on roads.
d. Signage at ingress/egress of property.

5. Reclamation Plan

The applicant shall submit a reclamation plan prepared by a qualified professional, licensed soils engineer, licensed landscape architect, and/or mining reclamation specialist or scientist. The plan must include the following:

a. A photographic display constituting a 360-degree wide-angle view of planned mining areas. The photographs shall show the horizon with ground levels in the forefront as the land naturally exists before mining.

b. Location of boundary lines, rights-of-ways, names of abutting property owners, area of expected operation, contour levels before and after excavation, and phasing plans if applicable.

c. Amount of overburden to be removed, the area it is to be removed from, where it is to be stored during the excavation process, and the method of covering overburden. The overburden shall be covered if it is to be exposed to weather elements for more than 60 days.

d. The photographic display shall provide the profile information after reclamation. The reclamation plan shall indicate any proposed uses for reclaimed land.

e. Landscaping plans shall outline all replanting and final stabilization of the mined area. The plans shall include a list of plants, shrubs, and trees to be planted as well as assurances that these plantings will survive in a reclamation area.

f. Preliminary sketch of proposed use of reclaimed land after the operation closes.

g. Long-term impacts, if any, provided by a qualified professional.

306.7 MARINE ACTIVITIES

Marine Activities for commercial use applies whether publicly or privately owned and includes, but is not limited to the construction of: wharves, docks, piers, breakwaters, boat launching ramps, causeways, bridges, yacht clubs, marinas, boat yards, boat storage, facilities associated with commercial fishing, aquaculture facilities and accessory uses associated with any of these activities. Marine Activities for commercial use that does not result in development requiring major development review shall be subject to minor review by the Staff Review Committee.

Marine activities are permitted except where specifically indicated.

A. The following shall apply:

1. Proposed access from the shore will not cause erosion, sedimentation and siltation.

2. The proposed activities, construction, or the materials used will not adversely affect fisheries, spawning areas or other wildlife. In making this determination the Planning Board may request that the applicant submit a letter from the Brunswick Marine Resources Committee or the Maine Department of Marine Resources.

3. Land area portions of the site are large enough and adequate to sustain water related uses.

4. All fuel storage systems will be designed so that secondary storage areas will capture and retain any spill or leakage. Any leakage shall be promptly removed.

B. The following additional standards apply to Marine Activities for commercial use:

1. The minimum lot size for commercial marinas shall be 80,000 s.f.

2. 0.75 parking space shall be required for each boat slip and mooring that is serviced by the commercial marina.

C. The additional development standards found in Section 211.3.E apply to Marine Activities taking place in a Special Flood Hazard Area. (AMENDED 1/19/99 R)

306.9 Large Retail Establishments

Retail Uses that are to occur in new structures over 20,000 square feet, or any application for a shopping center containing at least one use that is greater than 20,000 square feet, shall be subject to the following design standards. Retail uses located in the CC District are subject to these standards as well as the specific requirements of the CC District including the Cook's Corner Design Standards. If there is conflict between the standards of this section and those of the CC District, the more restrictive shall apply. The purpose of these standards is to manage large scale retail operations so that their design encourages one which is consistent with Brunswick's traditional scale. For any pre-existing retail use, these standards shall apply only if an addition of 20,000 square feet or greater is proposed, and shall apply only to the new portions of the structure; in such cases the Planning Board may waive the requirement if it finds that the design is infeasible or impractical. (Amended 5/20/02 R)

A. Facades and Exterior Walls

1. Horizontal facades greater than 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.

2. Ground floor facades that face public streets shall have display windows, entry areas, awnings, or other such features along 40% or more of their horizontal length.

B. Smaller Retail Stores

Where principal buildings contain additional, separate stores which in total occupy less than twenty thousand (20,000) square feet of gross floor area, with separate, exterior customer entrances, the following shall apply:

1. The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 40% of the horizontal length of the building facade of such additional stores.
2. Windows shall be recessed and should include visually prominent sills, shutters or other such forms of framing.

C. Entryways

Each principal building on a site shall have a clearly defined, highly visible customer entrance featuring three or more of the following:

canopies or porticos;
overhangs;
recesses or projections;
arcades;
raised corniced parapets over the door;
peaked roof forms;
arches;
outdoor patios;
display windows;

architectural details such as tile work and moldings which are integrated into the building structure and design; or

integral planters or wing walls that incorporate landscaped areas or places for sitting.

Where additional stores will be located in the principal building, and customer entrances to such stores are outdoors, each additional store shall conform to the above requirements.

D. Pedestrian and Bicycle Amenities

Large retail establishments shall provide for pedestrian and bicycle accessibility within the site, and provide for the appropriate connections to points outside of the site. The following standards pertain to public sidewalks and internal pedestrian and bicycle circulation systems which have the goal of providing user-friendly access as well as pedestrian and bicycle safety, shelter, and convenience within the center grounds.

1. Sidewalks shall be provided along all sides of the lot that abut a public street and shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting a public road or parking area.

2. Continuous internal walkways shall be provided from the public sidewalk right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials.

3. Internal walkways provided in conformance with Part 2 above shall provide weather protection features such as awnings within 30 feet of all customer entrances. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

E. Central Features and Amenities

Each retail establishment subject to these standards shall contribute to the establishment or enhancement of the pedestrian environment by providing at least two of the following: patio/seating area; pedestrian area with benches; transportation center; window shopping walkway; outdoor playground area; kiosk area; water fountain; clock tower; or other such deliberately shaped area and/or a focal feature or amenity that, in the judgement of the Planning Board, adequately enhances the pedestrian environment of the large retail store. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

306.10 Ultra-Light Air Park

An ultra-light air park is a tract of land or water that is maintained for the landing and take-off of ultra-light aircraft as defined by the Federal Aviation Regulation (FAR) Part 103. An ultra-light airpark shall not be used for commercial purposes, shall not provide storage for more than five (5) gallons of ultra-light fuel, and shall not be used for flight operations unless daylight and visual frame of reference (VFR) conditions (1000' ceiling and 3 mile visibility) are present. All ultra-light air parks shall require a Special Permit where permissible, and shall constitute a Major Site Plan Review by the Planning Board.

306.11 Junkyards and Automobile Graveyards

Junkyards and automobile graveyards shall comply with the requirements of 30-A M.R.S.A. 3751-3760, as amended. New junkyards and automobile graveyards are prohibited in all

zoning districts. Expansion of an existing junkyard is subject to Special Exception by the Zoning Board of Appeals (Section703.3).

306.12 Mobile Homes on Individual Lots

Mobile Homes on individual lots are permitted within all Mobile Home Park Zones, and within all rural districts, and are prohibited in all other districts.

For manufactured housing within a Mobile Home Park, see Section 212.

306.13 Modular Housing

Modular Housing is permitted in all zoning districts except within the Village Review Zone where it is prohibited.

306.14 Gasoline Sales Canopies

Canopies for Gasoline Sales establishments, or mixed use developments that contain Gasoline Sales shall be subject to the following requirements:

A. The Planning Board, when reviewing a gasoline service station canopy, shall consider its mass and scale in relationship with other properties in its immediate area.
B. For the purpose of density calculation, the area of the canopy shall be considered floor area.
D. Front setback areas shall be well landscaped with a combination of low lying shrubs, trees or bushes.
E. Except for in Highway Commercial (HC1, HC2) and Cook's Corner Center (CC) Districts, canopies shall be a single color. In these districts corporate colors and patterns shall not be permitted on canopies, with the exception of signs located on the canopy. Canopies are not permitted in Town Center (TC1, TC2 and TC3) Districts.
F. Lighting used for gasoline service station canopies shall be of the cut-off luminare variety, and shall not result in stray lighting beyond the property line. Current light intensity standards shall be employed to ensure that proposed lighting is adequate for the use.

306.15 Automobile Dealerships

Automobile Dealerships shall be subject to the following requirements:

A. The sale or display of automobiles for sale or display shall not occur within any required setback.
B. Setbacks facing public streets shall be well landscaped with a combination of shrubs, trees or bushes.

306.16 Neighborhood Stores.

Neighborhood Stores are permitted in all zoning districts and the establishment and/or expansion of a Neighborhood Store is subject to Minor Development Review. (Amended 7/5/05 R)

306.17 Municipal Facility

A Municipal Facility is any facility, which is used to meet a municipal need, including public schools, recreational facilities, municipal offices, and utilities provided by the Brunswick and Topsham Water District and Brunswick Sewer District necessary to provide utility services to residents of the Town. Municipal Facilities are permitted in all zoning districts. Public Schools shall be subject to a maximum impervious surface coverage limit of 15% or the applicable zone standards, whichever is greater. (Amended 6/21/04 E/R)

306.18 Outdoor Sales. Outdoor Sales is permitted in TC (Town Center), CC (Cook's Corner Center), HC(Highway Commercial), I (Large Scale Business and Intuitional), MU (Mixed Use) Districts, Rural Districts, and prohibited in all other districts.

306.19 Day Care Centers for Children or Adults. Day Care Facilities for Children or Adults are permitted in all zoning districts provided that no more than 6 children or adults unrelated to the owner of the facility are cared for at any one time. Any other Day Care Facilities for Children or Adults that qualify under 22 MRSA 1673 Section 8301; 22 MRSA 1673, Section 8305; and 22 MRSA 1679 Section 8601 are permitted in all Town Center, Highway Commercial, Cook's Corner Center, Mixed Use, College Use, Large Scale Business/Institutional, the TR6 District, Industrial and Institutional Districts and within the Medical Use Overlay Zones. In all other zones, a Special Permit is required.

306.20 Drive-Throughs as a Principal Use. Drive-Throughs as a principal use on a site are prohibited. Such structures provide products or services directly to a customer seated in an automobile and are not staffed by a person or supported by other, staffed uses on the site. (Amended 5/20/02 R)

306.21 Public Boat Launch Facilities. Boat launch facilities owned/and or managed by a public entity are permitted in all zones subject to the following:

a) Maximum impervious surface coverage shall be limited to 30% or the applicable zone standard, whichever is greater.
b) There shall be no subsurface wastewater disposal systems.
c) There shall be no moorings, slips or fuel storage facilities.
(Amended 8/4/03 R)

306.22 Mobile Homes for Disabled Persons on Individual Lots

Notwithstanding sections 304 and 306.12, Mobile Homes on individual lots are allowed to supplement or replace and existing dwelling with a permit from the Staff Review Committee within any zoning district except the Residential districts under the following conditions:

1. The existing dwelling, which must be owned and inhabited by a person with a physical or mental disability, as defined by 5 M.R.S.A. subsection 4553(7-A), is not feasible for occupancy by the person or by such persons spouse, with or without reasonable renovations, all as determined by the Staff Review Committee. If a Mobile Home is allowed on the site, the existing dwelling must be removed unless the lot size is sufficient for two dwellings.
2. The existence of the Mobile Home does not substantially change the character of the neighborhood as determined by the Staff Review Committee.
3. The Mobile Home complies with all standards of Brunswick codes, including capacity requirements, and the owner has obtained all necessary permits and a certificate of occupancy. Where not provided by the Mobile Home manufacturer, a minimum of one approved single station smoke alarm shall be installed in each sleeping room and outside of each separate sleeping area in the immediate vicinity of each sleeping room or rooms. Smoke alarms in addition to those provided by the Mobile Home manufacturer may be powered by batteries.
4. A satisfactory recordable agreement is filed with the Town Manager guarantying the removal of the Mobile Home. The agreement shall include, at minimum:
   a. Provisions for enforcement of the agreement by the Town; and
   b. Provisions for the removal of the Mobile Home within 180 days of the disabled person and the disabled person's spouse no longer inhabiting the Mobile Home on the lot.

Prior to the issuance of a permit under this subsection, the Staff Review Committee shall affirmatively find, in writing, that all the above conditions have been met. (Amended 9/7/04 R)

306.23 **Small Scale Wireless Communication Towers.** Small Scale Wireless Communication Towers shall comply with all standards listed in the Telecommunications Zones (TCZ) Sections 214.3 and 214.4 (except that in Section 214.4.K the "fall zone" for small scale wireless communication towers shall be 50% of the tower height instead of 100 feet and Section 214.4.L does not apply) in addition to the following standards. These standards do not apply to amateur radio installations.

A. **Maximum Height.** The maximum height of any tower shall not exceed 120 feet, including antenna arrays and other attachments.

B. Design Standards.

1. New small scale wireless communication towers shall be configured in a way that minimizes the adverse visual impact of the tower and antennas through careful design, siting, landscape screening and innovative camouflaging techniques. Such innovative camouflaging techniques like stealth flagpoles, monopines (tree poles) and alternative mounting techniques like flush mounted antennas shall be used whenever possible.
2. A latticed or monopole tower or a tower stylistically similar to a latticed or monopole tower shall be used. Guy wires shall not be allowed as part of a small scale wireless communication tower.
3. New accessory facilities shall comply with Section 214.4.M and shall be no taller than one story in height. Accessory facilities shall be adjacent to the tower base unless an alternative location will be less visually obtrusive or topographic considerations require an alternative location.
4. Advertising and commercial signs shall not be allowed as part of a small scale wireless communications tower or its accessory facilities.
5. Signals, lights or illumination shall not be allowed on a small scale communication tower unless required by the Federal Aviation Administration, Federal Communication Commission or another federal agency. Lighting may be allowed as part of a stealth flagpole installation to properly illuminate the flag as required by the United State Code (Title 4, Chapter 1, Section 6a). (Section 306.23 Added 9/2/09 R)

306.24 **Small Wind Energy Systems**

Small Wind Energy Systems (SWES) shall be reviewed according to the following:
For lots located in the Rural Area the following standards apply:

A. An SWES shall have a maximum height of 125 feet from the ground level to the systems highest point.

B. All components of an SWES used to generate electricity including blades and all accessory parts shall not have a diameter of more than 25 feet.

C. On lots less than three (3) acres in size, no more than one (1) SWES installation shall be allowed. On lots of three (3) acres or more, up to three (3) systems shall be allowed.

For lots located in the Growth Area the following standards apply:

A. An SWES shall have a maximum height of 80 feet from the ground level to the systems highest point.

B. All components of an SWES used to generate electricity including blades and all accessory parts shall not have a diameter of more than 15 feet.

C. One SWES per lot shall be allowed.

The following standards apply to Small Wind Energy Systems located in both Rural and Growth Areas:

A. A building permit from the Codes Enforcement Officer is required prior to installation.

B. All parts of an SWES shall be setback from all property lines, public rights-of-way, overhead utility lines and all dwelling units a minimum distance equal to the total height of the system measured from the ground to the systems highest point or the minimum setback of the district in which the system is located, whichever is greater.

C. An SWES shall not exceed the noise standards set forth in Section 109.4 of the Zoning Ordinance.

D. An SWES shall not be lighted and shall not display any signs, writing, symbols or graphic representations of any kind except appropriate manufacturer's or installer's identification and warning signs.

E. The minimum distance between the ground and all blades of an SWES shall be 25 feet as measured at the lowest arc of the blades.

F. The SWES shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground.

G. An SWES which is not generating and has not generated electricity for twelve (12) consecutive months shall be deemed abandoned and shall be dismantled by the owner within 120 days of receipt of notice from the town unless the SWES is not in operation due to the property being in the process of being sold. A system owner may request in writing to the Codes Enforcement Officer an extension of up to one (1) year if the owner is actively pursuing the repair of the system for future use.

H. An SWES shall be equipped with both manual and automatic over-speed controls.

I. An SWES must comply with applicable town, state and federal regulations, including any necessary approvals for installations within FAA regulated zones.

J. All roof-mounted small wind energy systems must be approved by an architectural engineer prior to installation.

The following submission requirements for a building permit apply for Small Wind Energy Systems located in both Rural and Growth Areas:

A. Description of the project including specific information on the type, size, tower type and height, rotor material and diameter, rated power output, performance, safety and noise, manufacturer and model of SWES.

B. Evidence that the proposed height of the SWES does not exceed the height recommended by the manufacturer of the system.

C. Structural drawings of the wind tower, base or foundation, prepared by the manufacturer or a professional engineer. If attachment to an existing structure is proposed, a description or drawing acceptable to the Codes Enforcement Officer shall be submitted.

D. If connection to the publicly regulated utility grid is proposed, evidence making clear that the utility is aware of the proposed connection and finds it acceptable.

E. Photographs of the proposed site.

F. A site plan depicting setbacks to all property lines.

G. Any additional information deemed necessary by the Codes Enforcement Officer.

(Section 306.24 Added 10/21/09)

307 Conventional Subdivision

A conventional subdivision is one where each lot proposed satisfies the lot area and dimensional requirements of the zoning district in which it is located. The Planning Board may waive lot area and dimensional requirements for any proposed open space parcel, defined as a parcel that does not contain a dwelling unit or any use other than recreational or conservation land. The maximum density of a conventional subdivision shall be calculated by subtracting the net site area pursuant to Section 501.2 from the total land area, and dividing the remainder by the density factor of the zone in which the proposed development is located.

308 Open Space Developments

An Open Space Development is a subdivision, or lot split which is designed with the express intent of integrating open space and naturally occurring features into the siting of buildings and lots. Applicants for Open Space Development projects are eligible for reductions of all dimensional requirements and are eligible for bonus densities as described in section 308.2

Unless specifically indicated in this Section, all dimensional requirements or performance standards found in the underlying zoning district shall apply. The provisions of Section 308 shall supersede any conflicting requirement, with the exception of any requirement related to an Overlay Zone. Any permitted use in the zoning district in which the Open Space Development is located may be allowed; for Non-Classified or Omitted Uses, a Special Permit must be obtained from the Planning Board pursuant to Section 701.

Single lot splits under this section may result in a lot size reduction to a minimum of 20,000 square feet, as long as the balance of the density requirement of the underlying zone is placed in permanent protection by filing an Indenture for Division of Land form with the Codes Enforcement Office and recording the Indenture in the Cumberland County Registry of Deeds. Applicants for new lots that do not trigger subdivision review under the provisions of this Section are encouraged to attend a meeting with Department of Planning and Development Staff prior to the creation of the new lots.

308.1 Development Review Process

During the sketch plan phase, the applicant shall attend a pre-application meeting with Department of Planning and Development staff to explore various design schemes. Refer to 412.1 for specific Sketch plan requirements. During development review, the applicant shall present the following four-step design process to the reviewing authority:

A. Mapping Land of Conservation Value

The sketch plan shall first identify natural features specified under section 412 and 501 of this ordinance. Additionally, the plan shall also identify limits of the Wildlife Habitat Block Overlay District and /or Wildlife Corridor Overlay District on or adjacent to the project site, if applicable.

B. Locating Building Envelopes

The sketch plan shall then identify possible locations of building envelopes which consider the following, to the greatest extent feasible:

1. Minimization of fragmentation of higher value habitat
2. Minimization of wetland impact
3. Minimization of impact to scenic resources (i.e., large open fields, ridgelines)
4. Minimization of conflicts with existing recreational resources, such as trail corridors.
5. Orientation of commercial developments toward public roadways, with windows and doors facing public streets.

C. Alignment of Streets and Trails

The sketch plan shall then depict proposed streets and trails. Streets shall be aligned in a manner that is the least disruptive to land of conservation value, and that provides the most logical access to the proposed house sites. Proposed footpaths linking the open spaces within the development to adjacent conservation land, existing trails and destination points shall be drawn.

D. Lot Lines

Lastly, lot lines shall be drawn in the sketch plan design process after a pre-application meeting with Department of Planning and Development staff.

308.2 Bonus Density

Open Space Development projects are eligible for Bonus Densities, provided the project has not received density bonuses under the Rural Brunswick Smart Growth provisions of Chapter 217. The Planning Board shall grant bonuses to the maximum number of allowable units for Open Space Developments as required in section 308. The granting of a bonus density shall constitute a waiver to the maximum allowable density.

Bonus Densities shall be granted to Open Space Developments that result in land dedicated to the Town and accepted by the Brunswick Town Council or land or easements in land dedicated to entities described in 308.8 A and B.

In Rural Districts, the reviewing authority may grant bonus densities that increase the maximum number of units permitted by 15%. In Growth Districts, reviewing authority may grant bonus densities that increase the maximum number of units permitted by 25%.

308.3 Rural District Requirements

Table 308.3.A Lot Requirements for Open Space Developments in Rural Districts

Zoning District	CR Districts	FF and Rural MU Districts	CP1
1. Minimum Road Frontage on Primary Roads	200 feet	250 feet	250 feet
2. Minimum Road Frontage on Secondary Roads	100 feet, may be reduced by the reviewing authority via waiver	100, feet may be reduced by the reviewing authority via waiver	100 feet, may be reduced by the reviewing authority via waiver
3. Minimum Rear Yard For Principal Structures	20 feet	20 feet	20 feet
4. Minimum Side Yard	10 feet	10 feet	10 feet
5. Minimum Protected Conservation Land	45%	50%	50%

B Dimensional Criteria and Waivers, Rural Districts

Any lot area, dimensional or density requirement not indicated in the table shall be the same as the zoning district in which the development is located. The reviewing authority may waive any lot area or dimensional requirement in accordance with Section 410, if doing so helps to minimize impacts as described in subsection 308.1, to and as indicated:

1. **Minimum Lot Area**. For lots containing individual septic systems and/or wells, the lot must be large enough to accommodate the septic system and/or well. Lots may be reduced to a minimum of 20,000 square feet based on Maine State Plumbing Code standards. Septic systems must be set back at least 15 feet from any lot line.

2. **Minimum Open Space**. Minimum Open Space requirements may not be waived by the reviewing authority. The Open Space must be worthy of conservation as established through the sketch plan. No dwelling units, structures associated with dwelling units, or uses accessory to a dwelling unit shall extend into the required minimum protected open space unless expressly allowed in the terms of a conservation easement and approved by the holder of the conservation easement.

308.4 Growth District Requirements

Table 308.4A Lot Requirements for Open Space Developments in Growth Districts

	TR, CU Districts and MU2	R Districts and MU3, MU4	HC Districts and CC	I Districts
Minimum Lot Area	4,000 s.f.	6,000 s.f.	4,000 s.f.	20,000 s.f.
Minimum lot width	40 feet	60 feet	40 feet	100 feet
Minimum protected conservation land	15%	30%	15%	30%
Maximum Building Footprint per structure	5,000 square feet, not applicable in College Use District	5,000 square feet	40,000 square feet	none

B Dimensional Criteria and Waivers, Growth Districts

Any lot area, dimensional or density requirement not indicated in the table shall be the same as the zoning district in which the development is located. The reviewing authority may waive any lot area or dimensional requirement in accordance with Section 410, if doing so helps to minimize impacts as described in subsection 308.1, and as indicated:

1. **Waivers**. All dimensional standards, except for density may be waived by the Planning Board.

2. **Residential Setbacks**. Setbacks for non-residential uses may be increased to 50 feet if the property abuts a residential use.

3. **Front Setbacks**. Front setbacks shall be established by determining the prevailing setback for the street in which the proposal is located as determined by the Planning Board. Where there is no prevailing setback, such as in an undeveloped land tract, the standard found in the zoning district shall be used.

4. **Side Setbacks**. Side setbacks shall be established by determining the average spacing between structures on the street in which the project is located, as determined by the Codes Enforcement Officer. Where there is no average spacing between structures in the general vicinity of the project, such as in an undeveloped land tract, side setback will be subject to the approval of the Planning Board.

5. **Rear Setbacks**. Rear setbacks shall be the same as those found in the zoning district in the project is located.

308.6 Planned Unit Development Configurations

Open space developments in which individual units are sold, but all land is owned in common, are permitted. In such cases, the reviewing authority may approve either building footprints for each unit, or general building envelopes in which structures may be built. Such structures may be detached dwelling units, and may include a small private yard area.

308.7 Community Water and Sewer Facilities

Community water and sewer facilities are those that are operated and maintained solely by a home-owner's association or other appropriate entity, and that do not connect to any municipal system. Such systems are permitted only in Open Space Developments, subject to all applicable State and Federal regulations, and in accordance with the following standards:

A. In reviewing any proposed open space subdivision plan, the reviewing authority may require the applicant to present data showing the location of those soils best suited for sewage disposal fields. Where appropriate, the community water or sewer system may be located within the required open space. No portion of a private community water or sewer system shall be located within any public right of way.

B. In approving any Open Space Development that includes community water and sewer facilities, the reviewing authority shall require than an adequate Home/Property Owner's Association or other appropriate mechanism be established to oversee the permanent maintenance and repair of such facilities.

308.8 Protected Conservation Land

Conservation lands set aside in an Open Space Development shall be protected as required by this Section. Land set aside as protected conservation land may be a separate parcel. In Rural Districts only, such land may be included as a portion of one or more parcels on which dwellings and other structures are permitted, provided that a conservation easement is placed on such land and that the reviewing authority approves the configuration of the conservation land and finds that the proposed development plan will not compromise the conservation value of the conservation land. For non-residential development, conservation land may be owned in any manner consistent with fulfilling the purposes of this Ordinance.

A. Dedication to Town or State.

Dedication of Protected Conservation Land to the Town or to the State is an acceptable method of protection.

B. Conservation Easement to Land Trusts, State or Federal Agency

1. A perpetual conservation easement restricting development may be granted to a qualified not-for-profit conservation organization, the State of Maine or a land trust.

2. Such conservation easement shall be approved by the reviewing authority, with the review of the Conservation Commission and Town Attorney, and shall be required as a condition of Subdivision or Site Plan approval.

3. The conservation easement shall be recorded in the Registry of Deeds prior to or simultaneously with the filing of a Final Subdivision Plan or Site Plan. In the case of minor Site Plans, a deed restriction enforceable by the Town may be substituted for a conservation easement.

4. The conservation easement may permit only those uses authorized through the Development Review process.

C. Conservation Easements Offered to the Town

When a conservation easement is offered to the Town as a result of development review, the following process shall be followed:

1. The offering of a conservation easement to the Town during development review may be initiated only by the applicant.

2. The reviewing authority shall refer the request to the Conservation Commission

3. The Conservation Commission shall evaluate the land upon which the conservation easement is proposed, and shall make an evaluation regarding whether the proposed easement fulfils public benefits as determined by the Comprehensive Plan and Parks, Recreation, and Open Space Plan.

   a. In making this determination, the Conservation Commission shall identify which of the following conditions are protected through the dedication of the easement:

      (1) The property contains significant wildlife habitat or buffers the same.

      (2) The property contains wetlands, aquifers or other features necessary to protect the water supply.

      (3) The property is in active agricultural or forestry use or has that potential.

      (4) The property contains or buffers an important ecosystem and/or rare and endangered species habitat.

      (5) The property contains or buffers scenic assets accessible for public view.

      (6) The property has historical value or is close to such a property.

      (7) The property offers significant relief from urban closeness and/or helps define a village center.

      (8) The property is adjacent to or close by land that is already protected under one or more of the above categories.

      (9) The property falls under one or more of the above categories and could accommodate public access and/or passive recreational use.

      (10) The property falls under one or more of the above categories and borders the ocean or local streams and rivers, notably the Androscoggin.

   b. A property for consideration for the dedication of an easement to the Town may satisfy the criteria above and not be recommended by the Conservation Commission if one or more of the following considerations are found to apply:

      (1) The property poses stewardship and maintenance problems that the Commission finds to be impractical to protect "in perpetuity".

(2) The property owner insists on retaining rights to the land that are inconsistent with relevant criteria in 3.a above.

