Draft Zoning Ordinance
Town of Brunswick, Maine

PUBLIC DRAFT

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Chapter 1 - General Provisions

1.1 Title, Scope, and Authority

1.1.1. Title

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

1.1.2. 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 Zoning Districts.

1.1.3. Authority

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

1.2 Purposes

1.2.1. General Purposes

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

1.2.2. Specific Purposes

Specific purposes of this Ordinance are to:

A. Direct development to Town-designated growth areas by encouraging higher density and infill development, particularly where public water, sewer, and stormwater systems exist, and in a manner that is compatible with the existing livable neighborhoods.

B. Maintain the rural character of, and guide development away from, designated rural areas by limiting development and promoting the preservation and protection of important open spaces and habitats.

C. Protect shorelands rivers, streams, wetlands, forest habitats, and other natural resources from harmful development activities.

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

E. Protect and maintain historic, scenic, and recreational resources.

F. Promote an economically viable, pedestrian-friendly, and attractive downtown that serves as the community's social center, the focus of the community's creative economy, and home to a variety of small businesses while accommodating increased housing opportunities.

G. Encourage expansion of existing and new commercial, industrial, agricultural, and marine harvesting enterprises to maintain a diverse and healthy local economy.

H. Provide expanded pedestrian, bicycle, and transit use through efficient land use and encourage more efficient vehicular use.

I. Control nuisances such as, but not limited to, odor, noise, and site lighting.

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

K. Provide an efficient and fair land use regulatory system.

L. Require the recognition and evaluation of flood hazards in all official actions relating to land use in designated floodplain areas.

1.3 Planning Areas

1.3.1. Planning Areas Identified

The Town of Brunswick is organized into the following Planning Areas. These areas are described in Appendix A - Planning Areas.

Table 1.3.1: Planning Areas

Growth Areas	Rural Areas
Town Core	Farm and Forest Conservation Areas
Town Residential	Coastal Protection Areas
Town Extended Residential	Route One Mixed Use Area
Cook's Corner Commercial Hub	
Cook's Corner Extended Area	
BNAS Reuse	
Commercial Connectors	
Exit 28-Mixed Use Development Area	
Industrial Areas	

1.3.2. Purposes and Uses of Planning Areas

A. The Planning Areas are identified and described in this Ordinance 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 proposed ordinance text and map amendments, waivers, Special Permits, and Appeals.

B. If a conflict is found between standards applicable to zoning districts and the policies set forth in Appendix A (Planning Areas) for the corresponding Planning Area, the zoning district standards shall prevail.

1.4 Zoning Districts and Zoning Map

1.4.1. Establishment and Maintenance of Zoning Map

A. The Town is divided into the various base and overlay zoning districts established in Chapter 2 (Zoning Districts), with district locations and boundaries shown on the Brunswick Zoning Map.

B. The Zoning Map is hereby incorporated by reference and made part of this Ordinance.

C. The Zoning Map is the latest adopted electronic map of zoning districts, as affirmed by the Department of Planning and Development.

1.4.2. Lots in Two Zoning Districts

A. Lots Greater than Ten Acres

When a lot greater than ten acres is divided by a boundary between two base zoning districts, 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 minimum yard depth requirements or frontage requirements along the zoning boundary line.

B. Lots Less than Ten Acres

When a lot less than ten acres is divided by a boundary between two base districts, the provisions of the zoning district in which the larger portion of the lot lies shall govern the use, density, lot area, and dimensional requirements for the lot.

C. Lots in Overlay Districts

When a lot is partially within an overlay district, the provisions of the overlay district shall apply only to the affected portion of the lot, regardless of the size of the lot.