(3) The development of the property or adjacent properties is possible or likely and would diminish its value as conserved land.

(4) The property is part of an overall development proposal which would impinge on one or more of relevant criteria in 3.a above.

(5). The property is found to be irreparably contaminated.

4. The Conservation Commission shall review the language of the easement and its terms and obligations. The easement shall also be reviewed by the Town Attorney and the Director of Planning & Development.

5. If the Conservation Commission finds that the easement satisfies the standards of 308.8C, it shall refer the applicant and the easement language to the Town Council.

D. Deed Restrictions

In the event that a Conservation Easement is not accepted by a third party or by the Town, a deed restriction shall be required of the applicant which shall meet the requirements of subsection 308.8B.

308.9 Ownership of Conservation Land

The requirements for Home/Property Owner's Associations are indicated in Section 522.

A. In Rural Districts, conservation land may be owned by private landowner(s) including individuals, families, partnerships, trusts, non-profit organizations, home/property owner's association or governmental entity, as long as it is protected from development by conservation easement. The conservation land may occur on one or several lots, depending on the preferences of the applicant.

B. In Growth Districts, conservation land shall be set aside in one or more parks, greens, or other recreational conservation land areas owned by a home/property owner's association or, at the owner's option, dedicated to the Town or other governmental entity. A conservation easement may be required depending upon the environmental, aesthetic, recreational, cultural or historic significance of the land.

308.10 Maintenance Standards

Ongoing maintenance standards shall be established, enforceable by the Town against a private owner of conservation land as a condition of Development Review Approval.
(Section 308 Amended in its entirety 3/6/06 R)

309 Development Proposals on Two or More Lots.

If development is proposed on two or more lots and the Director Planning and Development finds that the development functions as a single project, impervious surface limits shall be applied to that project as though the lots on which it is located were a single lot. (Amended 9/4/01 R)

310 Affordable Housing Developments

The Town of Brunswick has developed this section to help promote and stimulate the creation of affordable housing units in the community. Such a need was identified in the 2004 Action Plan for Housing.

Affordable housing projects include new construction and renovation of existing buildings, but exclude existing projects which have already been deemed “affordable” by regulatory agencies as of the date of the amendment of this ordinance.

Measures permitted in this section are aimed at reducing development costs, defraying development costs over a greater number of units, and providing flexibility for denser development patterns in return for guaranteed affordability of certain units for a set period of time. Greater affordability is rewarded with greater cost reductions and more development flexibility.

310.1 Definition of Affordable Housing

Affordable housing, for the purposes of this section, is housing, located in the Growth Area and served by public water and sewer services, which is designed with the express intent of providing decent, safe, and sanitary living accommodations that are affordable to lower income households and moderate income households, in accordance with the following definitions:

A. An **owner-occupied housing unit** is "affordable" to a household if the unit's proposed sales price results in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs, real estate taxes, and basic utility and energy costs) that do not exceed 38% of the maximum gross monthly income of a lower income or moderate income household. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to lower and moderate income households.

B. A **renter-occupied housing unit** is "affordable" to a household if the unit's proposed monthly housing costs (including rent and basic utility and energy costs) do not exceed 33% of the maximum gross monthly income of a low income or moderate income household.

C. A **"lower income household"** is a household with a gross income less than or equal to 80% of the applicable Non-Metro Cumberland County median income. Lower income households also include very low income households. A "**very low income household**" is a household with a gross income less than or equal to 50% of the applicable Non-Metro Cumberland County median income. A "**low income household**" is a household with a gross income over 50%, but less than or equal to 80%, of the applicable Non-Metro Cumberland County median income.

D. A **"moderate income household"** is a household with a gross income more than 80%, but less than or equal to 120%, of the applicable Non-Metro Cumberland County median income.

E. The "**Non-Metro Cumberland County median income**" is the median family income most recently published by the U.S. Department of Housing and Urban Development for Non-Metro portion of Cumberland County. Where appropriate to use this definition, median family income may be adjusted for family size.

F. A **household's "gross income"** includes the income of all household members from all sources.

310.2 Maintaining Affordability of Units

Affordability shall be guaranteed for all units receiving benefits from the Town in accordance with this section. The period of affordability shall be individually determined by the Town based upon the amount of subsidy or density bonus but shall be at least 10 years for ownership units and 30 years for rental units. These minimums shall increase to up to 50 years according to the amount of subsidy or density bonus obtained from the Town. The method of guaranteeing affordability is determined on a case by case basis by the Town using guidelines set by the Maine State Housing Authority in *Affordable Housing Tax Increment Financing Program Guide, May 2004*, as revised. The period of enforceability shall be guaranteed by the developer in a document recorded at the Cumberland County Registry of Deeds and satisfactory to the Town. The document shall include, but not be limited to, the ability for the Town to seek the penalties outlined in the document to seek injunctive relief including attorney's fees and costs, or both.

310.3 Reduction of Fees

The Town may reduce the fees for Affordable Housing units as provided for in this subsection.

A. Only projects that require Major Development Review are eligible for fee reductions.

B. Application Fees for any project may not be reduced.

C. Remaining fees shall be reduced on a per unit basis for the affordable housing portion of proposed developments.

D. Traffic Impact Fees: In case of a Traffic Impact Fee that would exceed $10,000, the Town Council shall decide if such a fee is to be reduced based on the criteria that such a reduction is required to make the project economically viable.

E. Fee reductions are determined on a percentage basis according to Table 310.3. Applicable fees include Building Permit Fees and the following Impact Fees: Recreation, Solid Waste, and Cooks Corner Fire Station.

Table 310.3 Reduction in Fees for Affordable Housing

	Units that are affordable to households based on percentage of their median income		
	80-120%	**50-80%**	**Less than 50%**
Fee reduction per applicable unit	50%	75%	100%

310.4 Bonus Density

The Planning Board shall grant bonuses to the maximum number of allowable units for Affordable Housing projects as provided for in this subsection.

A. Maximum bonus densities shall be determined by Table 310.4. and are dependent on the amount of affordable housing in a project and the income level of the households that are able to rent or buy the units.

B. Projects that receive a density bonus are required to meet the dimensional standards to the greatest extent practical.

Table 310.4 Bonus Densities for Affordable Housing

	Units that are affordable to households based on percentage of their median income		
	80-120%	**50-80%**	**Less than 50%**
Bonus units per applicable unit	0.50 unit bonus	0.75 unit bonus	1.0 unit bonus

All bonus units shall be additional Affordable Housing units.

The final calculation that determines number of bonus units is rounded downward.

310.5 Dimensional Standards for Affordable Housing Developments

All dimensional standards, except for density which is determined through 310.4 and building height, may be modified by the Planning Board if it finds that:

a. the proposed modification is necessary to make the project economically viable, and

b. the proposed modification is necessary to accommodate any bonus units (i.e. no alternative layout that better meets the dimensional standards can accomplish the same), and

c. the proposed development patterns meet the appearance assessment standards of section 515 with regard to surrounding properties.

(Section 310 Amended its entirety 9/19/05 R)

CHAPTER FOUR: DEVELOPMENT REVIEW

Development review includes Subdivision and Site Plan review, and certain changes of use and other procedures as outlined in Section 402. No development shall be approved unless it complies with all review criteria and findings indicated in Section 411.

All time frames for development review expressed in this chapter are maximums. The Town's staff and reviewing entities shall make every effort to conduct reviews as expeditiously as possible.

401 Applicability

401.1 The following outlines the applicability for Development Review:

A. Development review does not apply to:

1) a single or two family dwelling.
2) uses or structures that are accessory to a single or two family dwelling.
3) agricultural land management practices, including farm and woods roads developed in accordance with "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices", as amended (Amended 9/3/02 R)
4) unpaved trails and paths developed in accordance with Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, as amended. (Groups or individuals planning such trails and paths are encouraged to consult with the Planning Department prior to construction) (Amended 9/3/02 R)
5) The *initial* non-military re-occupancy of a building in the BNAS Reuse District existing as of the July 20, 2009 adoption of this provision provided all of the following are met:

a) The new use is a permitted use in the Reuse Land / Use District in which it is located, per the BNAS Reuse Master Plan, approved December 2007,

b) The re-occupancy maintains the pre-existing pattern of use of the site including the general location of the building and parking and service areas,

c) The usable floor area of the building is not increased by more than two thousand (2,000) square feet, within the existing building footprint,

d) The amount of impervious surface on the project site is not increased by more than two thousand (2,000) square feet,

e) There is adequate parking available for the new use in accordance with Section 512,

f) The re-occupancy of the building will not change the primary use of the building from residential to non-residential or from non-residential to residential,

g) The *initial* non-military re-occupancy of a building shall not be considered a change of use even if it does not meet the vacancy time limits of Section 702.1. All subsequent re-occupancy of buildings in the BNAS Reuse District shall be subject to the change of use review requirements of Sections 402 and 702 of this ordinance as applicable, and (Amended 7/20/09R)

6) The change of use of a building in the BNAS Reuse District with less than 10,000 square feet of floor area following its initial non-military occupancy provided that the new use does not significantly intensify the use of the property compared to its previous use. A new use that increases the required off-street parking in accordance with Sections 512.1 or 512.2 by more than twenty percent (20%) or that increases the number of peak hour vehicle trips based upon the current edition of the ITE Trip Generation Manual, as amended, by more than twenty percent (20%) or that meets any of the review thresholds of Section 702.3 shall be considered to significantly intensify the use. If the Codes Enforcement Officer determines that there will be a significant intensification of the use, the activity shall be deemed to be a minor development subject to development review in accordance with Section 402.1. (Amended 7/20/09R)

B. Activities not subject to development review still require appropriate permits issued by the Codes Enforcement Officer and/or the Village Review Board if the property is in the Village Review Zone.

C. All activities listed in Section 402 shall be subject to Development Review.

D. Projects subject to development review shall be divided into two classes, Major and Minor. Minor projects shall be reviewed by the Staff Review Committee. Major projects shall be reviewed by the Planning Board.

E. Thresholds for development review apply only to new, or “add-on” construction, except as indicated in Section 402. Floor area and impervious surface area are calculated on a net basis. The floor area and the impervious surface area (roof) of a building each contribute separately to the cumulative total of the two. (Amended 6/19/00 R)

F. If development is proposed on two or more lots and the Director of Planning and Development finds that the development functions as a single project, thresholds for development review shall be applied to the project as though the lots on which it is located were single lots. (Amended 9/4/01 R)

402 Development Review Classification and Thresholds

402.1 Activities Subject to Minor Review

The following activities shall be subject to Minor Development Review by the Staff Review Committee:

A. Any development activity or combination of activities that, within any five year period results in the construction of the following:

1. In all zoning districts except for those indicated in Sections 402.1 A.2 and 402.1 A.3: (Amended 7/20/09R)
   a. Between 1,000 and 4,999 square feet of new floor area; (Amended 6/19/00 R)
   b. Between 1,000 and 4,999 square feet of new impervious surface, or
   c. A cumulative total of between 1,500 and 7,499 square feet of floor area and impervious surface. (Amended 6/19/00 R)

2. In the MU4 (Fox Run), CC (Cook's Corner Center), I2 (Church Road Industrial Park), I3 (Bath Road Industrial), I4 (Exit 22), HC2 (Inner Bath Road):
   a. Between 2,000 and 9,999 square feet of new floor area; (Amended 6/19/00 R)
   b. Between 2,000 and 9,999 square feet or more of new impervious surface; or
   c. A cumulative total of between 3,000 and 14,999 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)

3. In the BNAS Reuse District:
   a. Between 2,000 and 9,999 square feet of new floor area;
   b. Between 2,000 and 9,999 square feet of new impervious surface; or
   c. A cumulative total of between 3,000 and 19,999 square feet of new floor area and impervious surface. (Amended 7/20/09R)

B. Any use that involves the construction of one drive-up window.

C. Marine Activities that involve the creation of less than 5,000 square feet of new impervious surface.

D. Construction of a multi-family dwelling unit in all zoning districts except the BNAS Reuse District, containing between 3 and 5 units that does not create a subdivision. In the BNAS Reuse District, activities involving the construction of multi-family dwellings with up to ten (10) units that do not create a subdivision are classified as Minor Projects. (Amended 7/20/09)

E. Development subject to Special Permit (Section 701) that results in the creation of less than 5,000 square feet of new impervious surface.

F. Construction within the Natural Resources Protection Zone subject to the provisions of section 211.2.A.3, 304.6.D.4., 304.4.B or 304.7 (Amended 9/4/01 R, 10/15/01 R)

G. Establishment or expansion of a Neighborhood Store. (Amended 7/5/05 R)

H. Change of use of a building within the BNAS Reuse District that affects10,000 to 19,999 square feet of floor area, pursuant to Section 702. (Amended 7/20/09R)

402.2 Activities Subject to Major Review

The following activities shall be subject to Major Development Review by the Planning Board:

A. The creation of a Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended.

B. Any development activity, or combination of activities that, within any five year period results in the construction of the following:

1. In all zoning districts except for those indicated in Sections 402.2 B.2 and 402.2 B.3: (Amended 7/20/09R)
   a. 5,000 square feet or more of new floor area; (Amended 6/19/00 R)

b. 5,000 square feet or more of new impervious surface, or
c. A cumulative total of 7,500 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)

2. In the MU4 (Fox Run), CC (Cook's Corner Center), I2 (Church Road Industrial Park), I3 (Bath Road Industrial), I4 (Exit 22), HC2 (Inner Bath Road):
   a. 10,000 square feet or more of new floor area;(Amended 6/19/00 R)
   b. 10,000 square feet or more of new impervious surface; or
   c. A cumulative total of 15,000 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)

3. In the BNAS Reuse Zoning District:
   a. 10,000 square feet or more of new floor area;
   b. 10,000 square feet or more of new impervious surface; or
   c. A cumulative total of 20,000 square feet or more of new floor area and impervious surface. (Amended 7/20/09R)

C. Any use that involves the construction of 2 or more drive-up windows.
D. Changes of use that affect 10,000 square feet or more of floor area, pursuant to Section 702, or 20,000 square feet or more of floor area in the BNAS Reuse District. (Amended 7/20/09R)
E. Changes of use that involve conversion of a single or two-family home to any other use in Town Residential and Residential Districts.
F. The development or expansion of a Mobile Home Park, pursuant to Section 212.
G. Development subject to Special Permit (Section 701) that involves creation of 5,000 square feet or more of new impervious surface.
H. Mineral Extraction, pursuant to Section 306.6.
I. The addition or expansion of a canopy for a gasoline sales station, pursuant to Section 306.14.
J. Any activity in the BNAS Reuse District that is located within two hundred (200) feet of the district boundary that would otherwise be classified as a minor project. (Amended 7/20/09R)
K. Any activity in the BNAS Reuse District that generates more than one hundred (100) peak hour vehicle trips, based upon the current edition of the ITE Trip Generation Manual, as amended, unless the activity is part of an approved subdivision or common development plan in which traffic was addressed as part of the approved plan. (Amended 7/20/09R)

402.3 Amendments and Cumulative Development

A. Development Review Thresholds shall be based upon cumulative development totals over a five year period. If any threshold is exceeded during any five year period, all development within that time period shall be subject to review.
B. Amendments to projects shall be subject to the level of review that is commensurate with the scope of the amendment proposed.

403 Delegation of Planning Board Review Authority

The authority of the Planning Board to review certain minor development projects is hereby delegated to the Staff Review Committee in accordance with the provisions of this Section. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Staff Review Committee.

403.1 Planning Board Responsibilities

The Planning Board is responsible for the review of all major projects and of any minor project for which Planning Board review is requested by the applicant. The Planning Board may conduct

Minor Project review if recommended by either the Director of Planning and Development or the Staff Review Committee.

403.2 Staff Review Committee Responsibilities

A. The Staff Review Committee shall consist of the Director of Planning and Development, the Town Engineer/Public Works Director, Codes Enforcement Officer, Recreation Director, Fire Chief, Police Chief, Assessor, Natural Resources Planner, Superintendent of the Brunswick-Topsham Water District, and the Superintendent of the Brunswick Sewer District, or their official designees. For the review of projects in the BNAS Reuse District, the Staff Review Committee shall be expanded to include one non-voting staff representative from the Midcoast Regional Redevelopment Authority (MRRA). The MRRA representative shall be designated in writing by the Executive Director of MRRA. (Amended 7/20/09R)

B. The Staff Review Committee, in its development review capacity, shall exercise all of the powers exercised by the Planning Board including the power to grant waivers, and the power to approve, approve with conditions, or deny applications for Site Plan approval.

C. Actions by the Staff Review Committee to approve an application, with or without conditions, shall require the approval of a majority of those members present and voting. A quorum shall consist of three members.

D. The Staff Review Committee may waive provisions of this Chapter and of Chapter 5, in accordance with Section 410.

E. The Staff Review Committee shall set forth the reason for its decisions and make Findings of Fact, in writing, within 7 days of the meeting. Such findings of fact shall be sufficient to apprise the applicant and any interested member of the public of the basis for the decision.

F. All appeals to a Staff Review Committee decision shall be heard by the Planning Board.

G. The Staff Review Committee shall provide recommendations to the Planning Board for any project undergoing major development review. Individual members of the Committee may in addition submit letters of recommendations to the Planning Board.

403.3 Director of Planning & Development and Codes Enforcement Officer

A. **Minor Change of Use.** For changes of use that do not exceed the thresholds required for site plan review as indicated in Sections 401.1, 402.1, and 402.2, and that do not constitute a Departmental Review pursuant to Section 702.4, the permit may be issued by the Codes Enforcement Officer, provided that the application is in compliance with all relevant provisions of this ordinance. (Amended 7/20/09R)

B. **Minor Modifications.** The Planning Board's review and approval is based upon the application plans and materials submitted by the applicant. The Director of Planning and Development may find proposed changes to an approved site plan, subdivision or Special Permit or related materials to be minor modification in which case approval by the Planning Board or the Staff Review Committee shall not be necessary. (Amended 9/4/01 R)

404 Restrictions on Activities During Review

404.1 Pending Application

An application for development approval shall be considered to be pending from the date of the submission of a Sketch Plan until the Final Plan denial, approval, or conditional approval date. An application shall not be considered to be pending upon the following:

A. the expiration of Sketch Plan approval, which shall be one year from the date that sketch plan approval was granted;

B. the receipt in the Department of Planning and Development of the applicant's written statement withdrawing the application; or

C. the failure of the applicant to respond to requests for additional information, appear at Board hearings, or otherwise maintain the application in an active state for a period of 4 months or more.

404.2 Prohibited Activities

Demolition, excavation, filling, grading, removal of topsoil, and clearing of vegetation are prohibited on any portion of a property that is subject to a pending application for development review. Failure of the applicant to comply with these activity prohibitions, as determined by the Codes Enforcement Officer, may cause the application to be denied. If an application is denied pursuant to this Section 404.2, the application process shall be terminated. If the applicant chooses to reapply for the same project or submit a new application for a different project, the applicant must submit a detailed plan for remediation of any adverse impacts of the prohibited activity.

404.3 Lawful Activities Exempt

The following otherwise lawful activities are exempt from the provisions of Section 404.2:

A. Activities related to the development of a lot not included in a subdivision or proposed subdivision unless such lot is subject to a pending Site Plan application;

B. Activities required for the routine maintenance of existing structures or uses or to remedy a safety hazard;

C. Activities incidental to the gathering of information needed for the pending application for development review (i.e. land surveying, soils mapping, etc.), provided that such activities be undertaken in a manner that minimizes the disruption of the site;

D. Activities that are unrelated to the pending application, as determined by the Codes Enforcement Officer.

404.4 Issuance of Permits When Application For Development Review is Pending

The Codes Enforcement Officer shall not issue building permits for construction on any portion of a property that is subject to a pending application for development review except as permitted in Subsection 404.3.

405 Review Procedures

The following outlines the review procedures for development requiring Subdivision or Site Plan approval.

405.1 Pre-Application Meetings

Pre-application meetings prior to Sketch Plan are optional but are strongly recommended prior to the expenditure of funds toward the design of a development proposal.

A. Staff Review Committee

Prior to submitting an application for development review, the applicant is advised to meet with the Staff Review Committee to discuss application requirements, waivers of information requirements, and applicable development criteria. At this meeting, the Staff Review Committee and the applicant can discuss the applicant's and the Town's goals for the area proposed for development to seek a common vision for the proposed project. Any question as to whether the project is major or minor may also be resolved at this meeting.

B. Planning Board

Prior to filing an application to be reviewed by the Planning Board, the applicant may appear before the Planning Board for an informational discussion of the proposed development. The applicant is encouraged to present information relevant to the property that may assist the Planning Board and Department of Planning & Development in providing input to the applicant. Such information may include a portion of a U.S.G.S. topographic map showing the property's boundaries and the surrounding area, tax assessor's maps of the proposed application, a plot plan or survey showing the property's area, shape, and existing features (natural and human-made), and the purpose and proposed configuration of the development. If possible, materials should be informally submitted to the Planning Department to allow staff review prior to the meeting. At this meeting the Planning Board may discuss which information may be waived in the formal application.

405.2 Application Submission and Required Notification

A. Development approval applications shall be submitted to the Director of Planning and Development. For each item listed in Section 412 the applicant shall submit either the requested information or a request for a waiver from the information requirement, pursuant to Section 410.

B. Upon receipt of an application, the town shall provide the applicant a dated receipt. The town shall notify the owners of all property located within a 200 foot radius of the boundaries of the proposed development, giving a general description of the project and specifying its location. The town shall mail notifications via first class mail between 15 and 10 days prior to a scheduled review for which it is required.

405.3 Determination of Completeness of Application

A. An application is complete when an application form and all plan requirements or waiver requests have been submitted to the Director of Planning and Development. Within five working days of receiving an application, the Director of Planning and Development shall determine whether the application is complete. If an item is missing from the application and no waiver has been requested for it, the Director of Planning and Development shall notify the applicant in writing that the application is not complete and request the additional information required. The applicant shall submit the additional information as soon as possible and the procedure in this paragraph shall be repeated until the application is complete.

B. With the exception of pre-application meetings, no application shall be placed on the Planning Board or Staff Review Committee agenda until the application is deemed complete.

C. As used in this Section 405.3, "complete" shall mean that:

1. all submission requirements established by this ordinance have either been complied with or a wavier has been requested;

2. any additional information requested by the Planning Board or Staff Review Committee at any prior meeting has been provided; and

3. all conditions of any relevant prior approval for the property have been fulfilled unless the application describes the manner in which unfulfilled conditions will be addressed.

405.4 Procedure for Minor Project Development Review

A. In reviewing the application, the Staff Review Committee shall first determine whether or not to grant the requested submission waivers, based upon the criteria in Section 410. The Director of Planning and Development shall make recommendations concerning any requested waiver. If a waiver request is denied, the application shall be deemed incomplete.

B. When an application for a minor project is determined to be complete, the Director of Planning and Development shall so notify the applicant. The Director of Planning and Development shall also request the applicant to submit ten additional copies of the complete application materials to the Department of Planning and Development for distribution to Staff Review Committee members. Such materials shall be received at least 15 working days prior to the Staff Review Committee meeting.

C. Unless postponement of the decision is agreed to by the applicant, the Staff Review Committee shall issue a decision within 30 days after the Director of Planning & Development has determined that the application is complete.

D. In issuing its decision, the Staff Review Committee shall make written findings of fact in accordance with the standards found in Section 411.

E. A written record of the Staff Review Committee decision shall be maintained and shall be submitted to the Planning Board members and made available for public inspection. The Committee's written decision, in the form of minutes from the Committee's meeting, shall be mailed to the applicant within seven days of the meeting at which it is made.

F. The applicant or an abutter may appeal the decision of the Staff Review Committee to the Planning Board by submitting an appeal application to the Director of Planning and Development within 30 days of the date of the action. The Planning Board may hold a public hearing and shall render its decision following the procedures in Subsection 405.5(C).

G. All references to the Staff Review Committee in Subsections (B) through (D) above shall be construed to as references to the Planning Board if the Planning Board conducts the minor development review.

405.5 Procedure for Major Project Development Review

Major project review shall be conducted in two steps: Sketch Plan and Final Plan. See Section 412 for submission requirements. An applicant may apply to have a project reviewed for Sketch and Final Plan approval concurrently; however, for larger projects, it is strongly encouraged that two separate processes be undertaken.

A. Sketch Plan

When an application, on a form provided by the Town, is submitted to the Planning Board, that application will have formal standing before the Planning Board. The Planning Board shall then consider the sketch plan and provide planning direction to the applicant in accordance with all pertinent provisions of the ordinance. After

completing its review of the application, the Planning Board shall vote to deny, approve, or approve with conditions. The date of Sketch Plan approval, denial or conditional approval shall be the date that the Planning Board votes on a Sketch Plan application.

B. Final Plan

Once the Planning Board votes to deem a Final Plan application to be complete, the Board shall undertake the review of the proposal. Once review is complete, the Planning Board shall vote to deny, approve or approve with conditions. For site plan applications, the date of Final Plan approval, denial, or approval with conditions shall be the date that the Planning Board votes on a Final application. In the case of subdivisions, the date of approval and the date of approval with conditions shall be the date that the Chair of the Planning Board signs the recordable subdivision plan; if a subdivision application is denied, the date of denial shall be the date in which the Planning Board votes to deny the application.

C. Public Hearings

Pursuant to the provisions of 30-A M.S.R.A. Section 4403(A), the Planning Board shall conduct a public hearing for any residential development containing more than 20 units, and for any non-residential development resulting in the new development of 30,000 or more square feet.

1. When a public hearing is to be conducted, the Director of Planning and Development shall prepare a notice of the date, time and place of the hearing with a brief description of the application and its location.

2. This notice shall be distributed to the applicant and the owners of all property located within a 200 foot radius of the boundaries of the parcel containing the proposed development.

3. This notice shall be published at least two (2) times in a newspaper having general circulation in Town. The date of the first publication must be at least seven (7) days before the hearing.

D. Decision Time Limits

The Planning Board shall within 30 days of the public hearing or, if no hearing is held, within 60 days of the date on which a complete plan is submitted, or within any other time limit that is otherwise mutually agreed to, issue an order:

1. Denying the proposed subdivision or site plan;

2. Granting approval of the proposed subdivision or site plan;

3. Granting approval with conditions that it considers advisable to satisfy the criteria of this ordinance and Title 30-A M.S.R.A Section 4404.

E. Time Frames For Submission of Application and Review of Applications

The following procedures shall be applied to both the Sketch Plan and Final Plan levels of major development review.

The following Table details the required time frames for submission requirements to the Planning Board for both Sketch and Final applications, and all submission requirements. All time frames are expressed in calendar days. This table shall be considered to be a part of this zoning ordinance. In cases where the date prescribed in this table is a legal holiday, all deadlines shall apply to the previous working day.

Table 405.5E Time Frames for Major Project Review

1. Three (3) Weeks Prior to Scheduled Planning Board Meeting	a) Deadline for filing application to Planning Board for that meeting. b) Applicant must submit one substantially complete set of application materials to the Director of Planning and Development. Director of Planning and Development shall date stamp the application and shall review the application for completeness.
2. Two (2) Weeks Prior to Scheduled Planning Board Meeting	a) Director of Planning and Development issues a finding of preliminary completeness of application. Completeness indicates that all required application materials have either been submitted or a waiver has been requested. If the application is found to be incomplete, the applicant shall be notified in writing, and the application shall not be placed on the Planning Board's agenda. The applicant may resubmit the application when complete. b) If the Director of Planning and Development finds that the application is complete, indicating that all required application materials have either been submitted or a waiver has been requested, the applicant shall submit 18 copies of all plans and materials required for review, one copy of which shall be distributed by the Director of Planning and Development to the Curtis Memorial Library. For any plan that is greater in size than 11" x 17", the applicant may chose to submit five full sized copies and one copy reduced to 11" x 17" to the Planning Department. c) The Town shall submit notification to persons entitled to notification pursuant to Section 405.2B.
3. Between Two (2) Weeks and Five (5) Days Prior to Scheduled Planning Board Meeting	a) Application shall be brought before the Staff Review Committee for comments and recommendations to assist the Planning Board in its review. b) If the project is subject to a public hearing, the first of two hearing notices shall appear in a paper of general circulation within this time frame. The first notice shall appear in the newspaper no less than 7 days prior to the hearing.
4. Four (4) Days Prior to Scheduled Planning Board Meeting	a) The Director of Planning and Development shall issue preliminary findings which shall review the application based on Section 411, and shall issue a draft set of conditions of approval, if any. This material must be mailed, faxed or hand delivered to the Planning Board and the Applicant.

406 Review Process, Additional Provisions

406.1 Additional Studies

The reviewing entity may require the applicant to undertake any study which it reasonably deems essential to ensure that the development can satisfy the Review Standards of Section 411. The reasonable cost of any such study shall be paid by the applicant. (Amended 7/12/10 R)

406.2 Peer Review

Peer Review is a professional evaluation conducted by a consultant of the reviewing entity to assist in determining whether an application submission satisfies the Review Standards of Section 411. The reviewing entity may, by majority vote, select a consultant to perform a peer review for the reviewing entity at the applicant's expense. Peer review shall not be undertaken unless it is necessary for an informed review of the application materials and its costs are reasonable, considering the nature and the scope of the application. Estimated costs for peer review shall be disclosed to the applicant prior to undertaking such review. The Town shall require an applicant to deposit funds into an escrow account to be held for the purpose of reimbursing the peer review costs. The applicant shall be entitled to an accounting of the use of all funds, and shall be entitled to a refund of all funds not expended upon final approval, denial or withdrawal of an application. The reviewing entity reserves the right to deny any application due to a lack of information necessary to deem the proposal in compliance with Section 411. (Amended 7/12/10 R)

406.3 Application Fees and Costs

Applications shall be accompanied by fees established by the Town Council.

406.4 Joint Meeting, Hearing, and Application

If a proposed development requires both Subdivision and Site Plan review, the Board shall consider the Subdivision and Site Plans together and hold a joint meeting or hearing on both. A single application may be filed, provided that it contains all necessary information for both approvals.

406.5 Contract Consulting Services

The Town of Brunswick may employ independent professional consultants to assist staff in the review of applications for development review, special permits, village review zone, or natural resource related determinations to evaluate if the proposal meets all applicable provisions of the Zoning Ordinance and other related codes and ordinances as part of the application review process. Fees associated with the use of such consultant(s) shall be borne entirely by the applicant. The costs shall be paid in full prior to an application being approved, denied, or approved with conditions. If consultant services are needed after an application is approved to verify conditions, review modification requests or any other work to confirm the Zoning Ordinance standards are met, all costs shall be paid by the developer prior to receiving the building permit for the development. The estimated cost of the consultant’s services shall be disclosed to the applicant prior to review and the Planning and Development Department shall oversee work of said consultant. (Amended 9/20/10 R)

407 Development Plans, Additional Provisions

407.1 Plan Approval Not To Be Deemed Acceptance of Proposed Dedications

The approval by the Board of a development plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, conservation easement, or other open space shown on such plan. When a park, playground, or other recreation area is shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the Town of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement covering future deed and title dedication, and provision for the cost of grading, development, equipment and maintenance of any such dedicated area.

407.2 Recording

All Subdivisions for which Final Plan approval has been granted, and any conditions that have been imposed by the Planning Board for the subdivision or final plan shall be filed in the Cumberland County Registry of Deeds by the applicant. If the applicant fails to record the subdivision plan within 60 days after Development Plan approval by the Planning Board, the approval shall expire. No building permits associated with a subdivision shall be issued unless evidence of all recording requirements is provided by the applicant to the Codes Enforcement Officer. Any deeds issued after the granting of subdivision approval must reference the plan and any conditions imposed upon it. The Codes Enforcement Officer

shall submit an affidavit to be recorded indicating that conditions of approval have been satisfied following the satisfactory completion of those conditions.

407.3 Phasing of Development

If an applicant wishes to undertake and complete different portions of a Site Plan or Subdivision at different times, the approved plans shall reflect the phasing. The Planning Board shall review such proposals for the phasing of development as an integral part of the proposal. In order to gain approval for a phased development scheme, the applicant shall establish that all infrastructure systems will be able to function properly upon the completion of each new phase without the benefits of the unbuilt portions of the systems located in any later phase. The Board may accept, as part of a phasing plan, temporary structures, such as turnarounds, that may be required to permit an infrastructure system within a particular phase to function properly. In the case of a Subdivision the applicant shall provide a separate performance guarantee, in a form and amount acceptable to the Town Manager and Town Engineer, for the completion of the infrastructure of each phase.

407.4 Expiration of Approval

A. General

1. Where construction and completion of improvements or fulfillment of conditions required in an approved plan is not pursued within the time limits stated below, the Site Plan, Subdivisions or Special Permit approval shall lapse according to the provisions of this Section. The applicant may, at any time before the date of approval expiration, make a written request to the Planning Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if an approval time extension is granted by the Board. (Amended 9/4/01 R)

2. The Planning Board may consider any zoning changes affecting the site when considering a request to extend any approval.

B. Site Plan Approval Expiration

Except when otherwise stipulated in an approved phasing plan, Site Plan approval expires two years after the date of Final Plan approval unless construction of the approved project has been completed by that date. The Planning Board may extend the expiration of an approved site plan.

C. Subdivision Approval Expiration

1. Subdivision approval shall expire at the end of five years after the date of Final Plan approval unless either the Town Engineer certifies that construction of all approved infrastructure systems throughout the Subdivision has been completed or the Town Manager causes the completion of all approved infrastructure systems throughout the Subdivision according to the terms of the applicable performance guarantee. This expiration provision, together with the extension and notice provisions of Subsection (A) above shall be noted on the recorded Final Plan. The town shall notify the applicant, in writing, that a subdivision is to expire on or about the fifth anniversary of the Planning Board's approval.

2. Expiration of Subdivision approval shall not affect the validity of any lot which has been properly subdivided and legally conveyed to another owner.

D. Special Permit Approval Expiration: A special permit shall expire two years after it is ratified or deemed ratified by the Town Council if no Certificate of Occupancy is granted for the use. (Amended 9/4/01 R)

407.5 Subdivision Lot Sales Prohibited Until Plan is Recorded

There shall be no sale of lots of a proposed or amended Subdivision until the following have occurred:

A. The Final Plan or Amended Final Plan has been approved and signed by the Chair of the Planning Board; and

B. The Final Plan has been duly recorded in the Registry of Deeds by the applicant.

407.6 Vesting Provisions

A. Vesting of Governing Law

Applications for development approval shall be reviewed under the ordinance provisions in effect at the time the application was submitted to the Director of Planning and Development.

B. Vesting of Plan Approval

Development approvals shall be fully vested from the date of the submission of a complete application until the expiration of such approval. After such expiration, the applicant shall have no rights to develop according to the expired Final Plan and shall be subject to any changes in this Ordinance that have been adopted since the first submission of a plan to the Director of Planning & Development.

C. Phased Projects

In any partially completed phased project, if the commencement of any phase is delayed by two years or more, the Planning Board may declare the project approval expired as to all uncompleted phases, upon 60 days notice to the owner of the property. The owner may request an extension of the phasing plan at any time, which shall be granted if the owner can show good cause for the delay and if the Planning Board determines that continuing the project as approved is consistent with this Ordinance as amended.

407.7 Revisions to Approved Plans

A. An application to revise a previously approved Site Plan or Subdivision shall follow the procedure required for a minor project, unless the revision is found not to require Site Plan approval pursuant to Section 702 of this Ordinance or is deemed to be a minor modification. If the Director of Planning and Development determines that the scope of the revisions will either increase the scale of a minor project to that of a major project or will be the functional equivalent of creating another major project, the procedure for a major project shall be followed. Any amendment to a subdivision plan, with the exception of minor modifications that qualify under Section 403.3B, shall be reviewed as Major Projects by the Planning Board.

B. The applicant shall submit a copy of the approved plan, as well as copies of the proposed revision and other information required to process the application. The proposed changes to the approved plan shall be clearly indicated on the revised plan. The application shall include information sufficient to allow the Board to make a determination as to whether or not the revisions meet the standards of this Ordinance. No plan revision shall be approved if the applicant is not in full compliance with all relevant terms and conditions of previously approved plans.

C. If zoning requirements have changed since the approval of an original Site Plan or Subdivision Plan, the applicant's revisions shall comply with all such changes. The Planning Board or Staff Review Committee may, as a condition of approval of a revision of a Site Plan, require modifications to the original Site Plan in order to comply with such zoning changes, provided that such modifications do not cause undue hardship to the applicant and are reasonable and proportionate in scope and cost to the requested plan revision.

D. No changes, erasures, modifications, or revisions shall be made to any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, except in accordance with this Section.

407.8 Street Names

All street names are subject to the approval of the Assessor, to ensure that the proposed name is not currently in use. Street names shall be proposed with the sketch plan application, and shall be approved by the Assessor within 10 days.

407.9 Submission of digital data

Digital data produced for any approved subdivision shall be submitted to the Town prior to issuance of the first certificate of occupancy for a project. Such digital submission shall include: project name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of all existing and proposed streets; profiles of centerlines of proposed streets, of a horizontal scale of 1" = 50' and a vertical scale of 1" = 5', with all elevations referred to U.S.G.S. datum and appropriate GIS reference. Digital transfer of any subdivision data in GIS format on the Town's Horizontal Datum: Maine State plane Coordinate System: Maine West Zone 4101, FIPS Zone 1802, North American Datum 1983; Units: Feet; Vertical Datum: National Geodetic Vertical Datum, 1929." The requirement of submission of digital data may be waived, upon the recommendation of the Town Engineer, for subdivisions of limited scope. Subdivision plans drawn by hand do not need to meet this requirement. (Amended 1/20/04 R)

408 Effect of Violations on Applications

No application shall be approved by the Planning Board as long as the property is in violation of any requirements of this Ordinance or of any previous Planning Board conditions imposed upon the property. This provision does not apply if the application is made in whole or in part for the purpose of bringing the project into compliance with such requirements or conditions.

409 Findings of Fact and Conclusions

The Planning Board may approve, deny, or approve with conditions an application for Development Review after it has reviewed the application and has made determinations in the form of Findings of Fact and Conclusions based on the Review Standards of Section 411.

409.1 Contents

Findings of Fact and Conclusions shall be made in writing and shall be sufficient to apprise the applicant and any interested party of the basis for the decision. Attached to it shall be the following:

A. A report prepared by the Director of Planning and Development evaluating the application proposal based upon the Review Standards of Section 411.

B. Any documents submitted to the Planning Board from the Town Engineer or other member of the Staff Review Committee;

C. Any conditions imposed on the application; and

D. Approved minutes of the meetings at which the application was acted upon.

410 Waiver Provisions

The reviewing entity may waive requirements of the Development Review Process or of standards found in Chapter 5. The applicant shall meet with the Director of Planning and Development to discuss potential waivers. The Director of Planning and Development shall make recommendations in writing to the reviewing entity concerning any requested waiver.

410.1 Waiver Criteria.

The reviewing entity may grant waivers prior to voting upon the Final Plan, in accordance with the following:

A. The waiver shall be consistent with the Review Standards of Section 411.

B. A waiver may be granted if the requested information or requirement is deemed by the reviewing entity to be either not relevant to the application or otherwise not necessary to determine compliance with the review standards of Section 411.

C. A waiver may be granted for submission requirements if the reviewing entity finds that the submission of that information is not necessary to make a determination that the proposal will satisfy the review requirements of Section 411.

D. A waiver may be granted if the reviewing entity finds that by doing so, the application will be brought closer into compliance with the goals of the Planning District, as indicated in Appendix I.

411 Review Standards

In order to grant Development Review Approval, the reviewing entity shall make Findings of Fact that the application satisfies all Review Standards of this Section. In making its finding, the reviewing entity may determine that a standard does not apply to the application. The reviewing entity may also find that a standard may be satisfied with conditions. In making its findings, the reviewing entity shall consider all requirements found in Chapters 2 and 3 of this Ordinance, which shall not be subject to waiver. The reviewing entity shall also consider all Development Plan Requirements found in Chapter 5 of this Ordinance, which may be waived only if the reviewing entity finds that the review standard has been satisfied. The reviewing entity may require any information it deems necessary in order to find that the application satisfies the Review Standards.

The burden of proof that an application satisfies all review standards rests with the applicant. All requirements listed after each Review Standard shall be considered by the reviewing entity as a means by which the standards may be satisfied. Only those requirements listed which have applicability to the application shall be considered. All requirements may be waived by the reviewing entity (except where indicated) if the applicant adequately demonstrates that the Review Standards can be better satisfied by an alternative not indicated. In addition, if the unique circumstances of an application have conditions which are not addressed in the requirements, the reviewing entity may propose alternative means by which the Review Standard may be satisfied.

411.1 Ordinance Provisions

The reviewing entity will determine that the proposed development complies with all applicable provisions and requirements of this Ordinance.

In making this determination, the reviewing entity shall consider the following:

A. All use, density, or dimensional requirements of the zoning district or any overlay zone in which the application is located. These requirements may not be waived.

B. All applicable provisions relating to use or lot configuration as required in Chapter 3 of this ordinance. These requirements may not be waived.

C. Any applicable conditions of a Special Permit, Zoning Variance, or Special Exception, which may not be waived.

D. For Open Space Developments, the Standards found in Section 308 shall be applied and shall supersede any standard or requirement found in this ordinance.

411.2 Preservation of Natural Features

The proposed development maximizes the preservation of natural features of the landscape, and does not occur within or cause harm to any land which is not suitable for development.

In making its determination, the reviewing entity shall consider the following:

A. Section 211 (Natural Resource Protection Zone)
B. Section 501 (Natural Features and Net Site Area)
C. Section 502 (Flood Hazard Areas)
D. Section 503 (Steep Slopes)

411.3 Surface Waters, Wetlands and Marine Resources

The proposed development will not adversely affect any water body or its shoreline when the property is located in part or in whole in the water body's watershed. The proposed development will not adversely affect the water quality of Casco Bay or its estuaries.

In making its determination, the reviewing entity shall consider the following:

A. Reports or statements from a hydrogeologist, the Maine Department of Environmental Protection, Maine Department of Marine Resources, or other agent deemed appropriate by the Planning Board, which evaluates the impact of water discharges on the water quality of Casco Bay and estuaries, as applicable and necessary.
B. Section 211 (Natural Resource Protection Zone)
C. Section 209 (Coastal Protection)
D. Section 504 (Storm Water Management)
E. Section 505 (Groundwater)
F. Section 506 (Erosion and Sedimentation)
G. Section 507 (Sewage Disposal)

411.4 Flood Hazard Area

The proposed development activity, if it occurs within a flood hazard area, minimizes the risk of flooding.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 211 (Natural Resource Protection Zone)
B. Section 502 (Flood Hazard Areas)

411.5 Storm Water Management

The proposed development shall satisfy the recommended storm water quality standards described in *Storm Water Management for Maine: Best Management Practice*s, published by the State of Maine Department of Environmental Protection, November, 1995 as amended.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 209 (Coastal Protection)
B. Section 503 (Steep Slopes)
C. Section 504 (Storm Water Management)

411.6 Ground Water

The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

In making its determination, the Planning Board shall consider the following, as applicable:

A. Section 210 (Aquifer Protection Zone)
B. Section 504 (Storm water Management)
C. Section 505 (Groundwater Pollution)
D. Section 507 (Sewage Disposal)

411.7 Erosion and Sedimentation

The proposed development will be constructed in accordance with Best Management Practices and will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 503 (Steep Slopes)
B. Section 506 (Erosion and Sedimentation)

411.8 Sewage Disposal

The proposed development can be served by municipal sewer, or where on-site disposal is proposed, the system is designed in accordance with all applicable local, state and federal requirements.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 209 (Coastal Protection)
B. Section 507 (Sewage Disposal)

411.9 Water

The proposed development has a water source that is adequate to serve the proposed development, and that will have no adverse impact on existing water supplies.

In making its determination, the Planning Board shall consider the following, as applicable:

A. Section 209 (Aquifer Protection Zone)
B. Section 508 (Water Systems)

411.10 Aesthetic, Cultural and Natural Values

The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, significant wildlife habitats identified by the Maine Department of Environmental Protection or by the Town Of Brunswick, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 209 (Coastal Protection Zone)
B. Section 211 (Natural Resource Protection Zone)
C. Section 216 (Village Review Zone)
D. Section 501 (Preservation of Natural Features and Net Site Area)
E. Section 503 (Steep Slopes)
F. Section 517 (Preservation of Historic Resources)

411.11 Community Impact

Municipal resources are available to service the project, and that any on-site or off-site impacts associated with the development of the project will be mitigated.

In making its determination, the Planning Board shall consider the following, as applicable:

A. Section 509 (Community Facilities Impact Analysis)
B. Section 510 (Development Impact Fees)

411.12 Traffic

The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed, and the traffic associated with the development shall maintain level of service within 200 feet of any existing or proposed curb-cut.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. A statement or report from a traffic engineer indicating that the proposed development will not create or further contribute to unsafe traffic conditions .
B. Statements from the Fire Chief, Police Chief and Public Works Director evaluating the project for highway or public road congestion or safety.
C. Section 509 (Community Facilities Impact Analysis)
D. Section 510 (Development Impact Fees)
E. Section 511 (Development of New Streets)
F. Section 512 (Off Street Parking)
G. Section 513 (Curb Cuts and Highway Access)
H. Section 514 (Off Street Loading)

411.13 Pedestrian and Bicycle Access and Safety

The proposal shall be designed to accommodate bicyclists and pedestrians, and shall address issues of bicycle and pedestrian access, safety and circulation both within the site and to points outside of the site.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 511 (Development of New Streets)
B. Section 512 (Off Street Parking)
C. Section 513 (Curb Cuts and Highway Access)
D. Section 515 (Appearance Assessment)
E. Section 516 (Building Configuration)

411.14 Development Patterns

The proposed development shall be respectful of Brunswick's historic development patterns. In making this determination, the reviewing entity shall consider whether the proposed development is located within a rural or growth area. In addition, the reviewing entity shall consider whether proposed non-residential development will have an adverse impact on areas which are primarily residential.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 507 (Sewage Disposal)

B. Section 511 (Development of New Streets)
C. Section 512 (Off Street Parking)
D. Section 515 (Appearance Assessment)
E. Section 516(Building Configuration)
F. Section 517 (Preservation of Historic Resources)

411.15 Architectural Compatibility

The proposed development shall be compatible with its surroundings in terms of its size, scale, mass and design.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 216 (Village Review Zone)
A. Section 515 (Appearance Assessment)
B. Section 516 (Building Configuration)
C. Section 517 (Preservation of Historic Resources)

411.16 Municipal Solid Waste Disposal

The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 509 (Community Facilities Impact Analysis)
B. Section 510 (Development Impact Fees)

411.17 Recreational Needs

The proposed residential development will not cause an unreasonable burden on the municipality's ability to provide recreational services.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 509 (Community Facilities Impact Analysis)
B. Section 519 (Recreation)

411.18 Access for Persons With Disabilities

The project complies with the Americans With Disabilities Act, in a manner which is compatible with Brunswick's historic architecture.

In making its determination, the reviewing entity shall consider the following, as applicable:
A. Section 216 (Village Review Zone)
B. Section 515 (Appearance Assessment)
C. Section 517 (Preservation of Historic Resources)
D. Section 518 (Access for Persons With Disabilities)

411.19 Financial Capacity and Maintenance

The developer has adequate financial and technical capacity to complete the project, and that once it is completed, the project is expected to have adequate resources to maintain itself.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 520 (Fiscal Capacity)
B. Section 521 (Performance Guarantee)
C. Section 522 (Home/Property Owner's Associations)
D. Section 523 (Protected Open Space)

411.20 Noise and Dust

The proposed development will not contribute to unreasonable noise and dust, both during construction and after the development has been completed.

In making its determination, the reviewing entity shall consider the following, as applicable:
A. Section 524 (Noise and Dust)

411.21 Finding of Right, Title and Interest.

The applicant has sufficient right, title and interest in the subject property. (Amended 6/19/00R)

411.22 Finding of Payment of Application Fee.

The applicant has paid applicable development review application fees. (Amended 6/19/00 R)

411.23 Additional Design Review Guidelines in the BNAS Reuse and Conservation Districts

In addition to the development review requirements of this Chapter, activities in the BNAS Reuse District and BNAS Conservation District are subject to separate design guidelines established and administered by the Midcoast Regional Redevelopment Authority (MRRA). Conformance with the MRRA design guidelines is not subject to consideration as part of the development review process but all applications for development review must demonstrate that they have completed the MRRA design review process. (Amended 7/20/09R)

411.24 Environmental Compliance in the BNAS Reuse and Conservation Districts

All land use controls in the BNAS Reuse District and BNAS Conservation Districts must be implemented and monitored in accordance with state and federal laws governing said Districts. All applications for development review must demonstrate that the proposal takes into account the actions necessary to comply with all state, federal and local institutional controls applicable to the property and that the uses are in conformity with any applicable environmental restrictions. (Amended 7/20/09R)

412 Submission Requirements

The following submission requirements apply to all major review projects, unless a waiver is granted. Minor review projects shall comply with applicable sketch plan submission requirements as well as such information required for Final Plan submission as the Planning Board or Staff Review Committee may require.

412.1 Sketch Plan Submission Requirements

The following is required for Sketch Plan review unless a waiver is granted. All information provided or shown shall conform with the requirements of this Ordinance.

A. Name, address, and telephone numbers of applicant, owner, and authorized representative.

B. Name, registration number, address, phone number of engineer, surveyor, architect, landscape architect or planner.

C. Interest of the applicant in property and abutting property.

D. Tax map and lot numbers.

E. Variances granted by the Zoning Board of Appeals, if any.

F. Special Permits, if any.

G. Special Exceptions, if any.

H. Date, north point, scale, name of project, if any.

I. Land area, existing use of the property, location of proposed development, locations reserved for future development.

J. Tentative rights-of-way locations, lot lines, lot numbers, lot areas.

K. Estimated soil boundary locations from the Soil Conservation Service Medium Intensity Soil Survey noting areas of severe and very severe soil limitations for the activities proposed.

L. Existing natural, topographical, and cultural features including areas of steep slopes, bedrock outcrops, ponds, streams, aquifers, and other water bodies, wetlands, groundwater recharge areas, slumps, flood hazard areas, trees and other vegetation, excavation sites, stone walls, net site area pursuant to Section 501.2, historic and archaeologic sites, structures, or districts, and any other pertinent features.

M. If applicable, tentative location of proposed structures, owners of existing structures, and neighboring land uses.

N. Special conservation and recreation areas.

O. Location map.

P. Zoning information, including the zoning district(s) in which the property is located, and the location of any overlay zones. Such information shall be depicted on all plans submitted.

Q. Any conditions imposed by a previous development review on the site.

R. Such other information as the Planning Board deems necessary to conduct an informed review.

S. A letter of consent signed by property owner authorizing the development review application in cases where applicant is not owner of property.

T. The application fee established by the Town Council.

412.2 Final Plan Submission Requirements

A. Application Information

1. Perimeter survey for applications involving the subdivision of land and for major development projects, covenants, deed restrictions, easements, or rights of way existing or planned.

2. Name, address, map and lot number of abutting landowners.

3. Construction schedule, costs, and performance guarantee agreement, proof of financial capability.

4. A list of all waivers requested.

5. Such other information as the Planning Board deems necessary to conduct an informed review.

6. The application fee established by the Town Council.

B. Plan Requirements

Blueprint or black line prints of the Final Plan(s) shall be included with each submission package at a size not to exceed 24" x 36". All plans shall be drawn at a standard engineering scale. The plan(s) shall include:

1. Name of development.

2. Scale, date, north point, area, number of lots (if a subdivision).

3. Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments properly identified as existing or proposed.

4. A signed and stamped survey plan that meets the current Standards of Practice of the Maine Board of Licensure for Professional Land Surveyors. (Amended 9/3/02 R)

5. Existing zoning district and overlay zone designation.

6. Names of engineer and surveyor; and professional registration numbers of those who prepared the plan.

7. Names of current owner(s) of subject parcel and abutting parcels.

8. Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of all existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1 inch equals 5 feet, with all elevations referred to in U.S.G.S. datum.

9. A general road plan noting circulation, direction, traffic control devices, street lighting, and type of lighting proposed.

10. Existing and proposed easements associated with the development.

11. Kind, location, profile and cross-section of all proposed drainage facilities, both within the development and outside of it, and a storm-water management plan which includes the submission requirements listed in the storm-water management checklist available in the Planning Department.

12. Location of features, natural and artificial, affecting the development, such as water bodies, wetlands, streams, vegetation, rail-roads, ditches and buildings.

13. Location of existing and proposed utilities; water, sewer, electrical lines, and profiles of all underground facilities. Where private well water is to be utilized, the tentative location of those wells should be shown on the plan.

14. Existing and proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability.

15. Topography with contour intervals of not more than 2 feet.

16. A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists.

17. Location of all existing trees over 10 inches in diameter, locations of tree stands, and a plan showing trees to be removed as a result of the development proposal.

18. Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site.

19. Existing locations and proposed locations, widths and profiles of sidewalks.

20. Location map.

21. Approximate locations and dimensions of proposed parking areas.

22. Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation.

23. Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swales, and ground cover or other means of stabilization.

24. Reference to special conditions stipulated by the Planning Board, with the conditions either set forth in full on the plan or identified as specific documents filed with the Board.

25. A wetlands map drawn by a specialist delineating wetland boundaries in accordance with the methods prescribed by the U.S. Army Corps of Engineers at the time of the application.

26. Dedicated public open spaces, areas protected by conservation easements, and existing and proposed open spaces or recreation areas.

27. For Open Space Developments, a note indicating the total permitted lot count of the entire land tract based upon the density standards in this Ordinance, the number of lots created by the Plan, and the number of lots permitted to be subdivided in the future, as well as a table showing setback requirements and impervious surface coverage limits for each lot.

28. Building envelopes showing acceptable locations for principal and accessory structures.

C. Supporting Documents

Where applicable, the Final Plan submission shall include the following information:

1. Documentation of ownership or contract.

2. Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners' association declaration and by-laws, and such other agreements or documents as are necessary to show the manner in which conservation land will be owned, maintained, and protected.

3. Draft performance guarantee or conditional agreement.

4. Disclosure of any required permits from the Department of Environmental Protection, Marine Resources, U.S. Army Corps of Engineers, Department of Inland Fisheries and Wildlife, or other agencies, as applicable; or, if a permit has already been granted, a copy of that permit.