1.5 Conflicts; Relationship to Other Laws

Where the provisions in one part of this Ordinance conflict with those in any other part of this Ordinance, the more restrictive provision shall apply except where expressly provided otherwise, and except that the provisions of an Overlay zone district supersede the provisions of the base zone district regardless of whether they are stricter or more lenient. Nothing in this Ordinance shall be interpreted to supersede the provisions of any other local, State, or federal ordinance, law, rule, or regulation. Where the provisions of this Ordinance conflict with any other ordinance, law, rule, or regulation, the more restrictive provision shall govern unless State or federal law requires a different outcome.

1.6 Nonconformities

1.6.1. General

A. Nonconforming Defined

As used in this Section, the term "nonconforming" as applied to a lot, use, structure, site feature, or sign refers to a lot, use, structure, site feature, or sign that was lawfully established at the time of the effective date of this Ordinance or a subsequent amendment to the Ordinance, but that no longer complies with the provisions of this Ordinance applicable to the property.

B. Remedy of Unsafe Conditions

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure, site feature, or sign—or part of a structure, site feature, or sign—that is declared to be unsafe by the Town.

1.6.2. Nonconforming Lots

A. Adjoining and Vacant Lots in Common Ownership

1. Outside SPO District

Shall be combined into conforming lots and plat showing new lot dimensions shall be recorded in Cumberland County Register of Deeds before any construction takes place.

2. In SPO District

a. Adjoining Lots with Principal Uses or Structures

i. If a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the lot area complies with the minimum requirements for the base zoning district (and any overlay districts) and the State of Maine Subsurface Wastewater Disposal Rules (in those areas not served by public water).

ii. 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 lot area complies with the minimum requirements for the base zoning district (and any overlay districts) and the State of Maine Subsurface Wastewater Disposal Rules (in those areas not served by public water). When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements in Section 4.1 (Dimensional Standards).

b. Adjoining Lots Without Principal Structures

If one or more of the lots are vacant or contain no principal structure, the lots shall be combined or recombined to the extent necessary to meet the dimensional requirements. This provision shall not apply to two or more contiguous lots owned by the same person or persons on the effective date of this Ordinance and recorded in the Cumberland County Registry of Deeds, and where at least one of the lots is nonconforming, if the nonconforming 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 area requirements of the base zoning district (and any overlay districts) are reconfigured or combined so that each new lot contains at least 20,000 square feet of lot area.

B. Lots Within an Approved Subdivision

1. Outside SPO District

May be used for any use allowed by Chapter 3 or the Nonconforming Use portion of this table and development standards in effect when lot was recorded

2. In SPO District

May be used for any use allowed by Chapter 3 or the Nonconforming Use portion of this table and development standards in effect when lot was recorded IF:

a. Lot is in separate ownership and not of contiguous frontage with other lots in same ownership, AND EITHER subsection b. or subsection c. applies.

b. If lot area is at least 20,000 sq. ft., it complies with Chapter 4 standards, OR;

c. If lot area is smaller than 20,000 sq. ft. or lot width is less than 100 ft., setbacks are no less than 90%, and impervious surface coverage is no more than 110%, of Chapter 4 standards.

C. Other Lots

1. Outside SPO District

Same as Lots Within an Approved Subdivision IF:

a. Lot is in separate ownership and not of contiguous frontage with other lots in same ownership, AND EITHER subsection b. or subsection c. applies.

b. If lot area is at least 3,000 sq. ft. it complies with Chapter 4 standards OR

c. If lot area is smaller than 3,000 sq. ft. or lot width is less than 40 ft., setbacks are no less than 90%, and impervious surface coverage is no more than 110%, of Chapter 4 standards.

2. In SPO District

Standards for Lots Within an Approved Subdivisions in Section 1.6.B.2. apply.

1.6.3. Nonconforming Uses

The following standards apply both in and outside the SPO District.

A. Continuance

A nonconforming use may be continued even though it does not conform to the use standards for the base zoning district (and any overlay district) in which it is located. A nonconforming use that is discontinued (a) for 36 months or more outside the APO, SPO, FPO, and WPO Districts, or (b) for 12 months or more within the APO, SPO, FPO, or WPO Districts, may not be re-established except in compliance current requirements of this Ordinance.