5. Any additional statements or studies required by the Planning Board which are deemed necessary in accordance with this Ordinance.

6. Storm water management program for the proposed project prepared by a professional engineer.

7. A statement from the Brunswick-Topsham Water District of conditions under which water will be provided, in accordance with Section 508, or any private water system data.

8. A statement from the Brunswick-Topsham Water District of its review and comments on the proposed use if the project involves development within the Aquifer Protection Zone.

9. A statement from the Fire Chief recommending the number, size, and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken.

10. A statement by the Superintendent of the Brunswick Sewer District of the conditions under which the Sewer District will provide sewage disposal service and approval of the sanitary sewers proposed within the development; or a statement relative to the capacity of the sewage treatment plant to treat septic waste from proposed on-site septic systems. In case the applicant proposes to manage septic without the involvement of the Brunswick Sewer District, the applicant shall submit a septic management plan for the Board's review.

11. Where a septic system is to be used, evidence of soil suitability is required, in accordance with Section 507.

12. All applicable materials necessary for the reviewing entity to review the proposal in accordance with the Criteria of Section 411.

13. A plan of all buildings with new construction or expansion of an existing facility, including type, size, and footprint, floor layout, setback, elevation of first floor slab, storage, and loading areas.

14. An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, and signage.

15. A circulation plan describing all pedestrian and vehicle traffic flow development's traffic on surrounding road systems.

16. The size and proposed location of water supply and sewage disposal systems and provision for future expansion of those systems.

17. A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening; the size, location, purpose and type of vegetation.

18. Any other exhibits or data deemed necessary by the Planning Board to evaluate the proposed development for Site Plan review purposes.

413. Common Development Plan

The Planning Board may approve a proposal for a project to be designated as a common development plan if it meets the criteria of this section. A common development plan may involve a development proposal for multiple new buildings or structures on a single lot, a proposal for multiple new buildings or structures on multiple lots, or a proposal for the construction of a single new building or a redevelopment building on an individual lot or multiple lots. In the latter case, the Planning Board shall evaluate the proposal in terms of how the new building relates to existing and/or planned development on adjacent lots that abut the same public or private street(s) as the subject property.

413.1 Criteria for Designation as a Common Development Plan

In reviewing a proposal for a project to be designated as a common development plan, the Planning Board shall find that all of the following criteria will be met:

A. All buildings and structures shall be part of, and consistent with, a common pattern of development. In the case of a single building on an individual lot, the proposed building shall be consistent with the pattern of development on surrounding lots. The relationship of the buildings to public and private streets and to parking areas shall result in a unified pattern,

B. The development shall incorporate private or public amenities that enhance the development’s pedestrian friendly environment,

C. There shall be common vehicular and pedestrian circulation systems that create a pedestrian friendly environment for the entire development and that integrate the individual buildings into an overall pattern,

D. There shall be an overall design theme or treatment of site improvements including lighting, signs, paving, site furniture, and landscaping, and

E. If the project is located in the CC District, the development will conform to the Cook's Corner Design Standards relating to common development plans.

413.2 Approval Process

The designation of a development as a common development plan shall be optional and voluntary, except in the case of village center type development as defined in the Cook's Corner Design Standards. Any property owner or applicant for development review may request that a development be designated as a common development plan in accordance with the following process:

A. A request for a development to be designated as a common development plan shall be made in writing to the Planning Board on forms provided for that purpose and shall be accompanied by the materials set forth below in the submission requirements. An applicant may initiate development review in accordance with Article Four concurrently with seeking designation of the project as a common development plan.

B. A request may be made by the owner of the property or by any party having valid right, title or interest in the property including an option to purchase or a purchase and sale agreement.

C. The request to be designated as a common development plan shall be submitted prior to or concurrently with an application for development approval for the first building within the development.

D. The timing of the submission and staff review of the request shall be in accordance with Section 405.5.E.

E. Within sixty (60) days of the date on which a complete request is submitted, the Planning Board shall decide if the proposed development conforms to the criteria and shall be designated as a common development plan. If the Board finds that the criteria are met, it shall approve the designation. If not, the Board shall deny the designation and indicate the reasons for its denial.

F. Once a development has been designated as a common development plan, all subsequent applications for development review for buildings or structures within the area covered by the designation shall be consistent with the common development plan reviewed by the Planning Board in making the determination.

G. An owner or applicant may request that a project that has been designated as a common development plan be revised based upon new information using the same procedure as used for the initial designation. If a project is revised, the revised project must be consistent with any existing development approval.

H. Prior to the start of construction of the first building or structure within a designated common development plan , the owner or applicant may request that the designation be vacated and no longer apply to the project. Once construction is started on the first building under the designation of a common development plan, the designation may not be vacated but may be revised.

I. In designating a project as a common development plan, the Planning Board may identify conditions of approval that shall be attached to future development approvals to assure that construction occurs in accordance with the representations made to the Board.

413.3 Submission Requirements

A request for a project to be designated as a common development plan shall be accompanied by the following submissions:

A. A master site plan at a scale of not more than one inch equals fifty feet showing the location of all proposed buildings and structures, pedestrian network and facilities, road network, bicycle facilities, pedestrian amenity areas, parking areas, and similar site improvements. If the request is for a single building on an individual lot, the site plan shall also identify these features on the adjacent lots.

B. A description (including drawings or sketches) and analysis of the common features of the development that contribute to the project being in conformance with the criteria set forth above and a statement of how these common features will be applied throughout the development.

C. A description of the pedestrian and bicycle features of the development showing how the individual buildings and structures will be designed to be pedestrian and bicycle friendly.

D. A master signage plan showing how graphics will be used in a coordinated manner to reinforce the concept of a single, coordinated development. The signage plan shall include information on the size, location, lighting, color, and materials for signs including directional and regulatory signs.

E. A master lighting plan prepared by a qualified lighting professional showing how site lighting will be used to reinforce the concept of a single, coordinated development. The lighting plan shall include the following:

1. a written description of how the lighting will be used to integrate the project as well as provide for safety and security,

2. a site plan showing the general treatment of all proposed lighting ,

3. a description of the proposed lighting fixtures including photometric data, Color Rendering Index (CRI) and other descriptive information about the fixtures, and

4. the proposed mounting height of the fixtures.

F. A master landscaping plan showing how landscaping will be used to reinforce the concept of a single, coordinated development including a written description of the landscape concept and the general locations and types of landscaping proposed.

G. Evidence of how the project will conform to the Cook's Corner Design Standards for common development plans if the project is located in the CC District.

H. A list of waivers requested from the Cook's Corner Design Standards and reasons for those requests." (Section 413 Amended in entirety 5/20/02 R)

CHAPTER FIVE: DEVELOPMENT REVIEW PLAN STANDARDS

The standards and requirements contained in this Chapter shall be applied during Development Review. These standards shall also be applied by the reviewing entity when determining if the project satisfies the review criteria of Section 411. These standards may be waived by the reviewing entity only if it determines that the waiver criteria of Section 410 have been satisfied. The burden of proof that the standards presented in Chapter 5 can be waived and that Section 411 criteria have been satisfied rests with the applicant.

501 Preservation of Natural Features and Net Site Area

This section address the preservation of natural features and net site area. Such preservation may include the limitation of structures to designated building envelopes or the delineation of areas where building or site alteration is prohibited, as a condition of approval.

501.1 Natural Features

Existing features which are important to the natural, scenic, and historic character of the Town or which add value to development, such as large trees, watercourses, beaches, scenic views, archeological resources, stone walls, and similar valuable assets shall be mapped on all plans undergoing development review. Such features shall be preserved, as much as it is practical, in the design of developments.

The Planning Board may require easements, deed restrictions, covenants or other mechanisms for the protection of such features, which shall be described on the final plan.

501.2 Net Site Area

The net site area is the portion of a parcel subject to development review that is used in the determination of allowable density. The Net Site Area is calculated by subtracting from the parcel the full area of land that:

A. includes slopes at a gradient of more than 25% that are greater than 5,000 contiguous square feet;

B. is located below the upland edge of any wetland;

C. is located below the normal high water line of any protected resource;

D. is located within any existing or proposed public street or private street right-of-way;

E. contains habitat, whether or not mapped, for species appearing on the official State or Federal lists of endangered or threatened species where there has been evidence of the occurrence of the species;

F. contains any of the following, whether or not mapped, as defined by the Department of Inland Fisheries and Wildlife: a) high and moderate value deer wintering areas and travel corridors; b) high and moderate value waterfowl and wading bird habitat, including nesting and feeding areas or; c) shorebird nesting, feeding and staging areas and seabird nesting islands;

G. contains critical spawning and nursery areas for Atlantic sea run salmon, whether or not mapped, as defined by the Atlantic Sea Run Salmon Commission.

502 FLOOD HAZARD AREAS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, or local ordinances or regulations and all project on 5 or more acres, or in the case of manufactured home parks divided into two or more lots, assure that: (Amended 1/19/99 R)

502.1 Potential flood damage is to be minimized.

502.2. All proposed public and private utility systems shall be located and constructed by the applicant to minimize or eliminate flood damage.

502.3 The drainage plan shall ensure the reduction of exposure to flood hazards.

502.4. All proposals include base flood elevations, flood boundaries and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.(Amended 1/19/99 R)

502.5 Any proposed development plan must include a condition of plan approval requiring that structures on lots in the development be constructed in accordance with section 211.3.E of this ordinance and that such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process. (Amended 1/19/99 R)

503 Steep Slopes & Embankments

The reviewing entity, based on topographic information, may impose restrictions, as applicable, on sites containing at least 5,000 contiguous square feet with slopes exceeding 25% in accordance with the following:

503.1 Adequate erosion control and drainage measures will be in place so that erosion and sedimentation is minimized to the greatest extent practical during and after construction.

503.2 Cutting of trees, shrubs, and other natural vegetation will be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the Maine Department of Environmental Protection.

503.3 Safety hazards will not be created due to excessive road or driveway grades or due to potential road washouts, landslides, slumping, soil creep, flooding or avalanches.

503.4 The cutting of vegetation or construction of driveways, is discouraged on any natural slope of 30% or greater, except as may be needed for recreational trails and utility lines, and except in conjunction with logging operations performed pursuant to applicable guidelines of the Maine Department of Environmental Protection. Where such cutting or construction is proposed, the applicant shall propose mitigation which will ensure that the site is returned to its pre-construction condition to the greatest feasible extent.

503.5 Slope determinations shall be made based upon the topographic information. For clay embankments, the recommendations of a State of Maine certified geologist is required.

504 Storm Water Management

Development plans shall be accompanied with a Storm Water Management Plan developed in accordance with *Stormwater Management for Maine: Best Management Practices*, published by the State of Maine Department of Environmental Protection, November, 1995 as revised.

505 Groundwater

The Planning Board shall require the applicant to demonstrate that there will be no significant adverse impact on groundwater quality resulting from the project, either during development or over the long-term, in the areas of subsurface disposal of wastewater, use of fertilizers or pesticides other than for normal residential purposes, infiltration of stormwater runoff, and such other activities that pose a potential threat to groundwater quality. The applicant may be required to document existing water quality conditions and to establish a monitoring system to measure the level of impacts predicted. The applicant shall provide the Town with permanent access to such monitoring system, so that it can be added to Town-wide water quality monitoring programs. A higher level of review will be required if the project overlies a sand and gravel aquifer mapped by the Maine Geologic Survey, or an aquifer recharge area documented in professional studies prepared for the Brunswick Topsham Water District. The Planning Board may require a detailed hydrogeologic evaluation conducted by a Maine Certified hydrogeologist for projects utilizing on-site disposal that are developed at a density of 3 bedrooms per acre or greater.

506 Erosion and Sedimentation

Development plans shall be accompanied with an Erosion and Sedimentation Control Plan developed in accordance with *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Department of Environmental Protection, March 1991, as amended.

507 Sewage Disposal

Either of the following requirements for sewage disposal must be met.

507.1 Municipal Sewer

Sewer lines that connect to the municipal sewer shall not be permitted in rural districts.

In cases where municipal sewerage is proposed, the system shall conform with all standards of the Brunswick Sewer District. The reviewing entity shall require a statement from the Superintendent of the Brunswick Sewer District which states whether capacity is available for the project.

507.2 On-Site Disposal

Where a septic system is to be used, it shall be built in accordance with the Maine State Plumbing Code.

The Planning Board shall determine if a hydrogeological study shall be conducted. Generally, any development review involving a developed density of 3 bedrooms per acre will trigger the need for such a study. When making this determination, the developed density shall be the area of the development that excludes any common land or open space.

The hydrogeological study shall be prepared by, and signed, stamped and dated by a Maine Certified Geologist as required by 32 M.R.S.A. Sections 4093 and 4918. The study shall cover the evaluation of significant nearby water resources including but not limited to wells, ponds, and the ocean. For properties located within the Maquoit Bay watershed, the hydrogeological analysis shall include a computation of the project's projected nutrient load to the bay.

The following are design standards for septic systems:

A **System Design**

The plan must include test pit samples to establish soil suitability, and their location must be flagged on the site. Each test pit must be marked with numbers that correspond with those found on the plan. There must be 2 passing test pits per lot, with each pit identifying soil consistency within a 20 foot radius of the central boring. The direction of groundwater flow and the impacts of septic leachate on well locations that are both existing and proposed shall be described.

B **Lot Standards**

1. No lot may contain the septic system of any other lot unless it meets the criteria for a community septic system.

2. No portion of a septic system including easements shall be located within any portion of the right-of-way of a public road.

C **Community Septic System**

Community septic systems may only be permitted in Open Space Developments. Such systems will meet all state and local requirements, and will have an identified, acceptable back-up and maintenance program. Any proposed community septic system shall be supported by a hydrogeologic analysis by a Maine Certified hydrogeologist. A maintenance plan must be provided. In the case of a "peat system" bonding certificate (or equivalent financial guarantee approved by the Town) shall be provided for bed replacement and disposal.

508 Water Systems

508.1 Public Water System

When a connection to a public water supply is proposed, the water system will be designed and installed in accordance with all rules, terms and conditions of the Brunswick-Topsham Water District. The reviewing entity shall require a statement from the Brunswick-Topsham Water District of conditions under which the District will supply water, and approval of the size and location of mains, valves and hydrants proposed.

508.2 Private Water System

If a private central water supply is proposed, the appropriate permits shall be secured and information concerning the system shall be provided to the reviewing entity. If bedrock aquifer is to be the source of drinking water supply, the potential water quality problems associated with water from the bedrock aquifer shall be identified by a certified hydrogeologist with proposals for mitigation.

If an aquifer in unconsolidated sediments is to be the source of drinking water supply, then the water quality problems associated with background levels of nitrate in ground water shall be evaluated by a certified hydrogeologist with proposals for mitigation.

509 Community Facilities Impact Analysis

The Planning Board, in order to determine if the development will result in impacts outside the boundaries of the project, may require a facilities impact analysis which shall address the following:

509.1 Impact Analysis

A. Estimated impact on the sewage treatment system, including assessment of capacity and ability to accept particular types of flowage and sewage from on-site septic systems.

B. Estimated impact on the water system, including flow estimates, capacity and assessment of existing or potential water pressure.

C. Estimated impact on traffic system, including the impact of projected trips on flow characteristics and the impact of traffic on existing road system.

D. Residential development, the estimated impact on the school system, based upon the demographic description outlined in Section 509.2.

E. Estimated impact on the public safety providers.

F. Estimated impact on the Public Works Department, including solid waste disposal.

G. Estimated impact on the existing storm water management system, including flow and water quality.

H. Estimated impact on the recreation resources and provisions of methods to meet projected needs, based on the demographic description outlined in Section 509.2.

I. Any other impact identified through the review process.

509.2 Demographic Description. For residential development, the analysis must identify the demographic market the project intends to serve, including:

A. average family size.

B. numbers and ages of children.

C. anticipated time period to fill all units or lots.

Associated data, such as anticipated family income levels, type of employment, and projected housing costs may also be presented to support projections associated with the above demographic description. If transfers from existing Town families and homes are expected, the impact on the secondary market must be projected. The basis for all projections must be provided.

510 Development Impact Fees

The Planning Board may require the applicant to participate in municipal infrastructure and/or service system improvements in accordance with Section 509, where it can be clearly demonstrated that the proposed development will result in a negative impact or decline in the level of service of any existing municipal infrastructure system or service. The Planning Board shall assess and establish the applicant's level of participating in the improvement of the system or service.

510.1 Conducting the Assessment

In conducting the assessment, the Planning Board shall consider the following:

A. The status of the system and service in the comprehensive plan and capital improvement program relative to any planned improvements and scheduling.

B. The net effect of the proposed development on the capacity of the infrastructure or service system, indicating the percentage share caused by the development.

C. A cost estimate for improvement of this infrastructure or service system to meet the increased demand, and an estimate of the applicant's share of that cost.

D. An assessment of municipal water and sewer system improvements provided by the appropriate agencies.

510.2 Improvement Responsibilities

As soon as the applicant's share of infrastructure and/or service system impact has been established by the Planning Board,the Board shall select the method by which the applicant is to participate in the infrastructure and/or service system improvement. The following alternatives are available.

A. The applicant shall agree to make the necessary infrastructure and/or service system improvements, establish a construction or service schedule, and post a performance guarantee to cover all associated costs. The applicant may recover the improvement costs within 10 years after improvements are made.

For the applicant to recover these costs, subsequent developments must realize a benefit by using the infrastructure an/or service system improvements financed by the applicant. Cost reimbursement for the applicant shall be established as subsequent developments go through the site plan or subdivision review process. In arriving at the appropriate cost share for subsequent developments, the same process must be used.

B. The Town shall agree to complete the improvements. The applicant shall pay the required share of the cost to the Town at the time of approval of the final plan which shall be held in a reserve fund until the improvement is completed in accordance with the scheduled capital improvement program of the Town. If the improvement is not completed within 10 years, the fee, plus interest, must be returned to applicant.

511 Development of New Streets

Streets shall be designed to move traffic safely. Any new street or road approved through the Development Review process must be based upon the written recommendations of the Town Engineer, Fire Chief, Police Chief and Director of Planning & Development who shall review the project for safety. Design of streets must address pedestrian and bicycle safety and movement.

511.1 Street Classification. The size and design needs of new streets shall be based upon the projected number of vehicles they are to carry. All streets shall be classified in the development review process according to the following criteria:

A. Collector/Commercial -- Serves over 150 units.

B. Local -- Serves 25 to 150 units.

C. Minor -- Serves less than 25 units.

D. Lane -- A secondary access that services housing lots from the rear lot line.

511.2 Street Design and Dedication Standards. Roads intended for public dedication must satisfy the Public Works Roadway Dedication Standards found in Appendix A. The Planning Board may approve private roadways for subdivisions; however if they do not conform with these standards they may not be considered for dedication. Applicants proposing private roadways shall apply the Alternative Roadway Standards also found in Appendix II to the greatest extent practicable.

511.3 Interconnectedness

The street design must allow for proper continuation of streets from other adjacent subdivisions and built-up areas. Dead-ends are to be avoided unless based on site constraints and there are no other feasible alternatives. For the purposes of this section, pedestrian or bicycle connections to adjacent lands may be sufficient to satisfy this requirement. This requirement may be waived in cases where interconnectedness would result in the disruption of community character.

511.4 Sidewalks

It is the intention of this Ordinance to provide sidewalks within all growth districts, with the exception of residential developments containing less than 25 units on dead end streets. Sidewalks shall be at least 5 feet wide.

511.5 Street Impact

The applicant is responsible for the assessing the impact of the proposed development on street systems, and shall be responsible for any associated improvements. If the Planning Board deems it necessary, the applicant shall undertake to improve, repair or reconstruct such street systems. If this is required by the Planning Board, the applicant shall be responsible only for the degree of improvement necessary to mitigate the impact of the proposed development.

511.6 Private Road Requirements for Subdivisions

A. The design of all private roads shall be reviewed by the Fire Chief, Police Chief and Town Engineer prior to final approval by the Planning Board. Roadways shall be built according to the final plan, as determined by the Town Engineer, prior to the issuance of a building permit for any lot with access on a private road.

B. The Final Subdivision Plan shall show the road clearly labeled "PRIVATE ROAD."

C. A home-owners association shall be established to own and provide for the perpetual care and maintenance of the private road. Such home-owners association shall satisfy all standards for home-owners associations found in Section 522.

511.7 Driveway Access to Subdivision Lots

A. The Planning Board may require the applicant to show planned driveway entrances onto streets on Subdivision Plans.

B. Driveways on adjoining lots may be combined as common driveways where necessary to reduce the number of curb cuts and/or provide safe road access points.

C. The Planning Board shall require the execution of a satisfactory maintenance agreement for common driveways which shall be recorded in the registry of Deeds. Such maintenance agreement shall provide that the common driveway may not be dedicated to the Town unless the owners bring it into compliance with applicable Town road standards.

D. Common driveways may be unpaved in residential developments.

512 Off-Street Parking

Proposals subject to development review shall be accompanied by plans and information making provision for off-street parking. Such plans shall attempt to balance the provision of adequate parking for the project under review while minimizing the development of visible paved areas. In addition to the requirements set forth below, projects in the CC District are subject to the specific requirements of that district including the Cook's Corner Design Standards. If there is conflict between these standards and those of the CC District, the more restrictive shall apply. Parking areas must be constructed to enhance the historic layout and architectural fabric of downtown areas, protect the natural environment and visual character of the community, improve pedestrian safety and accessibility, and promote the quality of life in developed areas. (Amended 5/20/02 R)

512.1 Parking Requirements for Residential and Related Uses

These requirements may be waived for applications that involve dwelling units with less than 1,000 square feet of floor area, senior citizen housing, single bedroom dwelling units, efficiency dwelling units and studio apartments. These requirements may also be waived if the applicant can demonstrate that all required parking can be accommodated through mixed use development, shared parking or other situation deemed acceptable.

The following standards shall be applied:

A.	Dwelling unit with 2 or more bedrooms	2 spaces per dwelling unit
B.	Dwelling unit with 1 bedroom or a studio	1 space
C.	Home Occupation in a dwelling unit	1 space for each 350 square feet devoted to such home occupation plus 2 spaces for the residence.
D.	Congregate Care Facility	1 space per dwelling unit.
E.	Residence Hall Bed	1 space per 3 beds.

512.2 Parking Requirements for Non-residential Uses

The number and layout of parking spaces for non-residential uses shall be based on the need to protect the public safety and convenience while minimizing harm to the character of the community and to environmental, historic, and scenic resources. Since businesses vary widely in their need for off-street parking, it is most appropriate to establish parking requirements based on the specific operational characteristics of the proposed uses. The provisional parking standards in Subsection (A) shall be applied according to the criteria in Subsection (B).

A. Provisional Parking Standards

1.	retail or service business uses	4 spaces per 1,000 square feet of floor area
2.	industrial/warehouse uses	2 spaces per 1,000 square feet of floor area
3.	office uses	3 spaces per 1,000 square feet of floor area
4.	lodging facility	1 space for each room plus one space for each non-resident employee working during any given shift, plus 1 space for every 50 square feet of floor area for meetings and functions

5.	restaurants, theaters, and other places of public assembly	1 space for every 4 seats
6.	uses not listed	as appropriate to the circumstances, or as indicated elsewhere in this Ordinance.

B. **Criteria for Applying Provisional Standards**

In applying or modifying the provisional parking standards for any proposed use, the reviewing entity shall consider:

1. Parking spaces shall be sufficient to accommodate the non-residential use during a typical week.

2. The likelihood of people walking or bicycling to the proposed use and the number of bicycle racks proposed. The reviewing entity shall consider any plan by the applicant to make the site more appealing for pedestrians and bicyclists.

3. The size of the structure(s) and the site.

4. The environmental, scenic, or historic sensitivity of the site (including applicable limitations on impermeable surfaces). In cases where sufficient area for parking cannot be created on the site without disturbance to these resource values, the reviewing entity may require a reduction in the size of the structure so that the available parking will be sufficient.

5. The availability of on-street parking.

6. Availability of off-site off-street parking that is open to the public, owned or controlled by the applicant, or available on a shared unit basis. Available of accessible satellite parking shall also be considered.

7. Accessibility to public transit facilities such as public bus stations or routes, or scheduled bus services to the site.

8. Other standards used in generally accepted traffic engineering and planning manuals.

512.3 Design of Parking Areas

The following requirements shall be met to the extent practical when a parking plan is proposed during the development review process. These standards may be waived if the reviewing entity determines that the total number of parking spaces necessary for the land use cannot be accommodated due to the application of this section, or if site layout prevents the application of this section, or if existing development on the site has been established and is incompatible with the requirements of this section. Specifically, these provisions shall typically apply for the development of new sites, rather than for additions to existing sites.

A. Location and Screening

1. No parking area may be constructed within a required setback.

2. Where applicable, off-street parking shall be located behind or to the side of the principal building and be landscaped. In all Highway Commercial, Cook's Corner Center, Mixed Use and Industrial-Institutional Districts a maximum of one row may be located in front of the principal building, but not within the required front yard.

3. Except where screening is provided, parking areas should be designed and landscaped to avoid long, uninterrupted rows of vehicles.

4. All parking areas should be appropriately screened as approved in the required landscaping plan.

5. Parking lots containing more than 30 spaces shall be broken into separate parking areas by the use of landscaped islands, pedestrian and bicycle areas, or buildings.

6. The requirements of this subsection may be waived in situations where a primary structure already exists on the parcel and there is no other alternative for siting parking, or where compliance would be impractical.

7. All plans for parking areas shall include a landscaping plan which adequately screens parking lots, and that provides interruptions of parking spaces.

512.4 Construction of Parking Areas

Parking areas shall be constructed with a suitably durable surface that minimizes dust and is appropriate for the use of the land, with adequate drainage. Surfacing, grading and drainage shall facilitate groundwater recharge by minimizing impermeable pavement and run-off. Oil traps may be required for larger paved parking lots. Parking areas to be used at night shall be lighted in a manner that does not result in direct lighting to or glare to abutting residential properties or cause a traffic hazard due to glare.

512.5 Bicycle and Pedestrian Access and Circulation

All parking plans shall include a bicycle and pedestrian circulation plan. The plan shall show the locations where bicycles and pedestrians are likely to travel both into the site and within it. The parking plan shall be designed to provide safe pedestrian and bicycle access, and shall propose improvements necessary to link pedestrian and bicyclists from identified points outside of the development.

A. The parking plan shall delineate bicycle parking facilities. Such facilities shall be located as close as possible to the principal building. The provision of bicycle parking may be used to offset the number of automobile spaces required.

B. Pedestrian pathways shall be provided within and between parking areas and between buildings, streets, and other parking areas.

C. In Growth Areas, all applications with parking plans containing 10 or more new parking spaces shall provide sidewalks on portions of their frontage that abut a public road.

512.6 Parking Plan Alternatives

The following are viable alternatives which may be accepted by the Planning Board when reviewing parking plans.

A. Shared Parking

For the purposes of this subsection, shared parking means a common parking lot for multiple parcels and uses, where a driver may visit these uses from one parking space. The Planning Board may approve shared parking if it finds that such proposal will result in improved circulation and access for cars, pedestrians and bicyclists. In approving shared parking, the Planning Board may reduce or eliminate side and rear setback requirements for parking spaces, but only if such setback reduction is associated with the shared parking plan and shares common boundaries with affected portions of the parcels. In approving shared parking, the Planning Board or Staff Review Committee shall require cross-easements or other legally enforceable documents for shared parking which permanently ensure the shared parking arrangement. A limited number of spaces within a shared parking configuration may be designated for a particular business for a portion of a day, provided that the proposed parking lot in total functions as a shared parking lot.

B. Satellite Parking Lots

Parking lots may be constructed as a principal use with Site Plan approval in all rural districts and the HC1, HC2, CC, and I1,I2, I3 and I4 districts where such parking lots will be used to provide remote parking for the downtown or other intensively used locations. Such parking lots shall normally have a permeable surface throughout, shall be serviced by a shuttle bus, trolley, or jitney, and shall comply with all applicable location and screening requirements of this Ordinance. Satellite parking lots may also be used as park-and-ride lots for carpoolers and bus passengers and for holding specified types of special events if so provided in the Site Plan approval.

513 Curb Cuts and Highway Access

Any development review proposal that will generate over 500 vehicle trips per day, as determined by Institute of Traffic Engineers (ITE) standards, shall comply with the following standards. In cases where these requirements or the exceptions found in 513.2 cannot be satisfied, the Planning Board may deny the application.

513.1 Minimum Distance Between Curb Cuts

Highway Speed Limit (mph)	*Minimum Distance (feet)*
20	85
25	105
30	125
35	150
40	185
45	230
50	275

513.2 Exceptions

The Planning Board may approve applications that do not comply with Section 513(1) under any of the following circumstances, provided that the site plan not reduce level of service within 200 feet of the proposed curb cut:

A. The applicant demonstrates that the proposed development will have an equal or lesser number of vehicle trips per day than any existing use or use that has occurred on the property during the past five years.

B. The development proposal reduces the number of curb cuts that exists within the minimum distance.

C. The proposal consolidates curb cuts for one or more adjacent parcels.

514 Off Street Loading Requirements

Loading requirements vary with the specific uses proposed. Loading requirements shall be applied to ensure that trucks load and unload cargo in a manner that does not interfere with pedestrian and automobile movements on public roads. Requirements for the number and location of loading facilities shall be established case by case based upon the following:

514.1 The expected maximum number of trucks using the loading facilities at times of peak usage.

514.2 The type of business, size of the structure, and size of trucks to be servicing the structure.

514.3 The location of the loading facility away from potential pedestrian, automobile and bicycle traffic conflicts.

514.4 The need to screen trucks and loading facilities from publicly accessible areas as well as from abutting properties, including the need for vegetative screening, buffers, and/or fencing.

514.5 The desirability of requiring service roads or alleys to achieve the purposes of this subsection.

514.6 Other operational characteristics of the business or physical characteristics of the site deemed appropriate by the reviewing entity or official.

514.7 The need to maintain the traditional layout and historic character of the Town center, which may preclude the establishment of modern loading facilities in some locations.

514.8 The loading facility shall be sited in a manner which minimizes noise impacts on other property. Mitigation measures shall be employed to ensure that noise is minimized.

515 Appearance Assessment

The final plan shall portray the relationship of the development to surrounding properties, buildings, and natural features. The Planning Board may require that preliminary work involving areas of special sensitivity or significance be conducted by a design professional. The appearance assessment must address the following:

515.1 Relation of Project to Site The Plan must provide for smooth transitions between the street-scape, driveway entrance, and project landscaping. Height and scale of the proposed structures must be consistent with the existing structures.

515.2 Relationship of the Project to Surrounding Property The Plan must provide for smooth transitions between land, proposed structures, and surrounding properties. Compatible transitions may be achieved by utilizing screening materials, landscaping and natural topography.

515.3 Relationship of Landscape Design to Project Landscape design must include all forms of planting and vegetation, including existing vegetation, topography, water patterns, and utilitarian structures such as, but not limited to, fencing and curbing. Wherever practicable, the applicant shall maintain existing topography and vegetation. Landscaping must provide a transition between buildings, parking and pedestrian walkways. Suitable plant material must be selected according to its structure, texture, color, ultimate growth, and hardiness. The design

may provide for the use of materials such as fences, walls and a variety of paving types where there is difficulty in achieving vegetation growth.

515.4 Relationship of Lighting to Project. The design, type, and location of site lighting are subject to review. The lighting materials must blend with the overall project enhancing building design and landscaping. Standards and fixtures must be compatible with surrounding developments. All lighting that is more than 200 watts shall be of the cut-off luminare variety.

515.5 Relationship of Signs to the Project. Sign installation or modification shall comply with Chapter 6 (Sign Regulations).

515.6 Village Review Overlay District. Where a structure lies within the Village Review Zone, the applicant must incorporate the review and comment of the Village Review Board into the final plan prior to the Planning Board's final approval.

515.7 Cook's Corner District. Any project located within the Cook's Corner District shall conform to the additional standards for that district including the Cook's Corner Design Standards. (Amended 5/20/02 R)

516 Building Configuration

New structures shall be oriented toward public streets. Orientation to the street may include the location of the main entrance of a building, or the construction of windows or facade improvement designed to enhance street orientation.

517 Preservation of Historic Resources

All site plans involving the use or reuse of a structure that is located outside of the Village Review Zone and listed on the National Register of Historic Places, or otherwise identified as a historic resource by the State of Maine or the Brunswick Town Council shall be identified to the Planning Board. The Planning Board shall seek a recommendation from the Pejepscot Historic Society regarding potential mitigation of development, or may require additional analyses from a certified architect who specializes in Historic Preservation.

518 Access for Persons with Disabilities

Applicants shall be responsible for complying with applicable provisions of the Americans with Disabilities Act, as amended. Where required, plans shall indicate the location and type of access for disabled persons to parking areas, and entrances and exits.

519 Recreational Requirements for Residential Developments

519.1 Reservation of Land

Except as set forth in Section 519.3, the Planning Board may require the reservation of land for parks, playgrounds, or conservation areas to benefit the residents of the proposed development. Reserved land must be of suitable dimension, topography and general character for the proposed recreational use and must be reasonably accessible to residents of the development. It must be designated on the plan as "Reserved for Conservation or Recreational Purposes." The area to be reserved must be determined according to the following table:

Average Size	Percentage of Total Parcel to be Reserved for Recreational Purposes
Single Family Lots	
80,000 s.f. or greater	1.6%
40,000 s.f.	3.3%
20,000 s.f.	6.5%
15,000 s.f.	8.7%
10,000 s.f.	13.0%
Multi-family units	1,300 s.f. per unit.

519.2 Land Improvements

The applicant shall improve the reserved land according to the requirements of the Planning Board. In determining these requirements, the Board shall consider the Comprehensive Plan and the long-range plans for the Recreation Department and Conservation Commission.

519.3 Fee in Lieu of Land

Upon the recommendation of the Recreation Commission, the Planning Board may require the applicant to pay a fee to the Town in lieu of a donation of land for recreational purposes. The fee must equal the per-acre value of an undeveloped housing site, as determined by an appraiser acceptable to the applicant and the Planning Board, multiplied by the required area for reservation according to Section 519.1. The funds must be used for the construction of a new, or improvement of an existing, recreation or conservation area as mutually agreed upon by the applicant.

519.4 Recreation Land Ownership

As soon as the use of the recreation or conservation land has been established, the means of future ownership and control must be determined. The following alternatives are available, as agreed to by the applicant and the Planning Board:

A. The land may be held and maintained in common by the future owners of the development, under the by-laws of a home-owner's association, as approved by the Planning Board.

B. It may be held and maintained in perpetuity by a conservation trust or other suitable private organization.

C. It may be deeded to the Town for future maintenance and improvement, if acceptable to the Town Council.

520 Fiscal Capacity

The Planning Board may require evidence of fiscal capacity, which shall demonstrate that the applicant has the financial resources to complete the project.

521 Performance Guarantee

Where applicable, a performance guarantee shall be filed in accordance with final plan approval and this Section.

521.1 When Required

The performance guarantee may be required prior to the construction of infrastructure that is intended for dedication to the Town of Brunswick, The Brunswick-Topsham Water District or Brunswick Sewer District or of infrastructure that will be privately owned but will function as the equivalent of public improvements, including, but not limited to, private roads, private sewer systems and private water systems. No Certificate of Occupancy may be issued unless a written approval is granted by the Town Engineer which states that the occupancy of the project or project phase can accommodate occupants without posing a threat to the public's safety. A performance guarantee will also be required prior to initiation of work within an existing public right of way.

The Planning Board may also require security for a period of two years to ensure the replacement of any plantings shown on the landscaping plan which have failed to grow normally, are diseased or have died.

521.2 Certified Check, Performance Bond or Letter of Credit

A. The performance guarantee may be a performance bond, irrevocable letter of credit, or an escrow agreement. Such performance guarantee shall be in a form acceptable to the Town Manager, based upon the recommendations of the Town Engineer, Director of Planning & Development and Town Attorney.

B. The performance guarantee shall be for the full amount of the cost of the subject work, as determined by the Town Engineer, plus an additional 10% to account for inflation and contingencies.

C. The time for performance under the performance guarantee shall not exceed two years and the full amount secured by the performance guarantee shall remain available to the Town for the entire term of the performance guarantee unless reduced by written agreement between the Town Manager and the applicant.

521.3 Release of Performance Guarantee

The developer may request, at any time, that the performance guarantee be released, in whole or in part. Within 60 days of receiving such a request, the Town Manager, based upon the recommendation of the Town Engineer and Director of Planning & Development, may release all or part of the performance guarantee. In making a determination on the request, the Town Manager shall consider, and the applicant shall provide, evidence of satisfactory completion of the required improvements such as, but not limited to:

A. A statement by the Town Engineer that all street and storm drain systems have been constructed and completed in compliance with the Final Plan.

B. A statement from the Brunswick Sewer District Superintendent that all sewage disposal systems have been constructed and completed in conformity with the Final Plan.

C. A statement by a professional land surveyor, that all permanent boundary monuments have been set in accordance with the final plan and current guidelines and standards of the State of Maine Board of Licensure for Professional Land Surveyors, Rules at all street corners and angles of all street lines and along with intersections, corners or breaks in a straight lot line. The cost of obtaining this statement shall be borne by the applicant. (Amended 12/1/97 R)

D. In releasing the performance guarantee, the Town shall provide the applicant with a certificate of compliance signed by the Town Manager.

522 Home-owners/Property Owners Associations

All private roads, land and facilities owned in common private ownership shall be managed and controlled by a home-owners association (or property owner's association), in accordance with the following:

522.1 The documentation for the association shall be completed prior to approval of the final subdivision plan, and recorded prior to the sale of the first lot. The association shall comply with all applicable provisions of State law.

522.2 Membership shall be mandatory for each lot owner within the development, who shall be required by recorded covenants and restrictions to pay fees to the home-owners association for taxes, insurance, and maintenance of commonly owned land, private roads, and other common facilities.

522.3 Property owners shall be required to pay their pro rata share of the costs and the assessment levied by the association shall become a lien on the property.

522.4 The home-owners association shall be able to adjust the assessment to meet changed needs.

522.5 Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the conservation land from the association and its members.

Section 523 has been moved to Section 308

524 Noise and Dust

524.1 Adequate provisions must be made to control unnecessary noise from and at the site. The Planning Board may require the applicant to establish pre- and post-development noise levels.

Operating or permitting the operation or any tools or equipment used in construction, drilling or demolition work is prohibited on Sundays and days which the following holidays are observed: New Years, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas. All construction, drilling or demolition work shall be conducted between 7:00 AM and 7:00PM except when prior, written approval has been obtained from the Codes Enforcement Officer. The Codes Enforcement Officer shall only grant approval for work after hours in the case of special circumstances and such approval shall not be granted on a regular basis. (Amended 6/19/00 R)

524.2 The applicant will apply and maintain asphalt, water or calcium chloride on dirt roads, driveways and parking lots and other surfaces to control the level of airborne dust and other particles associated with construction of the project.

CHAPTER SIX: SIGN REGULATIONS

601 Purpose

The purpose of this chapter is to promote and protect the public health, safety and welfare by regulating outdoor signs of all types. The specific goals are to protect property values; enhance and protect the physical appearance of the community; to reduce sign or advertising distractions and obstructions; reduce hazards that may be caused by signs: and to ensure that new signs are compatible in design and scale with their surroundings.

602 General Provisions

602.1 Grandfathered and Obsolete Signs

Any sign that is legally existing as of the effective date of this ordinance shall be grandfathered.

A. Except for prohibited signs as listed in Section 606, changes in the content of a non-conforming sign including names, words, logos or similar information shall not constitute an alteration requiring conformance with this current sign regulations, as long as the changes do not make the sign more non-conforming and a permit is obtained for the changes from the Codes Enforcement Officer. (Amended 1/20/04 R)

B. New signage may be proposed for a site that contains grandfathered signage, provided that all new signage is in compliance with this chapter. The Planning Board (or the Village Review Board for signs in the Village Review Zone) may make waivers to signage for a site that contains grandfathered signage if such waivers are consistent with Section 608.1. Such waivers may be made only if the signage plan for the entire site furthers the spirit and intent of this chapter by reducing visual clutter or otherwise improves the aesthetic appearance of the signage on the site by bringing the overall site into closer compliance with the requirements of this chapter. (Amended 12/1/97 R)

C. Any sign face that identifies or advertises a business must be removed within 30 days of the termination of that business from that site. After a period of one year of the termination of the business if the sign is not reused by another business occupying the same site, all mountings, brackets, poles, sign faces and other signage material must be removed.

602.2 Calculation of Size of Sign

A. Two Sided Signs. Only one side of a sign shall be counted when determining the size of such sign.

B. Within or on Structures

When the graphic representation of the sign occurs on a sign board, the size of the sign shall be calculated by the square footage of the sign board. For illuminated signs, all portions of the sign which are illuminated shall be included in the square footage. In other cases where lettering is attached to a structure and no sign board is utilized, the square footage of the sign shall be calculated by drawing a rectangle around all portions of the lettering; the square footage of the sign shall be the area of the rectangle.

602.3 Free-Standing Sign Limitations

The term Free-Standing Signs shall include: 1) Pole Signs and, 2) Monument Signs. Only one Free-Standing Sign for every 250 feet of road frontage is permitted. Any ground or pole-mounted Directory Sign shall be subject to this provision. **(**Amended 6/19/00 R, Amended 9/3/02 R)

603 Signs Subject to Review

The following signs, as defined, require review by the Codes Enforcement Officer in accordance with the provisions of Section 603 and 608. Signs associated with projects subject to site plan review shall be reviewed as part of that process, however, such signs also require a sign permit from the Codes Enforcement Officer. The Codes Enforcement Officer may not waive any provision of this chapter. Signs proposed for properties within the Village Review Zone shall be subject to the provisions of Section 216 as well as the provisions of this chapter.

A. Permits for signs subject to review under Section 603 shall be acted upon within fifteen days of the submission of a complete permit application. Applications for sign permits must contain a scale drawing indicating the dimensions, materials, coloring, graphic content, lighting source, mounting hardware and site location. In addition, such application shall include photographs of signs found on properties located on each side of the structure.

B The Codes Enforcement Officer may approve, deny or approve with conditions any permit application for signs under Section 603.

C. All reviewing authorities shall review all signs and their locations within a site and placement on a structure in accordance with Section 603 and 608.

D. No sign may exceed 200 square feet, except for wall signs on structures greater than 30,000 square feet which may not exceed 250 square feet.

603.1 Awning Sign. An awning sign is a covering which is (or appears to be) made of cloth or canvas that is either permanently attached to a building or can be raised or retracted or fixed to a position against the building when not in use. Awnings in the Village Review Zone shall be reviewed in accordance with all provisions of Section 216. The sign face of an awning sign may not exceed 25% of the area of the plane of the awning on which the sign face appears. No materials or signage may hang from an awning.

603.2 Monument Sign. A monument sign is mounted directly on the ground. The size of the face of a monument sign shall not exceed 32 square feet. The maximum height of the sign shall not exceed 10 feet. Only one Monument Sign per two hundred fifty feet of lot frontage is permitted. Monument signs are prohibited in the TC2 (Fort Andross) District.

603.3 Pole Sign. A pole sign is one which is attached to a pole or poles erected directly into the ground. Only one pole sign per 250 feet of lot frontage is permitted. The height of the pole sign is measured from the top of the sign to the ground. In the Commercial Districts (HC & CC), Large Scale Business and Institutional Districts and in the MU2 and MU4 Districts, no pole sign may exceed 15 feet in height nor may the size of an pole sign exceed 25 square feet. In all other zoning districts (except for TC2), pole signs shall be made of materials which are made of or resemble wood or wood carving, no pole sign may exceed 10 feet in height nor may any sign exceed 15 square feet. Pole signs shall be setback at least 5 feet from a side or rear property line. Any use which contains a pole sign may not contain a projecting sign or a roof sign. Pole signs are not permitted in the TC2 (Fort Andross) District. (Amended 12/1/97 R)

603.4 Marquee Signs. A marquee is a sign used for the advertisement of a movie or theatrical event. Marquee signs are permitted for theaters only and must be wall signs, subject to the requirements for wall signs.

603.5 Projecting Sign. A projecting sign is one which is attached to a wall at an angle. Where a projecting sign projects over a sidewalk, it must clear the ground by at least eight (8) feet. Any use which contains a projecting sign may not contain a pole sign. Projecting signs may not be placed above the first story of a structure unless it is advertising a use that occurs above the first floor. In cases where a projecting sign occurs above the first story of a structure, it may not be placed higher than the midpoint of the second story.

A. TC1 (Maine Street), TC2 (Park Row), TR (Intown Residential), CU (College Use), R (Residential), and Rural Districts

Projecting signs may not exceed 6 square feet in size and shall not project more than three feet beyond the wall to which they are attached.

B. TC2 (Fort Andross) District

Projecting signs are prohibited in the Fort Andross District.

C. HC (Highway Commercial), CC (Cook's Corner Center), I (Large Scale Business and Institutional), and MU (Mixed Use) Districts

Projecting signs may not exceed 25 square feet.

603.6 Wall Sign. A wall sign is one which is applied, painted or affixed flush to the exterior of a structure. No wall sign shall protrude beyond the roof line or cornice structure of a building, and shall not cover windows, doors or architectural detailing of the building to which it is affixed.

A. CC (Cook's Corner Center), HC (Highway Commercial), I (Large Scale Business and Institutional) and M (Mixed Use) Districts

Each non-residential establishment shall be allowed wall signage not to exceed a total of 25 square feet; except that establishments that occupy a portion of the principal facade shall be allowed wall signage not to exceed 25 square feet or 10% of that portion of the principal façade occupied by that establishment, whichever is greater. (Amended 9/3/02 R)

B. TC2 (Fort Andross) District

The size of a wall sign may not exceed 16 square feet, and shall be placed between the top of a first story window and the bottom of a second story window. Wall signs shall be made of wood (or materials that appear to be wood, and shall be professionally engraved.

C. All Other Districts

Each non-residential establishment shall be allowed wall signage not to exceed a total of 16 square feet; except that establishments that occupy a portion of the principal façade shall be allowed wall signage not to exceed 16 square feet or 10% of that portion of the principal façade occupied by that establishment, whichever is greater. (Amended 9/3/02 R)

603.7 Religious Institution Sign. A religious institution sign must be for the use of a religious institution, must occur on the same parcel as the religious institution, and may have a changeable copy sign. A religious institution sign shall be either a wall monument or pole mounted sign in accordance with the requirements for those signs.

603.8 Development Sign. A single sign not to exceed 16 square feet shall be permitted to identify the name of a subdivision. The Development Sign shall be located on a common area within the development. (Amended 7/12/10 R)

603.9 Changeable Copy Signs. A sign greater than 4 square feet that contains slots for lettering to be placed and periodically removed or changed, including signs with an electronic reader board. Changeable copy signs are prohibited in all College Use, Town Center, Intown Residential and Residential Districts. The area of a changeable copy sign shall not exceed the maximum area allowable for a pole sign in the applicable zoning district. The area of any changeable copy sign which is mounted to a pole sign or directory sign shall count towards the maximum allowable signage area. (Amended 12/1/97 R)

603.10 Directory Signs. A Directory Sign is one which advertises more than one use or establishment. A directory sign may be mounted to the ground, one or more poles, walls, or may project from a wall at an angle. A directory sign may advertise or identify only uses which exist within the same lot or uses which exist in any group of structures which share a common point of access from the public way. Only one directory sign per two hundred fifty feet of lot frontage is permitted. Directory Signs are permitted only in the zoning districts indicated in subsections A, B, or C below.

A. HC (Highway Commercial), CC (Cook's Corner Center), I (Industrial-Institutional and Mixed Use) Districts and the MUZ (Medical Use Zone).
The total size of the directory sign may not exceed 25 square feet per non-residential establishment advertised. Directory Signs may be used to advertise establishments that occur on any four or fewer adjacent parcels and that share access.

B. TC2 (Fort Andross)
Only one Directory Sign is permitted, and its total sign area shall not exceed 56 square feet.

C. TC1 (Town Center District)
The total sign area of Directory Signs shall be no larger than 5 square feet and shall be placed at the entrance to upper-story uses for any building with no front setback. Directory signs for buildings with a front setback shall not exceed 10 square feet per non-residential establishment advertised.

603.11 On-Premise Directional Sign. An on-premise directional sign is used to provide direction to entrances and exits from parking or pedestrian areas. An on-premise directional sign may not exceed 2 square feet. The placement of an on-premise directional sign shall be subject to the review of the Codes Enforcement Officer to ensure that such signs do not impede sight distance.

603.12 Neon Window Signs. Neon signs that are placed inside a window are permitted by permit. Neon Window Signage shall not exceed 5 square feet for any single use. Neon Window Signs are not permitted for residential uses.

603.13 Advertising Messages Incorporated Into Approved Signage. Permanent advertising messages or business information (such as signage indicating business hours, signage which indicates which types of bank machine cards are accepted, or other similar message) shall be considered a sign subject to review, unless that message is in a sign not subject to permit. When reviewing such signage, other signs on the site shall also be considered. Conditions may be placed on the sign permit in accordance with Section 603 (or Section 216.8B for signs in the Village Review Zone).

603.14 Gasoline Sales Canopy Signs. Gas station canopy signs shall not extend beyond the edges of the canopy and shall comply with one of the two following alternative provisions: (Amended 6/19/00 R)

A. No sign shall exceed 15% of the square footage of the side of the canopy upon which it is located. No side shall contain more than one sign. (Amended 6/19/00 R)

B. The total area of signs on a gas station canopy shall not exceed 9% of the total square footage of all sides of the canopy. No canopy shall have more than two signs located on it. Both signs may be located on the same side of the canopy. (Amended 6/19/00 R)

(See also Section 306.14)

604 Signs Not Subject To Permit

The following signs are permitted as indicated in each subsection, and require no permit.

604.1 Real Estate Sign. A real estate sign is a temporary sign advertising the lease or sale of land, space or structure. A real estate sign may not exceed 4 square feet for the sale of a residential structure. For all other uses and vacant land, the sign may not exceed 32 square feet. Real Estate Signs must be removed within ten days of the sale or lease of the property. (Amended 9/4/01 E)

604.2 Contractor Sign. A contractor's sign is a temporary sign erected during the construction phase of a project only, not to exceed 32 square feet. Such sign must be removed upon the issuance of a Certificate of Occupancy, where one is required. Contractor Signs may also be used during home improvement or renovation projects that are not subject to Certificate of Occupancy, but must be removed after the work has been completed.

604.3 Signs for Garage or Yard Sales. Lawn, yard or garage sale signs are prohibited on any state or local public property or right-of-way, or on utility poles. No sign for garage or yard sales shall be posted more than 24 hours before and after the event. Size is limited to 4 square feet.

604.4 Window Signs. Window signs are allowed provided that they are placed on the inside of the window, and occupy no more than 25% of the glassed area of all windows.

604.5 Farm Stand Signs. Signs used to advertise a farm stand selling fruits, vegetables or other agricultural crops and products are permitted provided that each sign is not greater than 10 square feet. Such signs may have a changeable copy not subject to review. Farm stand signs may be displayed only during the season when the premises are open for business. (Amended 9/4/01 E)

604.6 Household Signs. Signs that display street numbers, last names and personal names given to residential structures shall not require a permit.

604.7 Political Campaign Signs. Political Campaign Signs are temporary signs bearing messages relating to an election, primary or referendum. Political Campaign Signs are permitted on private property no sooner than 60 days before an election, primary or referendum and must be removed no later than 5 days after the same election, primary or referendum. Size shall be limited to 8 s.f. (Amended 12/1/97 R, 9/4/01 E)

604.8 Sandwich Signs. A sandwich sign is a free-standing, moveable sign, usually shaped like an "A", used to advertise daily specials or special events. A sandwich sign may not exceed 7 square feet and shall be made of wood or materials that appear to be wood. A sandwich sign may be displayed only when the premises it advertises are open for business. Such signs may not impede pedestrian, bicycle or vehicular access. Any sandwich sign which is found to impede the safe movement of pedestrians, bicycles or vehicles may be ordered removed or relocated by the Codes Enforcement Officer. Sandwich Signs located in the Village Review Zone do not require review by the Village Review Board.

604A Signs Requiring Written Notification to Codes Enforcement Officer (Amended 9/2/08 R)

604A.1 Special Events or Notice Sign. Special Events or Notice Signs are temporary signs, such as banner, pennants, wind socks, posters or flags, displayed on a non-residential property for decorative or festive purposes to announce festivals, elections, or other special events. Such signs may not interfere with pedestrian or vehicular traffic. No individual building occupant may utilize the provisions of this section for more than 90 days within a calendar year. For an event or notice exceeding 90 days in length, such signs shall be permitted for a period not to exceed 5 calendar days immediately following the conclusion of the event or notice, nor 180 days per calendar year, whichever is less, upon written approval by the Codes Enforcement Officer. Prior to displaying any Special Event or Notice Sign or Signs, the building occupant shall submit written notification to the Codes Enforcement Officer of the installation and removal. (Amended 9/2/08 R)

605 Special Requirements Signs

The following signs are permitted subject to the special requirements found within each subsection.

605.1 Banners. Banners are signs that extend from one side of the street to the other. Town Council permission is required to raise a banner and the Council has the right to restrict where and when such banners may be displayed.

605.2 Official Maine Department of Transportation (MDOT) Directional Signs. An Official Business Directional Sign visible from a public way in the Town of Brunswick may be erected or maintained as provided for in this Section. Such signs shall also comply with applicable provisions of the Maine Traveler Information Services Act 23 M.R.S.A., Section 1901-1925 and any regulations of the Maine Department of Transportation promulgated hereunder, not inconsistent with the provisions of this Ordinance.

A. For purposes of this Section, Official Business Directional Sign is defined as a sign erected and maintained in accordance with the Maine Traveler Informational Services Act, 23 M.R.S.A., Section 1901-1925, and this Ordinance, which identifies and points the way to public accommodations and facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational and religious interest.