B. Change in Use

A nonconforming use may be replaced by another use not allowed in the base zoning district (or any overlay district) if the Director determines that the new use will have no greater adverse impact on the water body, wetland, aquifer, or on adjacent properties and resources, than the existing use. To show that no greater adverse impact will occur, the development application shall include written documentation assessing 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, commercial fishing and maritime activities, and other functionally water-dependent uses.

C. Expansion of Use

A nonconforming use may be extended throughout the existing structure housing the use. Outside the APO, SPO, FPO, and WPO Districts, a nonconforming use may also be extended to any expansion of the existing structure allowed by this Ordinance. Any additional expansion of area occupied by the use, whether from expansion of the structure or extension of the use to additional land area, shall be limited to 1,000 square feet over a five-year period—provided that further expansion of a significant nonconforming use may be allowed through approval of a Special Permit in accordance with Section 5.2.3.C (Review of Legally Nonconforming Special Permit Uses).

D. Reconstruction of Structure with a Nonconforming Use

If a structure housing a nonconforming use is destroyed or damaged by any cause, the nonconforming use may be re-established in the structure if it is restored or reconstructed provided that a Building Permit for the restoration or reconstruction is obtained (a) within five years after the date of destruction or damage, if the property is located outside the APO, SPO, FPO, and WPO Districts, or (b) within one year of the date of destruction, if the property is located within the APO, SPO, FPO, and districts

1.6.4. Nonconforming Structures

A. Continuance

Both in and outside the SPO District, a nonconforming structure may be continued, and may continue to be used for any use allowed by Chapter 3 or by any overlay district in which the property is located, or by the Nonconforming Use portion of this table, even though the structure or its use does not conform to the requirements of this Ordinance. The property located North of Highway 1, West of Maine Street, and South of the Androscoggin River that exceed the height or lot coverage of the GM6 zoning district shall be deemed to be conforming structures.

B. Expansion

1. Outside SPO District

A nonconforming structure may be expanded if the expansion area complies with the requirements of this Ordinance and the expansion does not increase the structure's nonconformity or create a new nonconformity. Where the structure is nonconforming because it extends into a minimum required yard, it may be expanded further within the minimum required yard as long as it does not extend beyond the yard depth established by the existing nonconforming structure.

2. In SPO District

a. A nonconforming structure may be expanded if: (a) the expansion area complies with the requirements of this Ordinance; (b) the expansion does not increase the structure's nonconformity or create a new nonconformity; (c) any portion of the structure existing on January 1, 1989 that fails to comply with the required minimum setback from a water body or wetland in Section 2.4.3.C.1 (Setbacks of Structures from Water Bodies and Wetlands) is expanded by less than 30%, as measured in floor area or volume (this includes any permitted expansion resulting from a repair, restoration, or reconstruction); and (d) any new, enlarged, or replacement foundation constructed under the structure is placed so that the structure and foundation comply with the minimum setback from a water body or wetland required by Section 2.4.3.C.1 to the greatest extent practicable, as determined by the Codes Enforcement Officer in accordance with Section 1.6.9 (Determination of Compliance to the Greatest Extent Practicable).

b. A foundation shall not be considered an expansion of the structure if the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in accordance with (d) above, and does not cause the structure to be elevated by more than three feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill).

C. Restoration, Reconstruction or Replacement

1. Outside SPO District

Any nonconforming structure that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition, or replaced with a structure comparable to the destroyed or damaged structure, provided that a Building Permit for the restoration, reconstruction, or replacement is obtained within two years after the date of destruction or damage; and no existing nonconformity is increased and no new nonconformity is created. Any restoration, reconstruction, or replacement of a nonconforming structure authorized by a Building Permit obtained after two years shall comply with the current requirements of this Ordinance.