B. Qualifying uses. The following uses are qualifying uses, provided they do not have frontage on a State-Aid highway/road or Bath Road and are not located in areas noted in Section 605.2.D. (Amended 7/12/10 R)

1. Public and private schools and colleges
2. Airports
3. Cultural facilities and historic monuments
4. Recreational facilities
5. Municipal and other government facilities
6. Non-profit organizations
7. Public accommodations and commercial businesses
8. Retail agricultural operation

C. Number of Signs.

1. Not more than four (4) official business directional signs may be permitted per each qualified use. (Amended 2/6/12 R)

D. Placement of Signs.

1. Official business directional sign may be installed and maintained in the Town of Brunswick except those areas as defined below:
   a. Town Center 1 (TC1) Zoning District
   b. Town Center 2 (TC2) Zoning District
   c. Town Center 3 (TC3) Zoning District
   d Village Review (VR) Overlay Zoning District
   e. Maine Street and Park Row Right-of-Way

E. Additional requirements.

1. Official business directional signs shall be installed and maintained in accordance with the requirements of the Maine Traveler Information Act, 23 M.R.S.A. sections 1901-1925, as amended, and any other regulations adopted pursuant to said statutes.

2. The following additional requirements shall apply

a. The minimum distance between official business directory sign posts shall be at least three hundred (300) feet as measured along the shortest straight line;

b. An official business directory sign may be installed only upon issuance of a permit pursuant to this Ordinance, and approval by the Town Police and Public Works departments;

c. No official business directory sign shall be placed closer than two hundred (200) feet from the property line of a commercial business offering directly competing goods or services;

d. An official business directional sign shall be located no closer than two hundred (200) feet nor further than two thousand five hundred (2,500) feet from an intersection where a change in direction as indicated on said sign is required;

e. No more than three (3) official business directional signs may be attached to an individual sign post assembly. No new sign post assembly shall be installed until existing sign post assemblies suitable for any newly proposed official business directional sign contain the maximum number of permitted signs.

F. Permitting and approval process.

1. Any entity wishing to erect an official business directional sign shall make application with the Maine Department of Transportation on an application form provided by MDOT. Prior to submittal to the MDOT for final review, the application will require the signature of the Brunswick Codes Enforcement Officer certifying compliance with the Town's Zoning Ordinance. (Amended 10/20/08 R)

605.3 Non-Profit Organization Fund Raising Signs. Non-profit organization fund raising signs, recommended by the Town Manager and approved by the Town Council shall be permitted at locations on public and private property. The sign shall be a ground sign, with dimensions not to exceed 32 square feet. The height of such sign shall not be greater than 8 feet. The sign shall not be illuminated. The sign shall be removed one week after the fund raising event has ended.

606 Signs Expressly Prohibited

The following signs are prohibited in all zoning districts and under all circumstances.

606.1 Off-Premise Advertising. Signs which advertise products, services or activities not sold, distributed or carried out on the premises. This section shall not be interpreted to prohibit political campaign signs on private property that are regulated by and conform to section 604.8. (Amended 9/4/01 E)

606.2 Flashing Illumination. Signs in which the light source, in whole or in part, physically changes in light intensity or gives the appearance of such change at any interval. Time and temperature signs emanating white light are excepted from this definition. (Amended 12/7/98R 6/19/00 R)

606.3 Moving Signs. Motorized physical movement or motorized revolution of a sign up or down, around or sideways that completes a motorized cycle of change at any interval.

606.4 Signs Painted on or Affixed to Motor Vehicles. No vehicle with directional or advertising signs painted on or affixed to it may be parked, unmoved, on, by or within view of a public way for any period of time greater than five calendar days in any month. Any vehicle so parked must be currently registered for legal operation within the State of Maine and capable of such operation without tow or other secondary assistance.

606.5 Roof Signs. A roof sign is a sign that is mounted to the roof of a building. However, signs mounted on the face of a mansard roof shall be reviewed as wall signage.

606.6 Portable Signs. A portable sign is one which is designed for and intended to be moved from place to

place and not be permanently affixed to land, buildings or other structures. Portable signs used for the conveyance of traffic and other public safety information are exempt from the prohibition and do not require a permit. (Amended 9/4/01 R)

607 Illumination

607.1 Non-Illuminated. Any sign may be non-illuminated.

607.2 Direct Illumination. Direct Illumination is the illumination of a sign from a light source that is outside of the sign. The light emitted from direct illumination shall not result in light trespass beyond the intended area of illumination.

607.3 Internal Illumination. Internal Illumination is the illumination of a sign from a light source that is within the sign. Internally-Illuminated signs are permitted only in Cook's Corner Center, Highway Commercial and Large Scale Business and Institutional Districts.

608 Sign Review

Any sign subject to review, as indicated in Section 603, shall be reviewed with the following standards except if the sign is located within the Village Review Zone, in which case it shall be subject to the review standards found in Section 216.

608.1 Review Standards

When undertaking any signage review, the reviewing authority shall use the following criteria to grant an approval, an approval with conditions, or a denial:

A. That the sign placement, dimensions and materials conform to the ordinance.

B. That the proposed illumination conforms with Sections 109.3 and 607 and shall not result in a distractive hazard.

C. That the sign construction, lettering and graphics be professional in appearance.

608.2 Waivers

The Planning Board or The Village Review Board may waive requirements Section 603 of this Ordinance for extenuating circumstances, which would render compliance with the Standards of 603 infeasible or impractical. When making such waivers the Planning Board shall consider Section 410 and may require conditions to assure compliance with the spirit and intent of this Chapter.

609 Comprehensive Signage Plan Approval

At the applicant's request when reviewing any application for sign review, the Planning Board or the Village Review Board may apply general conditions to the permit regarding replacement signage. Such conditions shall outline guidelines for the replacement of signage, and shall allow future signage to be granted without review provided that the guidelines are satisfied as determined by the Codes Enforcement Officer.

610 General Exemption Provisions

The provisions of this Chapter 6, (with the exception of Section 605) do not apply to signs authorized by the Brunswick Town Council to be displayed on public property or over public rights of ways.

(This Section was amended in its entirety on 9/8/98 R)

CHAPTER SEVEN: ADMINISTRATION AND ENFORCEMENT

701 Special Permits for Unclassified and Omitted Uses

Unclassified and Omitted Uses (See Chapter Two, Part One, Section 2) may be allowed upon the issuance of a Special Permit by the Planning Board and upon ratification by the Town Council as described in Section 701.1.

701.1 Special Permit Process

A. Applications for Special Permits shall be made to the Planning Board. The application shall include:

1. A sketch plan of the property indicating the basic layout and configuration of the proposed use; and its relationship to surrounding properties; (Amended 9/3/02 R) and
2. Documents, photos, and elevation drawings per section 412.2.C.14 showing that the application satisfies the standards in subsection 701.2. (Amended 9/3/02 R)

B. When an application for a Special Permit is filed, a public hearing will be scheduled utilizing the notice provisions of Section 405.5(C) as modified by Section 701.1(C).

C. The Town shall send notice of public hearing to the owners of all property located within two hundred (200) feet of any boundary line of the property for which the permit is sought as determined by the Town based upon the Town's tax records at least 10 days prior to the public hearing. If the Special Permit is for property located within the Aquifer Protection Zone, notice shall also be sent to the Brunswick-Topsham Water District.

D. Any Brunswick resident or Brunswick property owner shall have the opportunity to provide written comments for consideration by the Planning Board. Such written comments must be received prior to the scheduled public hearing. If the Special Permit application is for property within the Aquifer Protection Zone, the Planning Board shall review any comments made by the Brunswick-Topsham Sewer District.

E. The Planning Board may approve, approve with conditions or deny an application for a Special Permit. Decisions of the Planning Board with regard to Special Permits shall be made by written Findings of Facts and Conclusions which shall set forth the reasons of the decision based on all standards of this Section and shall be made within 14 days of the public hearing. Such Findings of Fact and Conclusions shall include a plan submitted by the applicant and a permit which outlines all conditions and requirements, and copies shall be forwarded to the applicant and any persons requesting copies within 14 days of the public hearing.

F. In the event that a Special Permit is approved by the Planning Board, notice shall be forwarded within 7 days to the Town Council. Such notice shall indicate a brief description of the Special Permit, including the name of the applicant, the street address and tax map reference of the application, the proposed use or uses, and a brief synopsis of the permit. The Planning Board shall also forward findings of Fact and Conclusions to the Town Council with said notice.

G. If the Planning Board votes to approve a Special Permit, that approval shall not take effect for 30 days after the Planning Board's vote. During that 30 day period, the Town Council may elect to exercise jurisdiction over the application. Decisions to exercise

jurisdiction shall be made by a majority vote of the Town Council during a public meeting. If the Council exercises jurisdiction, it shall, after notice and hearing in the same manner as required for a zoning amendment under Section 108, ratify, reverse or modify the decision of the Planning Board. If the Town Council does not exercise jurisdiction within 30 days, then the decision of the Planning Board shall be deemed ratified by the Town Council. If the Planning Board denies an application for Special Permit, the Planning Board's decision shall not be subject to any appeal, but the applicant may apply to the Town Council for a zoning amendment as provided in Section 108.

H. A Special Permit shall be subject to the Development Review Process, subject to any conditions placed on the permit. Any application involving the review of a proposal that involves a Special Permit shall be subject to Development Review.

I. After a Special Permit has been granted, the Director of Planning and Development shall prepare and submit to the Town Council an analysis of whether, and under what conditions, the use allowed by the Special Permit should be added to the tables of Chapter Two. The Council may then act by ordinance amendment to incorporate such use.

701.2 Standards for Special Permits

The following Standards set forth herein shall be applied, where applicable, by the Planning Board when considering an application for Special Permit. The burden of proof of compliance with these standards rests solely with the applicant.

A. The application shall further the planning goals of the Planning Area (Appendix 1) in which the property is located.

B. The application is compatible in scale to its surroundings. In making this finding, the Planning Board shall consider the size and mass of buildings where new structures are being proposed, the number of employees, residents or customers, and the size and number of vehicles servicing the use. Notwithstanding the foregoing, when the Special Permit is proposed for a pre-existing structure, the Planning Board may find that the proposed use is compatible with its surroundings, even though it is out of scale and design with such surrounding properties if the applicant can demonstrate that the proposal will achieve mutual benefits without compromising any of the standards found in this ordinance.

C. The application is harmonious in design to its surroundings. In making this finding, the Planning Board shall consider building and window proportions, roof-lines, spacing of doors and windows, as well as orientation to public streets.

D. The application further maintains or enhances a pedestrian oriented character in planning districts where such character is encouraged.

E. The application will not violate any standard of this Ordinance.

Notwithstanding the foregoing, the Planning Board shall deny an application for a Special Permit if, in its determination, substantive, objective evidence from one or more persons entitled to notice is presented that reasonably demonstrates that:

1. The proposal will adversely affect the enjoyment or use of that person's property; or

2. The proposal will devalue such property.

701.3 Review of Legally Non-Conforming Special Permit Uses.

The following rules shall apply to the expansion of uses that are legally non-forming insofar as they have never been granted a Special Permit.

A. Expansions that do not reach the threshold for Minor Development Review found in 402.1 shall be reviewed by the Director of Planning and Development under the minor modification provisions of section 403.3 and in accordance with the Special Permit review standards of section 701.2

B. Expansion that meet the Minor Development Review thresholds of section 402.1 shall be reviewed by the Staff Review Committee in accordance with the Special Permit process and standards of section 701.

C. Expansions that meet the Major Development Review thresholds of section 402.2 shall be reviewed by the Planning Board in accordance with section 701.

D. Notwithstanding the Town Council jurisdiction stipulated in section 701.1.G appeals of the Director's or Staff Review Committee's decisions shall be made to the Planning Board.

E. In no case shall a Special Permit become effective without ratification of the Town Council in accordance with the provisions of section 701.1.G

(Amended 9/3/02 R)

701.4 Time Limits and Effect of Denial

A Special Permit shall expire two years after it is ratified or deemed ratified by the Town Council if no Certificate of Occupancy is granted for the use in accordance with Section 407.4.A. If the Planning Board denies an application for a Special Permit, no application by the applicant or related entity for the same unclassified or omitted use for the same parcel, or any portion of such parcel, shall be accepted for filing within one year of the date of the Planning Board's decision. (Amended 9/18/01 R)

702 Change of Use

702.1 Change of Use Defined

Change of Use is a change from one use to another use of any structure or portion thereof, which is permitted in a particular zoning district. A change within the same category of permitted use (for example a change from one restaurant to another, or a change from one retail store to another) shall not be considered to be a change of use. A change in use from a vacant structure to an occupied structure shall be considered a Change of Use, unless the use is a resumption of a prior use. For the purposes of this section, the prior use includes the last occupied use of the vacant structure provided that such use has primarily occurred for a period of not less than 12 consecutive months at any time during the prior 3 years. For multi-unit structures, a change in use of any unit to a permitted use that is currently found within the structure shall not be considered to be a Change of Use.

702.2 Permit Required

Any Change of Use shall require a change of use permit. The Codes Enforcement Officer shall issue the change of use permit upon the submission of a completed application and payment of the required fee unless the Codes Enforcement Officer determines that the review thresholds set forth in Section 702.3 are applicable. If such thresholds are applicable, the Codes Enforcement Officer shall not issue the change of use permit until the necessary reviews have been conducted.

702.3 Review Thresholds

A. Any Change of Use from a single or two family home to any other permitted use in a Residential or Town Residential zoning district shall require Major Development Review. If no alterations are proposed for the site related to such Change of Use, the applicant may request that a significant portion of the plan requirements be waived. Such an application should be limited to relevant information pertaining to the new use, including but not limited to hours of operation, necessary mechanical devices, screening and parking.

B. Any Change of Use that involves the extension of hours of operation beyond those of the previous use during the period between 11:00 p.m. and 7:00 a.m. shall require Minor Development Review. (Amended 6/19/00 R)

C. Any Change of Use affecting more than 10,000 square feet of gross floor area shall require Development Review by the Planning Board.

D. A change of use of property which abuts a single or two-family dwelling in a Residential or Town Residential zoning district shall require Minor Development Review if an extension of operating hours between 7:00 p.m. and 7:00 a.m. is proposed. (Amended 6/19/00 R)

702.4 Departmental Review

Any Change of Use that does not exceed the thresholds established in Section 702.3, but results in a change in the configuration of parking, traffic circulation, architecture or landscaping shall be reviewed by the Director of Planning and Development and the Town Engineer within seven (7) days of the filing of a completed application with the Codes Enforcement Officer. (Amended 1/20/04 R)

703 Zoning Board of Appeals

703.1 Powers and Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall have the following powers and duties:

A. Administrative Review. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Codes Enforcement Officer in the enforcement or administration of this ordinance, or made by the Planning Board or Village Review Board.

B. Variances. To authorize variances upon appeal in specific cases.

C. To hear and decide appeals for Special Exceptions.

703.2 Variances

Variances may be permitted only under the following conditions:

703.2.A Variances may be granted by the Zoning Board of Appeals for any dimensional requirement or any provision found in Chapter 3. Variances cannot be granted for use and density. The Zoning Board shall not grant a variance pursuant to this subsection unless it finds that the applicant has met all of the following criteria:

1. That the land in question cannot yield a reasonable return unless a variance is granted;

2. That the need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

3. That the granting of the variance will not alter the essential character of the locality; and

4. That the hardship is not the result of action taken by the applicant or a prior owner.

When a variance is granted by the Zoning Board of Appeals, the Director of Planning shall submit an analysis to the Town Council which outlines whether the requirement of the Ordinance for which the variance was granted should be amended.

703.2.B Disability Variance

The Zoning Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Zoning Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Zoning Board may impose

conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under M.R.S.A. Title 5, Section 4553, as amended, and the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

703.2.C Setback Variance for Single-Family Dwellings

The Zoning Board of Appeals may grant a set-back variance for a single-family dwelling only when strict application of this Ordinance to the applicant and the applicant's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

2. The granting of a variance will not alter the essential character of the locality.

3. The hardship is not the result of action taken by the applicant or a prior owner.

4. The granting of the variance will not substantially reduce or impair the use of abutting property.

5. The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

Under this subsection, the Zoning Board may only grant a variance from a setback requirement for a single family dwelling that is the primary year-round residence of the applicant. A variance under this subsection may not exceed 20% of a set-back requirement and may not be grated if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage, provided, however, a variance under this subsection may exceed 20% of set-back requirement, except for maximum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to M.R.S.A. Title 38, chapter 3, subchapter I, article 2-B, as amended, if the applicant has obtained the written consent of an affected abutting landowner.

703.2.D Variance Criteria in the Natural Resource Protection Zone (NRPZ) (Amended 1/19/99 R)

703.2.D.1 Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result. (Amended 1/19/99 R)

703.2.D.2 Where a variance is required in the Natural Resource Protection Zone the Zoning Board of Appeals shall make a positive finding for each of the following additional criteria, where applicable:

A The danger to life and property due to increased flood heights or velocities caused by encroachment.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitary systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
E. The importance of the services to be provided to the community by the proposed facility.
F. The necessity that the facility must be on the waterfront location.
G. The availability of alternate locations not subject to flooding for the proposed use.
H. The compatibility of the proposed use with existing and foreseeable development.
I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
J. The safety of access to the property for ordinary and emergency vehicles during a flood.
K. The expected height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
L. The prevention of erosion or sedimentation.
M. The prevention of water pollution.
N. The prevention of damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat.
O. The conservation of shoreland vegetation.
P. The conservation of visual points of access to waters as viewed from public facilities.
Q. The conservation of actual points of public access to water.
R. The conservation of natural beauty.
S. The avoidance of problems associated with flood plain development and use.
T. Any other relevant factors. (Amended 1/19/99 R)

703.2.D.3 Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. (Amended 1/19/99 R)

703.2.D.4 Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. other criteria of Section 703.2 and 211.3.E.6 are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Amended 1/19/99 R)

703.2.D.5 Variance may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. the development meets the criteria of Section 703.2.A, paragraphs 1-4; and,

2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.(Amended 1/19/99 R)

703.2.D.6 Any applicant who meets the criteria of 703.2.A and 703.2.D. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage.

2. such construction below the base flood level increases risks to life and property; and

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain. A statement to this effect shall be a matter of record in an instrument to be recorded by the applicant in the Cumberland County Registry of Deeds within 30 days of approval by the Board of Appeals. (Amended 1/19/99 R)

703.3 Special Exceptions

The Zoning Board of Appeals may grant a special exception and allow the uses in the districts so designated. The Zoning Board shall not grant a special exception unless it finds that the applicant has met all of the following criteria.

A. That the use requested meets the dimension, density, parking loading and sign requirements;

B. That the use does not significantly devalue property owned by the persons entitled to notice of a public hearing. In making its determination, the Zoning Board of Appeals shall take into consideration the type of structure proposed, the homogeneity of the use within its immediate area, the market value of surrounding real estate, the availability of utilities, traffic conditions, and other relevant factors;

C. The proposed use satisfies the Development Review Criteria found in Section 411 of this Ordinance, as may be applicable.

703.4 Appeals to the Zoning Board of Appeals

A. Making An Appeal.

1. Administrative review appeals from decisions of the Codes Enforcement Officer, Planning Board or Village Review Board shall be taken no later than 30 days after the decision is rendered. Variance appeals and special exception appeals do not require a prior decision of the Codes Enforcement Officer or a board and are not subject to this time limit.

2. Such appeal shall be made by filing in the Office of the Codes Enforcement Officer a written notice of appeal specifying the grounds for such appeal. For an appeal seeking a variance or special exception, the applicant shall submit:

   a. A sketch drawn to scale or photograph showing lot lines, location of existing buildings and other physical features pertinent to the variance request.

   b. A concise written statement stating what variance or special exceptions is requested.

3. Upon being notified of an appeal, the Codes Enforcement Officer, the Planning Board or Village Review Board, as the case may be, shall transmit to the Zoning Board all of the papers specifying the record of the decision appealed from. Each appeal shall be accompanied with the fee designated by the Town Council. The Zoning Board of Appeals shall hold a public hearing on the appeal within forty-five (45) days after the filing of the appeal.

4. A copy of each variance request located in the NRPZ, including the application and all supporting information supplied by the applicant, shall be forwarded by the Codes Enforcement Officer to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Zoning Board of Appeals. Any comments received from the Commissioner prior to the action by the Zoning Board of Appeals shall be made part of the record and shall be taken into consideration by the Zoning Board of Appeals. (Section Added 6/15/09 R)

B. Procedure on Appeal

1. At least seven (7) days prior to the date of the hearing on such appeal, the Zoning Board shall cause to be published in one issue in a newspaper of general circulation in Brunswick a notice which includes:

   a. The name of the person appealing.

   b. A brief description of the property involved, including the street address.

   c. A brief description of the decision appealed from, or the nature of a variance or special exception.

   d. The time and place of the Zoning Board's hearing.

2. At least ten (10) days prior to the date set for hearing, the Board shall give similar written notice to:

   a. All property owners of record whose properties lie within 200 feet (200') of the perimeter of the affected property,

   b. The person making the appeal, and

   c. The Codes Enforcement Officer, Planning Board or Village Review Board, as the case may be, and any other person requesting notice.

3. The notice will be sent via U.S. Mail, postage prepaid to those persons as listed on the town's tax records.

C. Hearings

1. In hearing an administrative review appeal from a decision of the Codes Enforcement Officer, Planning Board or Village Review Board, the Zoning Board of Appeals shall

   a. Examine all application documents, Ordinance requirements and Finding of Fact and Conclusions prepared by the Codes Enforcement Officer or Board whose decision is being appealed.

   b. Determine on the basis of the entire record presented to the Codes Enforcement Officer or the Board whose decision is appealed from whether the Codes Enforcement Officer or such Board could reasonably have found the facts and reached the conclusions upon which the decision under appeal was based.

   c. Determine whether the prior Board's decision was based on substantial evidence.

   d. Not substitute the judgment of the Zoning Board of Appeals for the judgment of the Codes Enforcement Officer or the Board whose decision is under appeal.

   e. If the Zoning Board finds that the Codes Enforcement Officer or the Board was not erroneous in its review of the application, the original determination shall be upheld.

2. The Zoning Board may find that all or portions of the decision were faulty, in which case the Board may remand that portion of the application to the Codes Enforcement Officer, Planning Board or Village Review Board for reconsideration, with recommendations that the prior Board make additional findings of fact and conclusions to enable the Zoning Board of Appeals to complete its evaluation of the appeal. In the case of such a remand, the appeal before the Board of Appeals shall remain pending until the Codes Enforcement Officer or Board whose decision is on appeal acts on the remand and reports its action to the Board of Appeals, which shall then made a final decision on the appeal. The decision of the Board of Appeals to remand is not final action by the Board of Appeals and is not appealable to Superior Court.

3. At a hearing on any appeal, the appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the chair. All persons at the hearing shall abide by the order of the chair.

4. At any hearing, a party may be represented by an agent or attorney. Hearings s hall not be continued to other times except for good cause.

5. If a party does not attend a hearing and is not otherwise represented, its case will be deemed to have been withdrawn without prejudice to refile the appeal. The filing fee will not be refunded to any applicant whose appeal is withdrawn in this manner.

6. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

703.5 Decisions of the Zoning Board of Appeals

A. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to:

1. reverse any order, requirement, decision or determination of the Codes Enforcement Officer, Planning Board or Village Review Board;

2. to grant a variance;

3. to grant a special exception; or

4. to decide in favor of the applicant on any matter which the Board is required to decide under this Ordinance.

B. The Zoning Board shall decide all appeals within at least thirty (30) days after hearing, unless the Board and the applicant agree to a longer time, and shall issue a written decision on all Appeals.

C. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion is presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Codes Enforcement Officer, Planning Board or Village Review Board, as the case may be, and the Municipal Officers within seven (7) days of the decision date.

D. A special exception or variance granted under the provisions of this Ordinance by the Zoning Board of Appeals shall expire if the work or change involved is not completed within two (2) years of the date on which the special exception or variance is granted.

E. All variances granted by the Zoning Board of Appeals shall be recorded in the Cumberland County Registry of Deeds in accordance with 30-A M.R.S.A. Section 4353(5).

F. Once an appeal has been denied, a second appeal of a similar nature with regard to the same building or property may not be brought to the Board within six months. (Amended 6/19/00 R)

G. Appeals may be taken as permitted by law from any decision of the Zoning Board of Appeals to Superior Court.

H. For appeal decision located in the NRPZ, the Zoning Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Zoning Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers. (Section Added 6/15/09 R)

704 Permits

An applicant for a permit of any type indicated in this section shall file an application with the Codes Enforcement Officer. All processes, permits or approvals indicated in this ordinance, as applicable, shall be obtained prior to the issuance of a permit indicated in this section. Applications for permits shall be to the Codes Enforcement Officer, and shall state the use intended for the land and buildings. A building permit application must be accompanied by a plot plan drawn approximately to scale showing the dimensions of the lot, the location and size of the building or buildings proposed to be constructed or relocated, and the location of any public or private way on or adjacent to the lot. All designs must be in accordance with appropriate building codes adopted by the Town.

704.1 Building Permit. No building or other structure subject to the BOCA National Code adopted by the Town of Brunswick shall be erected, moved, added to or structurally altered without a permit therefore, issued by the Codes Enforcement Officer. No building permit shall be issued except in conformity with the provisions of this Ordinance and all other applicable ordinances of the Town of Brunswick and any conditions imposed pursuant to said ordinances. A building permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within 1 year of the date on which the permit is granted, and if the work or change is not completed within 2 years of the date on which the permit is granted. All building permits heretofore issued shall be subject to the provisions of this paragraph.

A. **Applications**. All applications for building permits for the erection or enlargement of any new or existing building shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the sizes and locations on the lot of buildings already existing, if any, the location and dimensions of the proposed building or alteration, and the proposed sewage disposal system as required by the Maine State Plumbing Code. The application shall include such other information as may be required by the Codes Enforcement Officer to determine conformance with and to provide for the enforcement of this Ordinance. Applications shall be accompanied by a fee which shall be established by the Town Council. The Codes Enforcement Officer shall maintain a public record of all building permits which are issued.

704.2 Certificate of Occupancy.

A. It shall be unlawful to use or occupy or permit the use or occupancy of any land, building, structure or part thereof which is created, erected, changed, converted, altered or

enlarged, or to change, alter, or enlarge the use of any land, building, or structure until a Certificate of Occupancy is issued therefore by the Codes Enforcement Officer and endorsed to the effect that the proposed use of the land, building or structure conforms with the requirements of this Ordinance.

B. An applicant for a building permit shall also make application for a Certificate of Occupancy, which application must be received before a building permit may be issued. Upon completion of the work permitted by the building permit, the Codes Enforcement

Officer shall issue the Certificate of Occupancy upon finding that the building, structure or land and the use or occupancy thereof comply with the provisions of this Ordinance, with all provisions of any site plans or subdivision plans approved by the Planning Board or Board of Appeals. The Codes Enforcement Officer shall maintain a public record of all Certificates of Occupancy which are issued. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance.

704.3 Permit for Expansion of Non-Conforming Use or Use Permitted by Special Exception. The Zoning Board of Appeals my grant a special exception to allow a use listed as a special exception in the zoning district where it is proposed, to allow expansion of a non-conforming use or to allow expansion of a use previously allowed by the granting of a special exception.

705 Codes Enforcement Officer

705.1 Enforcement. The Codes Enforcement Officer shall enforce this Ordinance. In deciding applications, taking enforcement action or undertaking any other activity which the Codes Enforcement Officer is authorized to perform under this Ordinance, the Codes Enforcement Officer may interpret the provisions of this Ordinance.