2. In SPO District

a. Less than 50 Percent Damage

Any nonconforming structure that is destroyed or damaged by any cause such that the destruction or damage is 50% or less of the structure's pre-destruction or pre-damage market value may be restored or reconstructed to its pre-destruction or pre-damage condition, or replaced with a structure comparable to the destroyed or damaged structure, provided that the structure is restored, reconstructed, or replaced in the same location.

b. More than 50% Damage

i. Any nonconforming structure that is destroyed or damaged by any cause such that the destruction or damage exceeds 50% of the structure's pre-destruction or pre-damage market value may be restored or reconstructed to its pre-destruction or pre-damage condition, or replaced with a structure comparable to the destroyed or damaged structure, provided that a Building Permit for the restoration, reconstruction, or replacement is obtained within one year after the date of destruction or damage; and no existing nonconformity is increased and no new nonconformity is created; and the restored, reconstructed, or replacement structure complies with the minimum setback from a water body or wetland required by Section 2.4.3.C.1 (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable. Any restoration, reconstruction, or replacement of the structure authorized by a Building Permit obtained after one year shall comply with all requirements of this Ordinance.

ii. If the structure can be restored, reconstructed, or replaced so that the total amount of floor area and volume of the original structure is located outside the minimum setback from a water body or wetland required by Section 2.4.3.C.1, no portion of the restored, reconstructed, or replacement structure shall be located at less than the minimum setback from a water body or wetland required by Section 2.4.3.C.1 for a new structure. If the structure cannot be repaired, restored, reconstructed, or replaced so that the total amount of floor area and volume of the original structure is located outside the minimum setback from a water body or wetland required by Section 2.4.3.C.1, the total amount of floor area and volume of the restored, reconstructed, or replacement structure located within the minimum setback area shall be no greater than for the original structure, except as allowed in accordance with the Nonconforming Structures/Expansion portion of this table. If the restoration, reconstruction, or replacement of a nonconforming structure requires removal of vegetation within the required minimum setback area from a water body or wetland, such vegetation shall be replaced within the setback area in accordance with Section 1.6.10 (Standards for Replacement of Removed Vegetation).

D. Relocation

1. Outside SPO District

A nonconforming structure may be relocated to a different parcel provided it complies to the greatest extent practicable with the dimensional requirements of the base zoning district (and any applicable overlay district) in which it is relocated. In determining whether the relocated structure complies with dimensional requirements to greatest extent practicable, the reviewing entity shall consider the area of the parcel, the parcel's slope and potential for soil erosion, the location of other structures on the parcel and on adjoining properties, and the location of any septic systems on the parcel.

2. In SPO District

A nonconforming structure may be relocated to a different parcel provided it complies with the minimum setback from a water body or wetland required by Section 2.4.3.C.1 (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable. If the relocation of a nonconforming structure requires removal of vegetation within the required minimum setback area from a water body or wetland, such vegetation shall be replaced within the setback area in accordance with Section 1.6.10 (Standards for Replacement of Removed Vegetation). Where feasible, when a

nonconforming structure in the setback area is relocated, the original location of the structure shall be replanted with vegetation consisting of grasses, shrubs, trees, or a combination thereof.

1.6.5. Nonconforming Site Features

The following standards apply both in and outside the SPO District.

A. Continuance

A nonconforming site feature may be continued even though it does not conform to the requirements of this Ordinance.

B. Expansion or Modification

A nonconforming site feature may be expanded or modified if the expansion area or modification complies with the requirements of this Ordinance; and The expansion or modification does not extend the site feature's nonconformity or create a new nonconformity. In the APO, SPO, FPO, and WPO Districts, the expansion or modification The expansion of modification must also comply with the minimum setback from a water body or wetland required by Section 2.4.3.C.1 (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable.

C. Restoration, Reconstruction, or Replacement

Any benign nonconforming site feature that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition, or replaced with a site feature comparable to the destroyed or damaged site feature, provided that no existing nonconformity is increased and no new nonconformity is created, and provided that a permit for the restoration, reconstruction, or replacement site feature is obtained (a) within two years after the date of destruction or damage, if the property is located outside the APO, SPO, FPO, and WPO Districts, and (b) within one year after the date of destruction or damage, if the property is located within the APO, SPO, FPO, and WPO Districts, Any restoration, reconstruction, or replacement of the site feature approved after two years shall comply with all requirements of this Ordinance. Within the APO, SPO, FPO, and WPO Districts, The restoration, reconstruction, or replacement complies with the minimum setback from a water body or wetland required by Section 2.4.3.C.1 (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable.

1.6.6. Nonconforming Signs

A. Continuance

A nonconforming sign may be continued even though it does not conform to the requirements of this Ordinance.

B. Change

Any change in the content of a nonconforming sign—including names, words, logos, or similar information—shall not constitute a change requiring the sign's compliance with the current sign standards in Section 4.11 (Signs) provided that, the sign is not a prohibited sign under Section 4.11.7 (Signs Expressly Prohibited), the changes do not make the sign more nonconforming, and a permit is obtained for the changes from the Codes Enforcement Officer.

C. Termination of Identified or Advertised Business or Activity

If a sign becomes nonconforming because the business use or activity it identifies or advertises is terminated (i.e., because it no longer relates to a business use or activity on the

premises), the sign face shall be removed within 30 days after the date the business or activity is terminated. If the sign face is not reused by another business or activity occupying the same site within one year after the termination of the previous business, the whole sign—including all mountings, brackets, poles, sign faces, and other signage material—shall be removed.

D. New Signage and Waivers

New signage may be proposed for a site that contains nonconforming signage, provided that all new signage complies with Section 4.11 (Signs). The reviewing entity may waive sign standards to allow new signage on a site containing nonconforming signage provided it finds that extenuating circumstances render compliance with Section 4.10.2, infeasible or impractical, and that the signage plan for the entire site furthers the spirit and intent of this Ordinance 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 Section 4.10.2.

E. Restoration or Reconstruction

Any nonconforming sign that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition provided that. A permit for the restoration or reconstruction is obtained within two years after the date of destruction or damage, and no existing nonconformity is increased and no new nonconformity is created. Any restoration or reconstruction of the sign approved after two years shall comply with all requirements of this Ordinance.

F. Waivers for Historically Significant Signs

Where a nonconforming sign is located within a Village Review Overlay (VRO) District, the property owner may apply for a Certificate of Appropriateness in accordance with Section 5.2.6 (Village Review Overlay Design Review) that requests a waiver from one or more of the nonconforming sign requirements above. The Review Authority shall approve such a waiver request on finding that, the sign is at least 50 years old, the sign has a significant connection with an institution or product that is identified with the history of the Town, and continued existence of the sign will contribute to the economic development of the Town. If a waiver is approved, the Review Authority may attach conditions regarding the appearance or maintenance of the sign.

1.6.7. Determination of Compliance to the Greatest Extent Practicable

In determining whether an expanded, restored, reconstructed, replacement, or relocated nonconforming structure or site feature complies with setback requirements to greatest extent practicable, the Reviewing Entity shall consider the area of the parcel, the parcel's slope and potential for soil erosion, the location of other structures on the parcel and on adjoining properties, the location of any septic systems and soils suitable for septic systems on the parcel, and the type and amount of vegetation to be removed to accomplish the expansion.

1.6.8. Standards for Replacement of Removed Vegetation

Where replacement of removed vegetation is required by a provision in this Section 1.6.10, the vegetation shall be replaced within the setback area in accordance with the following standards:

A. Removed trees shall be replaced with at least one native tree, at least three feet in height, for every tree removed.

1. If more than five trees are planted, no one species of tree shall make up more than 50 percent of the number of trees planted.