In addition to any other actions, the Codes Enforcement Officer, upon determination that a violation exists in a special flood hazard area, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of: (Amended 1/19/99 R)

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State and local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. (Amended 1/19/99 R)

705.2 Complaints. When any person files a complaint with the Codes Enforcement Officer that this Ordinance is being violated, the Codes Enforcement Officer shall examine the subject of the complaint and take appropriate action within a reasonable amount of time not to exceed 5 working days. The Codes Enforcement Officer shall keep a record of these complaints and his action on them, and report to the complainant, upon request. If the Codes Enforcement Officer declines to take action on a complaint, neither that non-action nor any written record or report on the complaint constitutes an order, requirement,

decision or determination which can be appealed to the Zoning Board of Appeals. Whether or not to take action on a complaint is committed to the sole and exclusive discretion of the Codes Enforcement Officer.

705.3 Violation Procedure. When any violation of this ordinance comes to the attention of the Codes Enforcement Officer, he shall give written notice of the violation to the owner of the premises on which it occurs. The notice may be served by having a copy of it delivered by certified mail, by handing a copy to the owner, or by leaving it at his place of residence or usual place of business in the Town. If the owner cannot be found after a reasonably diligent search, the notice may be served by posting it in a conspicuous place on the premises in violation. The notice must state a specific, reasonable time within which the violation must cease. If the owner of the premises does not comply with the order within the specified time, the Codes Enforcement Officer shall take appropriate legal action consistent with this Ordinance.

705.4 Inspection of Premises. The Codes Enforcement Officer may inspect all necessary parts of any premises regulated by this Ordinance during normal working hours.

705.5 After the Fact Reductions. The Codes Enforcement Officer may issue a certificate reducing the required setback to validate the site of mislocated single and two-family residential structures and related accessory structures which are not otherwise legally sited and which were in existence on May 7, 1997, provided that: (Amended 6/19/00 R)

1. The use of the property is and will remain as a single or two family dwelling, (Amended 6/19/00 R)

2. The reduction will not be more than ten (10) feet, and (Amended 6/19/00 R)

3. The encroachment is the result of the inadvertent misplacement of a structure. (Amended 6/19/00 R)

If a reduction is approved, the Codes Enforcement Officer shall provide the applicant with a signed instrument in recordable form indicating the setback reduction granted under the terms of this section. The applicant shall be responsible for the recording of this instrument in the Cumberland County Registry of Deeds. If the reduction is not approved, the Codes Enforcement Officer shall advise the applicant of the right to seek an appeal through the Zoning Board of Appeals. (Amended 6/19/00 R)

706 Violations and Penalties

Any person who violates any provision of this Ordinance commits a civil violation and is subject to the fines and civil penalties as provided in 30-A M.R.S.A. Section 4452. Each day a violation continues to exist after notice to correct the violation constitutes a separate violation. The Town may also seek a temporary or permanent injunction to prevent any threatened or continuing violation of this Ordinance.

APPENDIX 1: Planning Areas

The Town of Brunswick is divided into the following Planning Areas, as indicated in the Planning Area Map, and as described in the following section. In addition to these areas, the Planning Areas for the former Brunswick Naval Area Station are set forth in Appendices III, IV and V. (Amended 7/20/09R)

A1 Growth Areas

A1.1 Maine Street Central Planning Area

A. The Maine Street Central Planning Area is the traditional mixed-use center of the community where retail and civic uses are concentrated, along with offices, apartments, restaurants, some residences and a variety of other uses located in close proximity on small lots.

B. The purpose of this district is to allow growth through more intensive use of land, while maintaining the downtown's traditional, pedestrian-oriented character. Since this Planning Area is largely developed, most new development will come in the form of expansion of existing structures and redevelopment of under-utilized land. Such development is encouraged and should be compatible with the historic architecture and the existing pattern of streets, buildings, and uses.

C. Mixed-use buildings are encouraged within this area, with street-oriented uses on the ground floor and offices or apartments on upper floors. All conversions and expansions of buildings should respect their historic character. Buildings with historic value should be preserved wherever possible.

D. The Maine Street Central Planning Area includes the following zoning districts: TC (Town Center) Districts.

A1.2 Maine Street Neighborhood Planning Area

A. The Maine Street Neighborhood Planning Area is predominantly composed of residential neighborhoods with small lots and a variety of housing types. There are a significant number of single family, multi-family residential and non-residential uses, and should maintain a primarily residential nature.

B. Existing residential areas within this planning area should maintain their primarily residential character, except that neighborhood-scale shops and small-scale office and service uses may be encouraged along heavily travelled roadways. Business uses that appreciably detract from the residential character of the area in terms of traffic impact or other factors are discouraged. Non-residential uses on blocks or sections of blocks that are predominantly residential are discouraged.

C. Bowdoin College exists within this Planning Area. Flexibility of use is encouraged for the expansion of this Institution within CU districts. Any such expansion plans should be compatible with the needs of adjacent residential areas.

D. The Maine Street Neighborhood Planning Area includes the following zoning districts: TR (Intown Residential) and CU (College Use) Districts and the MU2 (Railroad Corridor) District.

A1.3 Extended Neighborhood Planning Areas

A. The extended neighborhood planning areas are located adjacent to the Maine Street Neighborhood Planning Area and are intended to grow as mixed use pedestrian-oriented places similar in character to the Maine Street Neighborhood Planning Areas, except that the residential densities are lower and less non-residential development is encouraged.

B. The Extended Neighborhood Planning Areas contain both developed and undeveloped land, where much of the future growth of the Town is likely to occur.

C. Most of the land in this area has been developed in a suburban pattern of separated subdivisions. A key town planning goal is to weave these existing developments into a more coherent fabric, with interconnected streets.

D. Portions of these districts contain health care facilities. Where such facilities exist, they are encouraged to continue and to add related uses that do not detract from nearby residential neighborhoods.

E. In those neighborhoods that are currently developed with only single-family residences, business uses are discouraged as principal uses.

F. In existing commercial or multi-family areas, multi-family residential uses and the mixing of office, apartment and retail uses in pedestrian-scale buildings are encouraged.

G. The Extended Neighborhood Planning Areas include the following zoning districts: R (Residential) Districts and the MU3 (Upper Harpswell) and MU5 (Lower Harpswell) Districts.

A1.4 Cook's Corner Planning Area (Amended 5/20/02 R)

A. Cook's Corner is a separate district, because it is a specifically identifiable growth area and has been the focus of most of Brunswick's recent commercial growth. A goal is to guide future growth within the broad framework established in the Cook's Corner Master Plan. All projects subject to development review must follow the Cook's Corner Design Standards as well as relevant sections of the Zoning Ordinance.

B. While Cook's Corner contains almost exclusively retail and service commercial uses, a goal is to transform it into a more mixed-use pedestrian friendly center over a period of time.

C. A goal is to provide for safety and ease of movement of pedestrians and bicyclists within the area, as well as to and from Cook's Corner through the provision of sidewalks, internal pathways, and bicycle facilities.

D. A key goal in this area is the provision of interconnected streets and shared parking areas as set forth in the Cook's Corner Master Plan and Cook's Corner Design Standards.

E. A goal is to create greater coherence, harmony and beauty in architecture and landscaping. The architecture of structures and landscaping of sites should follow traditional patterns that have evolved in New England, or patterns sympathetic to the traditional ones as illustrated in the Cook's Corner Design Standards.

F. While retail uses are expected to continue, a goal is to introduce a mix of uses and densities, through the gradual introduction of multi-family residential, office, light industrial and other uses in single and multi-story buildings.

G. The Cook's Corner Planning Area includes the following zoning district: CC (Cook's Corner Center)."

A1.5 Large Scale Business/Institutional Planning Areas

A. These districts are intended to accommodate more intensive business and institutional uses, such as large office buildings, industrial uses, hospitals and the Naval Air Station.

B. The uses permitted in these areas are an important part of the economic and employment base of the Town. Much of Brunswick's employment growth is expected to occur in these planning areas.

C. Existing free-standing single and two family residential uses are discouraged and should be subordinate to the needs of businesses and other large institutions.

D. Limited retail and service businesses for employees of these districts is also encouraged, to reduce automobile trips to town center districts.

E. To maintain the availability of Large-Scale Business/Institutional Planning Areas for business and institutional use, retail and residential development should not dominate the area.

F. The Large Scale Business and Institutional Planning Areas include the following zoning districts: I2, I3 & I4.

A1.6 Highway Commercial Planning Areas

A. Highway Commercial Planning Areas encompass portions of the town that currently have commercial strip development. These areas encourage commercial uses that are automobile dependent and therefore not compatible with the town center or neighborhood shopping areas or within a residential neighborhood.

B. It is a Town goal to improve the aesthetic quality and traffic conditions in Highway Commercial Planning Areas through improvements in landscaping, reduction of curb cuts and other measures.

C. The portion of this planning area which is located near the Brunswick Naval Air Station and within its flight path has special restrictions as indicated in Section 214 of this Ordinance.

D. The Highway Commercial Planning Areas are growth center areas which include the following zoning districts: HC (Highway Commercial).

A2 Rural Areas

A2.1 Rural Residential Planning Areas

1. The purpose of Rural Residential Planning Area is to allow low-density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use. Small-scale commercial uses are encouraged where they will not adversely affect nearby residential uses. High-impact and large-scale commercial uses are discouraged.

2. Rural Residential Planning Areas includes the following zoning districts: CR (Country Residential) and MU1 (Lower Old Bath Road) Districts.

A2.2 Rural Farm and Forest Planning Area

1. The purpose of Rural Farm and Forest Planning Areas is to promote agriculture and compatible open space uses by discouraging large-scale residential development and those forms of commercial development that might conflict with agricultural use. Small-scale clean industrial and service uses that complement, add value to, and do not interfere with agricultural enterprises can be acceptable in this area. Commercial uses are encouraged where they are well-buffered and screened on large properties and will have no more impact on surrounding uses than agriculture or permitted residential development. Retail uses are discouraged, other than the sale of goods primarily produced on the premises or within the local community.

2. Rural Farming and Forest Planning Areas include the following zoning districts: FF (Farm and Forest) Districts, and MU5 (Portland Road).

A2.3 Rural Coastal Protection Planning Area

1. The purpose of this area is to protect marine resources and the largely undeveloped watershed that drains into Brunswick's coastal waters, necessary to sustain and support marine economic, environmental, and recreational resources. Commercial and multi-family uses are discouraged, unless they are designed and operated in a manner that would have no more impact on water quality than permitted residential development.

2. The Rural Coastal Protection Planning Area is intended to protect coastal embayments from the potential impacts of excessive nutrient loading and other non-point source pollution, to maintain and enhance the economic resources of these coastal embayments and their associated watersheds. These goals are achieved by:

   a. A reduction in allowable net density of population through density controls.

   b. The provision of appropriate storm water management practices.

   c. The provision of specific requirements regarding the installation and maintenance of individual sewage disposal systems.

   d. The application of reasonable and appropriate restrictions on residential lawn maintenance and agricultural practices.

3. The Rural Coastal Protection Planning Area includes the following zoning district: CP (Coastal Protection).

APPENDIX II: STREET STANDARDS

This Appendix outlines street standards necessary for dedication to the Town, and also provides guidelines for the development of private roads. The provisions of this Appendix are modified in accordance with the street standards of Appendix III: BNAS Reuse District, for streets that are located within the BNAS Reuse District. (Amended 7/20/09R)

A-II.1 Public Dedication Roadway Standards

All streets in a proposed subdivision must be designed to comply with the following minimum standards, and must be constructed according to the specifications of the Brunswick Public Works Department. In no case shall such a street qualify for acceptance as a Town road, unless and until it is paved with bituminous concrete in accordance with the specifications of the Brunswick Public Works Department. The cost of all road construction including the upgrading of a private way for public acceptance, must be paid by the applicant. All new streets shall comply with Section 511.

Table A-II.1A Road Standards for Town Dedication

	Collector Commercial	Local	Minor
1a. Minimum Right of Way Width, Curbed	66 feet	50 feet	50 feet
1b. Minimum Right of Way Width, Uncurbed	66 feet	60 feet	50 feet
2a. Minimum Pavement Width, Curbed	30 feet	28 feet	24 feet
2b. Minimum Pavement Width, Uncurbed	34 feet	24 feet	20 feet
3. Maximum Grade	8%	8%	12%
4. Minimum Centerline Radius	200 feet	175 feet	125 feet
5. Minimum Tangent Between Reverse Curves	100 feet	75 feet	50 feet
6. Minimum Shoulder Width	4 feet	4 feet	4 feet
7. Maximum Length of Dead End Street	1,500 feet	1,500 feet	1,500 feet
8. Minimum Braking Site Distance for Vertical and Horizontal Curves 200 feet	150 feet	150 feet	n/a

Table A-II.2B Intersection Standards for Roads Proposed for Dedication

	Collector Commercial	Local	Minor
1.Minimum/ Maximum Angle	90 degree	90 degree	90 degree
2.Maximum Grade within 100 feet of Centerline Intersection	3%	3%	3%
3.Minimum Curb Radius	30 feet	30 feet	25 feet
4.Minimum Property Line Radius	20 feet	20 feet	20 feet
5.Minimum Centerline Distance Between Intersections, Same Side of Street	300 feet	250 feet	250 feet
6.Minimum Centerline Distance Between Intersections, Opposite Side of Street	150 feet	150 feet	150 feet
7.Minimum Tangent Length from Intersection Centerlines	50 feet	50 feet	50 feet

C. Sight Distances

The minium sight distance at intersections shall be determined according to the most current edition of "A Policy on Geometric Design of Highways and Streets" published by the American Association of State Highway and Transportation Officials (A.A.S.H.T.O)

D. Turnaround

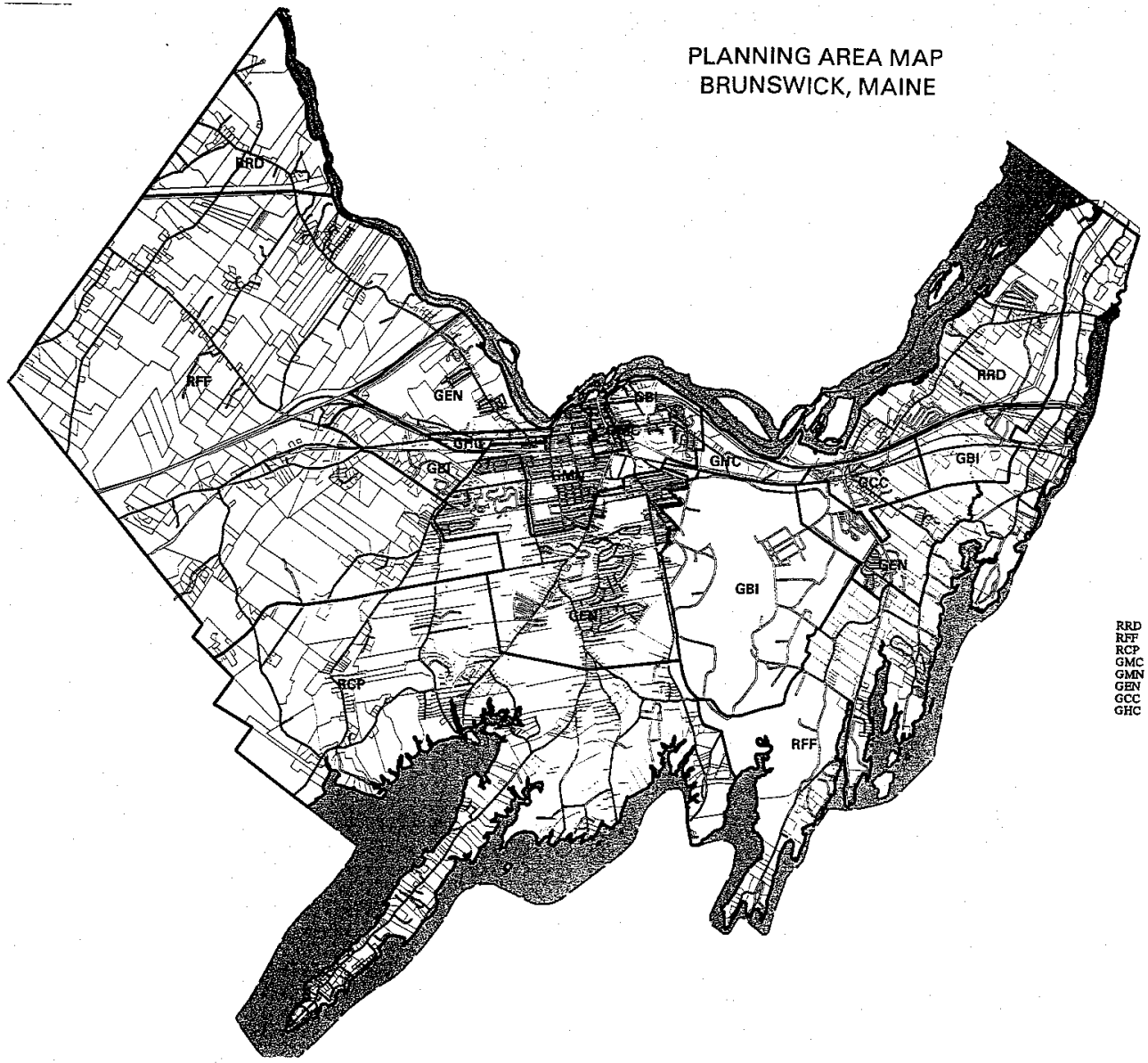
A suitable means for reversing direction shall be provided at the end of a dead-end street in the form of a center-island cul-de-sac or a hammerhead "T" turnaround. A center-island cul-de-sac shall have a minimum island radius of 35 feet, a minimum outside pavement radius of 55 feet and a minimum property line radius of 75 feet. A hammer-head turnaround shall be constructed to comply with the applicable standards of this section, except that the perpendicular cross piece of the "T" shall have a minimum pavement width of 14 feet, and shall extend a minimum of 40 feet to either side of the centerline of the dead-end street. The cross piece of the "T" shall be located within a 50 feet wide right-of-way that shall extend at least 20 feet beyond the ends of the pavement. No lot may be accessed from any part of a hammerhead turnaround.

AII.2Private Street Standards

The following standards are an alternative to be used for roadways not proposed for public dedication. These requirements relate only to Local and Minor Streets, as defined in Section 511. All private streets shall comply with Section 511.

Table A-II.1B Private Street Standards

Streets	Local	Minor	Lane
Minimum Right of Way	50 feet	40 feet	25 feet
Minimum pavement width, curbed roads	20 feet	n/a	n/a
Minimum pavement width, uncurbed roads	18 feet	12 feet	12 feet
Maximum grade	12%	12%	12%
Design Speed; does not apply to "L" turns in a street.	20 mph	20 mph	n/a
Minimum tangent between reverse curves	n/a	n/a	n/a
Minimum shoulder width	2 feet	n/a	n/a
Maximum length of dead-end street	1,500 feet	1,500 feet	n/a
Minimum braking sight distance for vertical and horizontal curves	100 feet	75 feet	75 feet
Sidewalks	required growth districts only.	required in growth districts only.	n/a
Intersections	**Class 2**	**Class 1**	**Lane**
Minimum/ maximum angle of intersecting streets	60-120 degrees	60-120 degrees	80-100 degrees
Maximum grade within 100 feet of intersection	5%	5%	5%
Minimum curb radius	15 feet	n/a	n/a
Minimum center-line distance between intersections (excludes lanes); does not apply to "L" Turns in a Street	Same Side 150 feet Opposite Side 100 feet	n/a	n/a
Minimum tangent length from intersection centerlines	n/a	n/a	n/a


PLANNING AREA MAP
BRUNSWICK, MAINE
RRD
RFF
GEN
GMN
GBI
GMC
GHC
RCC
RCP
RRD Rural Residential Planning Area
RFF Rural Farming and Forest Planning Area
RCP Rural Coastal Protection Planning Area
GMC Maine Street Central Planning Area
GMN Maine Street Neighborhood Planning Area
GEN Extended Neighborhood Planning Area
GCC Cooks Corner Planning Area
GHC Highway Commercial Planning Area

APPENDIX III: BNAS REUSE DISTRICT

A-III.1 Purpose of the BNAS Reuse District

The purpose of the BNAS Reuse District is to provide for the reuse, redevelopment, and development of the portion of the former Brunswick Naval Area Station (BNAS) that is designated for development and active use in the adopted BNAS Reuse Master Plan in accordance with the land use district designations set forth in the Reuse Master Plan. The Reuse District includes provisions for the expedited review of development proposals to encourage the timely reuse of this facility.

A-III.2 Planning Area

The BNAS Reuse District is designated as the BNAS Reuse Planning Area in accordance with Sections 105 and 106. The BNAS Reuse Planning Area is designated as a Growth Area.

A. The BNAS Reuse Planning Area includes the portion of the Brunswick Naval Air Station that is designated for development and active use in the adopted Reuse Master Plan.

B. The BNAS Reuse Planning Area includes much of the land area of the base including the areas that have been developed and/or actively used for base operations including the airstrip and related facilities, the cantonment area, the residential areas, and the golf course.

C. The adopted Reuse Master Plan for the base identifies various land use district designations indicating the desired future use and development pattern for different areas of the base. The intention of the BNAS Reuse Planning Area is to facilitate the reuse, redevelopment, and development of the base in accordance with those land use designations.

D. The BNAS Reuse Planning Area includes the BNAS Reuse District/Reuse Master Plan land use districts as set forth in A-III.5.

A-III.3 Applicability of the BNAS Reuse District Provisions

The provisions of Appendix III apply to and govern the use of land, the reuse of existing buildings and facilities, and the development or redevelopment of buildings or facilities within the BNAS Reuse District. Unless otherwise specifically provided for in Appendix III, all of the other requirements of the Town of Brunswick Zoning Ordinance apply to activities within the BNAS Reuse District. If there is conflict between the provisions of Appendix III and the other provisions of the Zoning Ordinance, the provisions of Appendix III shall govern.

In addition to the Town standards, activity within the BNAS Reuse District is subject to the MRRA Design Guidelines. These guidelines identify additional advisory design features for activity within the Reuse District. The MRRA Design Guidelines are administered by the Midcoast Regional Redevelopment Authority (MRRA) and are not part of the Town's development review process.

A-III.4 Applicability of Chapter Three: Specific Dimensional Standards and Use to the BNAS Reuse District

The use of land, the reuse of existing buildings and facilities, and the development or redevelopment of buildings or facilities within the BNAS Reuse District must conform to the requirements of Chapter Three: Specific Dimensional and Use Provisions except as specifically provided by this section.

A-III.4.1 Non-Conformity (Section 304)

The creation of lots to contain buildings or structures in existence as of the date of adoption of this Appendix shall be done in a manner that conforms to the dimensional standards of the BNAS Reuse District for the land use district in which it is located to the extent practical. However, these provisions recognize that this may not be possible in some situations:

A. Notwithstanding Section 304 of the Zoning Ordinance and the dimensional requirements of A-III.7, a lot may be created that contains one or more buildings or structures in existence as of the date of adoption of this Appendix even if the building(s) or structure(s) is located on the lot in such a manner that:

    1. It does not comply to the minimum front, side, and/or rear yard requirements of the BNAS Reuse District for the land use district in which it is located. Such a building or structure shall not be considered to be non-conforming.

    2. It does not conform to the minimum building frontage, maximum building frontage, and/or maximum front yard requirements of the BNAS Reuse District for the land use district in which it is located. Such a building or structure shall not be considered to be non-conforming.

B. Any building or structure in existence as of the date of adoption of this Appendix that does not conform to the minimum building height, maximum building height, or maximum building footprint per structure requirements of the BNAS Reuse District for the land use district in which it is located shall `not be considered to be non-conforming.

A-III.4.2 Neighborhood Stores (Section 306.16)

Notwithstanding Section 306.16 of the Zoning Ordinance, neighborhood stores are permitted only in the R-CMU Land Use District of the BNAS Reuse District.

A-III.4.3 Outdoor Sales (Section 306.18)

Outdoor sales are permitted only in the R-CMU, R-AR, and R-B&TI Land Use Districts of the BNAS Reuse District.

A-III.4.4 Day Care Centers for Children or Adults (Section 306.19)

Day Care Facilities for Children or Adults that care at any one time for no more than six (6) children or adults that are unrelated to the owner of the facility are permitted in all land use districts of the BNAS Reuse District. All other Day Care Facilities for Children or Adults as defined by 306.19 are permitted only in the R-CMU, R-PO, R-AR, R-B&TI, and R-R&OS Land Use Districts.

A-III.4.5 Open Space Developments (Section 308)

Open Space Developments in accordance with Section 308 of the Zoning Ordinance are permitted in any land use district that allows residential development. The lot requirements for Open Space Developments in existing Residential Zoning Districts in Growth Areas (Table 308.4A) shall apply to the RR Land Use District. The lot requirements for existing Highway Commercial and Cooks Corner Zoning Districts shown in Table 308.4A shall apply to Open Space Developments in all other land use districts.

A-III.5 Land Use District Designations as per the Adopted BNAS Reuse Master Plan

The BNAS Reuse District is divided into six land use districts as contained in the adopted BNAS Reuse Master Plan. The allowed uses and the dimensional and density requirements are set forth in Sections A-III.6 and A-III.7. Additional performance standards are contained in Section A-III.8 and are applicable to the entire BNAS Reuse District.

The six land use districts are:

Land Use Districts General Descriptions Based on the BNAS Reuse Master Plan, approved December 2007

R-CMU	BNAS Community Mixed Use Land Use District (includes the Community Mixed Use Land Use Designation plus the portion of the Education Land Use Designation included in the Southern Maine Community College Public Benefit Conveyance)
R-PO	BNAS Professional Office Land Use District (includes the Professional Office Land Use Designation)
R-AR	BNAS Aviation Related Land Use District (includes the Airport Operations and Aviation Related Business Land Use Designations)
R-B&TI	BNAS Business and Technology Industries Land Use District (includes the Business and Technology Industries Land Use Designation)
R-R	BNAS Residential Land Use District (includes the Residential Land Use Designation)
R-R&OS	BNAS Recreation and Open Space Land Use District (includes the Recreation and Open Space Land Use Designation)

The boundaries of the six land use districts are shown on the BNAS Reuse District Land Use District Map, a conceptual part of the adopted BNAS Reuse Master Plan which may be amended from time to time, and is attached for illustrative purposes to the Town's Official Zoning Map. Further, the boundaries may be refined upon completion and approval of the BNAS Environmental Impact Statement.