2. Replaced trees must be planted no further from the water body or wetland than the trees that were removed.

Other woody and herbaceous vegetation and ground cover that are removed or destroyed shall be re-established in an area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed. The replacement vegetation and/or ground cover shall consist of similar native vegetation and/or ground cover that was disturbed, destroyed or

1.6.9. Determination of Compliance to the Greatest Extent Practicable

In determining whether an expanded, restored, reconstructed, replacement, or relocated nonconforming structure or site feature complies with setback requirements to greatest extent practicable, the Reviewing Entity shall consider the area of the parcel, the parcel's slope and potential for soil erosion, the location of other structures on the parcel and on adjoining properties, the location of any septic systems and soils suitable for septic systems on the parcel, and the type and amount of vegetation to be removed to accomplish the expansion.

1.6.10. Standards for Replacement of Removed Vegetation

Where replacement of removed vegetation is required by a provision in this Section 1.6.10, the vegetation shall be replaced within the setback area in accordance with the following standards:

A. Removed trees shall be replaced with at least one native tree, at least three feet in height, for every tree removed.

1. If more than five trees are planted, no one species of tree shall make up more than 50 percent of the number of trees planted.
2. Replaced trees must be planted no further from the water body or wetland than the trees that were removed.

B. Other woody and herbaceous vegetation and ground cover that are removed or destroyed shall be re-established in an area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed. The replacement vegetation and/or ground cover shall consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

1.7 Definitions and Rules of Construction

1.7.1. Rules of Ordinance Structure

A. 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.

B. Separability

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

C. Abbreviations

The following abbreviations are used in this Ordinance:

Abbreviation	Meaning
ft.	foot or feet
in	inch or inches
sf	square foot or square feet
du	dwelling unit or dwelling units

1.7.2. Definitions

Accessory Apartment: A subordinate dwelling unit added to, created within, or detached from a 1- or 2-family dwelling or a commercial structure, but located on the same lot or parcel as a primary residential structure, that provides basic facilities for living, sleeping, cooking, and sanitation.

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 percent of the floor area of all structures on a lot.

Adult Entertainment Establishment: 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 that appeal to prurient interest and that 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.

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.

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.

Agricultural Structure: Any primary or accessory structure designed for or used for conducting agriculture, including but not limited to barns, sheds, silos, animal shelters, storage enclosures, pens, water or irrigation tanks or related structures, or bunkhouses, but not including a 1- or 2-family dwelling, a multifamily dwelling, and not including portable equipment.

Aquaculture: The commercial raising of marine animals and plants in an aquatic environment, including the processing of marine animals and plants and their byproducts.

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 2.4.4.B.2.

Assisted/Congregate Living Facility: A long-term residence for people with disabilities that prevent them from living on their own, or for people without disabilities. The residence provides private rooms or apartments with common areas for dining, socializing and programs along with daily meals, personal services, and may also offer limited nursing and 24 hour care. Housekeeping services are provided, but residents are relatively self-sufficient. It also includes a “community living arrangement” as defined in Title 30-A M.R.S.A. § 4357-A for 8 or fewer persons with disabilities. For purposes of this use, the term “disabilities” shall have the same meaning assigned by federal law and regulations pursuant to the Fair Housing Act Amendments of 1988.

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.

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.

Banner: A sign that extends from one side of the street to the other.

Basal Area: The area of cross-section of a tree stem, including bark, at 4½ feet above ground level.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year commonly called the 100-year flood.

Basement: Any area of building having its floor subgrade (below ground level) on all sides. For purpose of the shoreland zoning regulations of the NPO1 District, basement means any portion of a structure with a floor-to-ceiling height of six feet or more and having more than 50 percent of its volume below the existing ground level.

Bed and Breakfast: A dwelling occupied by the owner as a principal place of residence with not more than ten rooms that 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) that are offered for rent, with or without meals.

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.