A-III.6 Use Table for the Land Use Districts

Use/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Aviation Operations	**X**	**X**	**P**	**P**	**X**	**X**
Aviation Related Business	**X**	**X**	**P**	**P**	**X**	**X**
Bank	**P**	**P**	**P[3]**	**X**	**X**	**X**
Bed and Breakfast	**P**	**X**	**X**	**X**	**X**	**X**
Boarding House	**P**	**X**	**X**	**X**	**X**	**X**
*****Business Office**	**P**	**P**	**P**	**P**	**X**	**X**
Campground	**X**	**X**	**X**	**X**	**X**	**P**
Car Wash	**X**	**X**	**X**	**X**	**X**	**X**
Club or Lodge	**P**	**X**	**X**	**X**	**X**	**X**
College Dining Facility	**P**	**X**	**X**	**X**	**X**	**X**
College Office	**P**	**P**	**X**	**X**	**X**	**X**

Use/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Community Center	P	X	X	X	P[2]	X
Congregate-Assisted Living	P	X	X	X	P	X
Contractor's Space	X	X	P[3]	P	X	X
Convenience Store	P	X	X	X	X	X
Drive-Through	P	X	X	X	X	X
Dwelling, Single and Two Family	X	X	X	X	P	X
Dwelling, 3 or More Units	P	X	X	X	P	X
Dwelling as Part of a Mixed Use Building	P	X	X	X	X	X
Educational Facility	P	P[1]	P	P[1]	X	P
Equestrian Facility/Stable	X	X	X	X	X	P
Farm/Gardens	X	X	X	X	X	P
Gasoline/Fuel Sales	P	X	P[3]	P	X	X
Gasoline/Fuel Service Station	P	X	X	P	X	X
Golf Course	X	X	X	X	X	P
Greenhouse	X	X	X	P	X	P
Hotel	P	P	X	X	X	X
Industry Class I	X	**P[4]	*P	P	X	X
Industry Class II	X	**P[4]	*P	P	X	X
**Industry, Light	P	X	X	X	X	X
Junkyards	X	X	X	X	X	X
Kennel	X	X	X	X	X	X
Library or Museum	P	X	X	X	X	X
Marina	X	X	X	X	X	X
Marine Activities	X	X	X	X	X	X
Media Studio	P	P[1]	X	X	X	X
Mineral Extraction	X	X	X	X	X	X
Motor Vehicle Sales	X	X	X	X	X	X

Use/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Motor Vehicle Service/Repair	**P**	**X**	**X**	**P**	**X**	**X**
Parking Facility	**P**	**P[2]**	**P**	**P**	**X**	**X**
Photographers – Artists Studio	**P**	**P[1]**	**X**	**X**	**X**	**X**
*****Professional Office**	**P**	**P**	**P**	**P**	**X**	**X**
Recreation Facility	**P**	**P[1]**	**X**	**X**	**P[2]**	**P**
Religious Institution	**P**	**P**	**X**	**X**	**X**	**X**
Residence Hall	**P**	**X**	**X**	**X**	**X**	**X**
Restaurant	**P**	**P[1]**	**P[3]**	**X**	**X**	**P[2]**
Retail Class I	**P**	**P[1]**	**P[3]**	**P[2]**	**X**	**P[2]**
Retail Class II	**P**	**X**	**X**	**X**	**X**	**X**
Service Business Class I	**P**	**P[1]**	**P[3]**	**P**	**X**	**X**
Service Business Class II	**P**	**P[1]**	**P[3]**	**P**	**X**	**X**
****Special Event**	**P**	**P**	**P**	**P**	**X**	**P**
Theater	**P**	**X**	**X**	**X**	**X**	**X**
Veterinary Office	**P**	**X**	**X**	**X**	**X**	**P[2]**
Warehousing and Storage	**X**	**X**	***P**	**P**	**X**	**X**

Key: P="permitted use"; X="prohibited use";
"--" = Special Permit required, see Section 701

Notes: [1] Allowed only as part of a mixed-use building
[2] Allowed only as an accessory use to another allowed use
[3] Allowed only in conjunction with aviation related activities or uses
[4] Allowed only as an interim use and restricted to wholly internal operations within buildings existing prior to 12/5/12. Such use shall be allowed until such time as existing buildings are demolished or for a time period not to exceed five years from the effective date, whichever comes first. One five-year extension may be requested.

***Amended 1/24/11 R**
**** Amended 11/5/12 R**
***** Amended 4/1/13 R**

A-III.7 Dimensional and Density Table for the Land Use Districts

Standard/Land Use District	R-CMU	R-PO	R-AR	R-B&TI	R-R	R-R&OS
Minimum Lot Area[1]	None	10,000 sf	None	10,000 sf	4,000 sf	None
Maximum Residential Density	24 units per acre	n/a	n/a	n/a	8 units per acre	n/a
Minimum Lot Width[1]	None	50 ft	50 ft	50 ft	40 ft	None
Minimum Building Frontage (as a % of lot width) [1]	80%	60%	None	None	50%	None
Maximum Building Frontage (as a % of lot width) [1]	100%	80%[2]	None	None	80%	None
Minimum Front Yard[1]	0 ft	15[3] ft	0 ft	10 ft	10 ft	0 ft
Maximum Front Yard[1]	5 ft	25[5] ft	None	None	20 ft	None
Minimum Rear Yard[1]	0 ft	10 ft	20 ft	20 ft	15 ft	20 ft
Minimum Side Yard[1]	0 ft	10[4] ft	15 ft	15 ft	10 ft	10 ft
Maximum Impervious Surface Coverage[1]	100%	80%	80%	80%	50%	10%
Minimum Building Height[1]	2 stories or 24 ft whichever is less	2 stories or 24 ft whichever is less	n/a	n/a	2 stories or 20 ft whichever is less	n/a
Maximum Building Height[6]	4 stories or 50 feet whichever is greater	5 stories or 60 feet whichever is greater	100 ft	60 feet	3 stories or 35 feet whichever is greater	35 ft
Maximum Building Footprint per Structure[1]	20,000 sf	50,000 sf	n/a	n/a	n/a	n/a

Notes: [1] Buildings or structures that are part of Common Development Plan approved by the Planning Board in accordance with Section 413 and that are in conformance with the approved plan are not subject to this limitation

[2]May be increased to up to 100% for buildings that will be located within 5 feet of the front property line that will create a continuous street wall in conjunction with adjacent buildings

[3]May be reduced to as little as 0 feet for buildings that will be located within 5 feet of the front property line that will create a continuous street wall in conjunction with adjacent buildings

[4]May be reduced to as little as 0 feet for buildings that will be located within 5 feet of the front property line that will create a continuous street wall in conjunction with adjacent buildings

[5]May be increased to up to 40 feet if at least 50% of the area between the building and the front property line will be used as improved pedestrian space such as plazas, terraces, sitting areas and similar amenities including areas for outside food and/or beverage service.

[6]Unless restricted to a lower height by airport operational limits.

A-III.8 Noise Requirements

Activities in the BNAS Reuse District shall conform to the noise standards of Section 109.4 of the Zoning Ordinance and the equivalent sound levels set out for the six land use districts in the following table. Routine aircraft operations including take-offs, landings, and taxiing, are exempt from the requirements of this Section and Section 109.4.

Land Use District	Maximum Equivalent Sound Level Measured in dBA (day-night)
R-CMU	60-50
R-PO	65-55
R-AR	75-65 (1)
R-B&TI	70-60 (1)
R-R	55-45
R-R&OS	55-45
Note 1: The maximum equivalent sound level at the boundary of these land use districts with a land use district having a lower noise level measurement, shall not exceed 65 dBA during daytime hours and 55 dBA during nighttime hours.	

A-III.9 Signs

Signs in the BNAS Reuse District shall conform to the sign regulations of Chapter Six of the Zoning Ordinance except as specifically provided for in this section. Where the provisions of this Section establish different standards than Chapter Six, the provisions of this Section shall apply. In addition to the requirements of Chapter Six, signs in the BNAS Reuse District are subject to review by the Midcoast Regional Redevelopment Authority (MRRA) in accordance with the MRRA Design Guidelines.

A-III.9.1 Monument Signs (Section 603.2)

Monument Signs in the R-CMU Land Use District are limited to a maximum of eight (8) feet in height. A monument sign is not permitted for a building in the R-CMU Land Use District if the front wall of the building is less than ten (10) feet from the front property line.

A-III.9.2 Pole Signs (Section 603.3)

Pole signs are not allowed in the R-CMU, R-PO, R-R and R-R&OS Land Use Districts. Pole signs in the

R-AR and R-B&TI Land Use Districts may not exceed fifteen (15) feet in height nor may the size of any pole sign exceed twenty-five (25) square feet.

A-III.9.3 Projecting Signs (Section 603.5)

A projecting sign in the R-CMU Land Use District may not exceed ten (10) square feet in area and may not project more than five (5) feet from the wall to which it is attached. In all other land use districts, a projecting sign may not exceed twenty-five (25) square feet.

A-III.9.4 Wall Signs (Section 603.6)

Each non-residential establishment in the R-CMU, R-R, and R-R&OS Land Use Districts shall be allowed wall signage not to exceed a total of sixteen (16) square feet, except that establishments that occupy a portion of the principal façade shall be allowed wall signage not to exceed sixteen (16) square feet or ten percent (10%) of the area of that portion of the principal façade occupied by the establishment, whichever is greater.

Each non-residential establishment in the all other land use districts in the BNAS Reuse District shall be allowed wall signage not to exceed a total of twenty-five (25) square feet, except that establishments that occupy a portion of the principal façade shall be allowed wall signage not to exceed twenty-five (256) square feet or ten percent (10%) of the area of that portion of the principal façade occupied by the establishment, whichever is greater.

A-III.9.5 Religious Institution Signs (Section 603.7)

A religious institution sign in the BNAS Reuse District may be a wall or monument sign, in accordance with the requirements set forth in Section 603.7.

A-III.9.6 Changeable Copy Signs (Section 603.9)

Changeable copy signs are prohibited in the R-CMU and R-PO Land Use Districts except for “time and temperature” and similar public information displays that contain no advertising, in accordance with the requirements set forth in Section 603.9.

A-III.9.7 Directory Signs (Section 603.10)

In the R-CMU Land Use District, a directory sign that does not exceed five (5) square feet may be attached to the building adjacent to an entrance serving multiple occupants. If the building is setback more than ten (10) feet from the front property line or if the directory sign will serve a group of buildings or uses which share a common point of access from the adjacent street, a freestanding directory sign that does not exceed twenty-four (24) square feet may be used.

In all other land use districts in the BNAS Reuse District, directory signs may be freestanding or attached to the building. A freestanding directory sign may not exceed thirty-two (32) square feet or be more than ten (10) feet high.

A-III.9.8 Illumination of Signs (Section 607)

Internally illuminated signs are permitted in the R-PO, R-AR, and R-B&TI Land Use Districts. In all other land use districts in the BNAS Reuse District, internally illuminated signs are prohibited.

A-III.10 Street Standards

Public and private streets in the BNAS Reuse District shall conform to the provisions of the Brunswick Zoning Ordinance, Section 511 Development of New Streets and Appendix II: Street Standards except as provided for in this section. Where the

provisions of this Section differ from the provisions of Section 511 and Appendix II, the standards of this Section shall apply.

A-III.10.1 Existing Streets

The Planning Board may approve a subdivision or development proposal that includes a street that existed as of the date of adoption of this section even if the existing street does not conform to the requirements of Section 511, Appendix II, and this section, including but not limited to, the standards for minimum right-of-way width, minimum pavement width, and minimum distance between intersections, if the Planning Board finds that the layout and design of the street conforms to the standards to the maximum extent practical and will provide for safe traffic movement and emergency access given the anticipated use of the street.

A-III.10.2 On-Street Parking

The design of public and private streets in the R-CMU and R-PO Land Use Districts must provide for on-street parking where such parking is practical and consistent with the overall street network. In other land use districts, the provision of on-street parking is encouraged where appropriate.

A-III.10.3 Standards for Public Streets

In the BNAS Reuse District, certain standards for streets for public dedication are as follows. The provisions of the Brunswick Zoning Ordinance Table A-II.1A, Road Standards for Public Dedication shall apply to all standards not addressed in the following table:

	Collector or Commercial Street	**Local Street**	**Minor Street**
Minimum Right of Way Width, Curbed -no on-street parking	50 feet	50 feet	50 feet
-on-street parking on one side of the street	58 feet	54 feet	52 feet
-on-street parking on both sides of the street	66 feet	60 feet	58 feet
Minimum Right of Way Width, Uncurbed -no on-street parking	60 feet	54 feet	50 feet
-on-street parking on one side of the street	66 feet	60 feet	56 feet
-on-street parking on both sides of the street	74 feet	66 feet	62 feet
Minimum Pavement Width, Curbed -no on-street parking	26 feet	24 feet	22 feet
-on-street parking on one side of the street	32 feet	30 feet	28 feet
-on-street parking on both sides of the street	40 feet	36 feet	34 feet

	Collector or Commercial Street	Local Street	Minor Street
Minimum Pavement Width, Uncurbed -no on-street parking -on-street parking on one side of the street -on-street parking on both sides of the street	 26 feet 32 feet 40 feet	 22 feet 28 feet 34 feet	 20 feet 24 feet 30 feet
Minimum Centerline Radius (see Note 1)	200 feet	140 feet	100 feet
Minimum Shoulder Width (Uncurbed)	2 feet	2 foot	2 foot
Minimum Curb Radius	15 feet - 30 feet	15 feet – 30 feet	10 feet – 25 feet
Note 1: The Planning Board may approve the layout of streets with L-Turns or right angle turns that do not meet these requirements provided that the design of the turn conforms to the requirements for an intersection and the turn is part of a street network.			

A-III.10.4 Standards for Private Streets

The standards for private streets as set forth in Table A-II.1B Private Street Standards shall guide the design and layout of private local streets, minor streets, and lanes in the BNAS Reuse District. Notwithstanding the provisions of A-II.2 Private Street Standards, the Planning Board may approve private commercial or collector streets in the BNAS Reuse District. The design and layout of private commercial or collector streets shall be guided by the appropriate standards for the same type of public street.

A-III.11 Definitions

Light Industry Use: A use engaged in research and development activities, the processing, fabricating, assembly, disassembly or treatment of finished or semi-finished products from previously prepared material, which activities are wholly conducted in an enclosed building.

Special Event Use: A temporary outdoor or indoor activity that extends beyond the normal uses and standards allowed by the zoning ordinance, sponsored by a for-profit, non-profit or government entity, lasting 14 consecutive calendar days for each event held. Activities include, but are not limited to, auto, boat and air shows, trade shows, fairs, exhibitions, or other assembly-type event for 200 or more people. (Section added 11/5/12 R)

(Appendix added 7/20/09R)

APPENDIX IV: BNAS CONSERVATION DISTRICT

A-IV.1 Purpose of the BNAS Conservation District

The purpose of the BNAS Conservation District is to preserve, maintain and enhance existing natural areas that are designated as Natural Areas on the Reuse Master Plan for Brunswick Naval Area Station (BNAS) to provide for the long-term benefit of the natural environment, including S1-ranked natural communities, and area residents. As such, only those uses that would not significantly alter the environment and/or would provide opportunities to experience the environment are allowed, including uses such as pedestrian trails, nature and interpretive centers, and other non-intrusive passive outdoor recreation and educational uses.

A-IV.2 Planning Area

The BNAS Conservation District is designated as the BNAS Conservation Planning Area in accordance with Sections 105 and 106 herein. The BNAS Conservation Planning Area is designated as a Rural Area.

A. The BNAS Conservation Area includes most of the portion of the Brunswick Naval Air Station that is designated as Natural Areas in the adopted Reuse Master Plan.

B. The BNAS Conservation Planning Area includes the large, undeveloped area at the southern end of the base, areas to the west of the runways that have natural resource value or are unsuitable for development, and a parcel on the northerly side of the Bath Road.

C. The adopted Reuse Master Plan for the base identifies various land use designations indicating the desired future use and development pattern for different areas of the base. The intention of the BNAS Conservation Planning Area is to assure that these areas remain in a substantially undeveloped, natural state.

D. The BNAS Conservation Planning Area includes the BNAS Conservation District.

A-IV.3 Applicability of the BNAS Conservation District Provisions

The provisions of Appendix IV apply to and govern the use of land, the reuse of existing facilities, and the development of buildings or facilities within the BNAS Conservation District as well as lands conveyed to the Town of Brunswick and located within the CU/TC District. Unless otherwise specifically provided for in Appendix IV, all other requirements of the Town of Brunswick Zoning Ordinance apply to activities within the BNAS Conservation District. If there is conflict between the provisions of Appendix IV and the other provisions of the Zoning Ordinance, the provisions of Appendix IV shall govern.

A-IV.4 Applicability of Chapter Three: Specific Dimensional Standards and Use to the BNAS Conservation District

The use of land, the reuse of existing buildings and facilities, and the development or redevelopment of buildings or facilities within the BNAS Conservation District must conform to the requirements of Chapter Three: Specific Dimensional and Use Provisions.

A-IV.5 Permitted Uses in the BNAS Conservation District

The use of land within the BNAS Conservation District and lands conveyed to the Town of Brunswick within the College Use/Town Conservation (CU/TC District shall be limited to uses that are consistent with the Public Benefit Conveyance of these parcels to the Town of Brunswick and with the adopted BNAS Reuse Master Plan. The following types of uses are considered appropriate:

1. Non-intensive recreational uses not requiring structures such as hunting, fishing, bird watching, walking, and hiking;
2. Hiking trails, bridle paths, pedestrian trails, and walkways;
3. Forest management activities in accordance with an approved management plan;
4. Fire prevention activities in accordance with an approved management plan;
5. Wildlife management activities;
6. Soil and water conservation activities;
7. Surveying and resource analysis;
8. Emergency operations;
9. The harvesting of wild crops;
10. Non-residential facilities for educational, scientific or nature interpretation purposes;
11. Buildings accessory to permitted uses;
12. Temporary and permanent piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a water body or wetland;
13. Parking facilities to serve a permitted use;
14. Public utility facilities and structures;
15. Wetland mitigation activities;
16. Nonstructural stormwater management facilities;
17. Signs related to a permitted use or to provide public information; and
18. Other uses that are similar to the listed permitted uses and that are consistent with the Public Benefit Conveyance and the adopted BNAS Reuse Master Plan.

A-IV.6 Development Standards in the BNAS Conservation District

Buildings and structures in the BNAS Conservation District must conform to the following standards:

A. The area of project disturbance must be less than two thousand five hundred (2,500) square feet

B. All buildings, structures, and improvements must be located and designed to minimize their impact on the natural environment and the amount of impervious surface created by the facility.

C. All buildings and structures, except functionally water-dependent uses, shall comply with Section 211 of the Zoning Ordinance, as applicable, set back from the normal high water line of a water body or the upland edge of a wetland shall be met

D. All activities must conform to the applicable requirements of Section 211 of the Zoning Ordinance.

(Appendix added 7/20/09R)

APPENDIX V: COLLEGE USE/TOWN CONSERVATION DISTRICT

A-V.1 Purpose of the College Use/Town Conservation District

The purpose of the College Use/Town Conservation District is to:

1) Provide for the reuse, redevelopment, and development of the west side of the former Brunswick Naval Area Station (BNAS) transferred to Bowdoin College and the Town of Brunswick by Public Benefit Conveyances in accordance with the recommendations of the adopted BNAS Reuse Master Plan, and

2) Preserve, maintain and enhance the existing natural areas within this district, transferred to the Town of Brunswick by Public Benefit Conveyance for conservation purposes.

A-V.2 Planning Area

The College Use/Town Conservation District is designated as the College Use/Town Conservation Planning Area in accordance with Sections 105 and 106. The College Use/Town Conservation Area is designated as a Growth Area.

A. The College Use/Town Conservation Planning Area includes the west side of the Brunswick Naval Air Station that has been transferred to Bowdoin College by Public Benefit Conveyance in accordance with the recommendations of the adopted Reuse Master Plan and is designated for reuse, redevelopment, and development.

B. The College Use/Town Conservation Planning Area includes the west side of the Brunswick Naval Air Station that has been transferred to the Town of Brunswick by Public Benefit Conveyance in accordance with the recommendations of the adopted Reuse Master Plan and is designated for conservation.

A-V.3 Applicability of the College Use/Town Conservation District Provisions

The provisions of Appendix V apply to and govern the use of land, the reuse of existing facilities, and the development of building or facilities within the College Use/Town Conservation District as conveyed to Bowdoin College. Those portions of land conveyed to the Town of Brunswick within the College Use/Town Conservation District shall be governed by Appendix IV. Unless otherwise specifically provided for in Appendices IV or V, all other requirements of the Town of Brunswick Zoning Ordinance apply to activities within the College Use/Town Conservation District. If there is a conflict between the provisions of Appendices IV or V and the other provisions of the Zoning Ordinance, the provisions of Appendices IV or V shall govern.

A-V.4: Permitted Uses in the College Use/Town Conservation District

The use of land within the College Use/Town Conservation District shall be limited to uses that are consistent with the Public Benefit Conveyances of these parcels and with the adopted BNAS Reuse Master Plan. Uses on the land conveyed to the Town of Brunswick for conservation purposes are governed by Section A-IV.5. The following uses, for cultural, educational, recreational purposes and uses ancillary thereto, are allowed on the land conveyed to Bowdoin College:

1. Bed and breakfast;
2. College dining facility;
3. College office;
4. Community center;
5. Daycare facilities for children or adults;
6. Dwelling, single and two family;
7. Dwelling, 3 or more units;
8. Dwelling as part of mixed use building;
9. Greenhouse or florist;
10. Educational facility;

11. Equestrian facility/stable;
12. Farm/gardens;
13. Hiking trails, bridle paths, pedestrian trails, and walkways;
14. Library or museum;
15. Media studio;
16. Motor vehicle service/repair;
17. Outdoor sales;
18. Parking facility;
19. Photographers/artists studio;
20. Recreational facility;
21. Religious institution;
22. Residence hall;
23. Restaurant;
24. Retail class I;
25. Service business class I;
26. Warehousing and storage; and
27. Theater.

A-V.5: Development Standards in the College Use/Town Conservation District

Buildings and structures in the College Use/Town Conservation District on lands conveyed to the Town of Brunswick must conform to the standards in Section A-IV.6.

Notwithstanding Chapter Three: Specific Dimensional Standards and Use, the use of land, the reuse of existing buildings and facilities, and the development or redevelopment of buildings or facilities within the College Use/Town Conservation District as conveyed to Bowdoin College shall be governed by Appendix V. Density is calculated on a net basis whereby the number of units is established by dividing the net site area as defined in Section 501.2 by the maximum density of the zoning district in which the proposed development is located. Density requirements apply only to developments or parts of developments involving dwelling units, as defined.

Buildings and structures in the BNAS College Use/Town Conservation District on property conveyed to Bowdoin College must conform to the standards in the Dimensional and Density Table below:

DIMENSIONAL AND DENSITY TABLE FOR THE COLLEGE USE/TOWN CONSERVATION DISTRICT

Standard/District	**CU/TC**
Minimum Lot Area	4,000 sf
Maximum Density	24 units per acre
Minimum Lot Width	40 ft
Minimum Building Frontage(as % of lot width)	None
Maximum Building Frontage (as % of lot width)	None
Minimum Front Yard	10 ft
Maximum Front Yard	None
Minimum Rear Yard	10 ft (1)
Minimum Side Yard	10 ft (1)
Maximum Impervious Surface Coverage	50%
Minimum building height	None
Maximum Building Height	70 ft
Maximum Building Footprint Per Structure	None
Note 1: Where a CU/TC zoning district boundary abuts a residential zoning district, the minimum rear or side yard for the abutting property line shall be no less than that required by the abutting residential zoning district standards.	

(Appendix added 7/20/09)

APPENDIX VI: CONTRIBUTING STRUCTURES

A-VI.1 National Register of Historic Places Individual and District designated properties within the Village Review Zone

Federal Street Historic District *(listed in 1976)*

U08-104	3	BATH RD
U08-105	5	BATH RD
U08-106	7	BATH RD
U08-107	9	BATH RD
U08-108	15	BATH RD
U08-100	8	CLEAVELAND ST
U08-112	9	CLEAVELAND ST
U08-99	10	CLEAVELAND ST
U08-98	12	CLEAVELAND ST
U08-113	15	CLEAVELAND ST
U08-97	16	CLEAVELAND ST
U08-114	17	CLEAVELAND ST
U08-96	18	CLEAVELAND ST
U08-95	22	CLEAVELAND ST
U07-50	1	FEDERAL ST
U07-51	3	FEDERAL ST
U13-130	4	FEDERAL ST
U07-52	5	FEDERAL ST
U13-129	6	FEDERAL ST
U07-53	7	FEDERAL ST
U07-54	9	FEDERAL ST
U13-128	8 & 10	FEDERAL ST
U07-55	11	FEDERAL ST
U13-140	12/14	FEDERAL ST
U07-56	13	FEDERAL ST
U07-57	17	FEDERAL ST
U13-152	20	FEDERAL ST
U07-60	25	FEDERAL ST
U13-150	28	FEDERAL ST
U07-62	29	FEDERAL ST
U13-149	30	FEDERAL ST
U07-63	31	FEDERAL ST
U13-172	32	FEDERAL ST

U08-16	33	FEDERAL ST
U13-171	34	FEDERAL ST
U13-170	36	FEDERAL ST
U13-169	38	FEDERAL ST
U13-168	40	FEDERAL ST
U13-180	42	FEDERAL ST
U08-35	43	FEDERAL ST
U08-68	45	FEDERAL ST
U13-179	46	FEDERAL ST
U13-199	52	FEDERAL ST
U08-69	53	FEDERAL ST
U13-197A	54	FEDERAL ST
U13-197	56	FEDERAL ST
U13-196	58	FEDERAL ST
U08-78	59	FEDERAL ST
U13-195	60	FEDERAL ST
U08-83A	61	FEDERAL ST
U13-194	62	FEDERAL ST
U08-84	63	FEDERAL ST
U13-193	64	FEDERAL ST
U08-86	69	FEDERAL ST
U08-118	70	FEDERAL ST
U08-87	71	FEDERAL ST
U08-117	72	FEDERAL ST
U08-116	74	FEDERAL ST
U08-88	75	FEDERAL ST
U08-89	79	FEDERAL ST
U08-94	80	FEDERAL ST
U08-93	82	FEDERAL ST
U08-90	83	FEDERAL ST
U08-92	86	FEDERAL ST
U08-91	88	FEDERAL ST
U13-202	4	GREEN ST
U13-201	6	GREEN ST
U16-23	216	MAINE ST
U16-43	217	MAINE ST
U16-41	218	MAINE ST
U16-42	226	MAINE ST

U13-176	153	PARK ROW
U13-175	155/157	PARK ROW
U13-177	159	PARK ROW
U13-186	163	PARK ROW
U13-187	165	PARK ROW
U13-188	167	PARK ROW
U13-189	169	PARK ROW
U13-190	173	PARK ROW
U13-192	179	PARK ROW
U08-109	181	PARK ROW
U08-110	183	PARK ROW
U08-185	185	PARK ROW
U13-190	173	PARK ROW
U13-184	8	SCHOOL ST
U13-165	11	SCHOOL ST
U13-166	13	SCHOOL ST
U13-183	14	SCHOOL ST
U13-167	15	SCHOOL ST
U13-182	16	SCHOOL ST
U13-181	18	SCHOOL ST
U08-34	22	SCHOOL ST

Lincoln Street Historic District *(listed in 1976)*

U13-16	2	LINCOLN ST
U13-24	3/5	LINCOLN ST
U13-15	4/6	LINCOLN ST
U13-25	7	LINCOLN ST
U13-14	8	LINCOLN ST
U13-13	10	LINCOLN ST
U13-26	11	LINCOLN ST
U13-27	13	LINCOLN ST
U13-12	14/16	LINCOLN ST
U13-28	15	LINCOLN ST
U13-29	17	LINCOLN ST
U13-10	18	LINCOLN ST
U13-30	19	LINCOLN ST
U13-9	20	LINCOLN ST
U13-8	22	LINCOLN ST

Individually Listed Properties

U13-185	207	MAINE ST
U13-105	27	PLEASANT ST
U14-104	2/4	OAK ST

(Appendix added 7/1/13)