Building Height: Generally the vertical distance measured from the average ground elevation of the finished grade at the base of a structure up to the highest point of the structure. For buildings with a gabled roof, however, building height is measured up to the midpoint between the eave and peak of the roof. For purposes of the shoreland zoning regulations for the NPO1 District, height of a structure is measured as the vertical distance from the mean original (prior to construction) grade at the downhill side of the structure up to the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Bus or Rail Station: An area where public passengers board or alight from busses or trains or transfer between busses and trains, including accessory facilities such as passenger shelters and benches, but not including any facilities located in the public rights-of way.

Campground: Any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy, Forest or Tree: The more or less continuous cover formed by tree crowns in a wooded area.

Car Wash: A structure and related land area containing facilities for the commercial washing of motor vehicles by hand or by using production-line, automated or semi-automated equipment, including facilities where washing is performed by the motor vehicle owner, where washing is mechanized, and where washing is performed by employees.

Character-Defining Feature: The form, material, and detail of an architectural feature 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, and orientation of structures, and landscape features such as fences, walls, posts, and walkways.

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

College: Any building consisting primarily of classroom space that is used for offering courses, lectures, training seminars or other similar use for post-secondary education, including accessory structures and uses necessary to support those activities, but not including facilities such as a kindergarten, elementary, middle, or secondary education.

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.

Common Development Plan: A proposed development approved in accordance with Section 5.2.7.H. 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 redeveloped building on an individual lot or multiple lots.

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

Community Water and Sewer Facility: A water and sewer facility that is operated and maintained solely by a homeowners' association or other non-municipal entity and that does not connect to any municipal system.

Compatibility: For purposes of the Village Review Overlay District, possessing characteristics that are predominant in nature to character-defining features of structures within a neighborhood, as described in the Village Review Overlay 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.

Complete: In the context of a Development Review application, complete means:

(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 Review Authority 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.

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 Title 33 M.R.S.A. Subchapter 8-A, § 476-479(B), for the purposes of conserving open space, agricultural land, or natural, cultural, historic and scenic resources.

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

Contributing Resource of Local or Regional Significance: For purposes of the Village Review Overlay District, a building, site, structure, or object over 50 years of age identified in Appendix C - Contributing Historic Structures as having local or regional significance, based on Town-established criteria as follows:

A. Its value as a significant example of the cultural, historic, architectural, archeological, or related aspect of local or regional heritage;

B. Its location as a site of significant historic or prehistoric event or activity that may have taken place within or which involved the use of any existing structure on the property.

C. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological, or related aspect to local or regional heritage.

D. Its exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, and artisanship.

E. Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in local or regional history or development.

F. 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.

Contributing Resource: For purposes of the Village Review Overlay District, 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.

Cook's Corner Master Plan: A plan, titled "The Cook's Corner Master Plan" and dated June 1998, prepared by the Cook's Corner Master Plan Committee for the development of the Cook's Corner area, as approved and amended by the Town Council.

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

Day Care Facility: A Day Care Facility for Children, as defined in Title 22 M.R.S.A. Chapter 1673, Section 8301; and Adult Day Care Programs, as defined in Title 22 M.R.S.A. Chapter 1679, Section 8601. A Small Day Care Facility is one that provides services for no more than six children or adults. A Large Day Care Facility is one that provides services for more than six children or adults.

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

Department: The Department of Planning and Development of the Town of Brunswick, unless the context clearly indicates that another Department is referenced.

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

Dimensional Requirement: Any requirement of this Ordinance regulating spatial aspects of land, structures, and uses—including, not limited to, minimum lot area, minimum lot width, minimum (and maximum) yard depths, minimum and maximum building height, maximum impervious surface coverage, and maximum building footprint, but excluding density.

Director: The Director of Planning and Development of the Town of Brunswick, unless the context clearly indicates that another official is referenced.

Disturbance: For the purposes of WPO District regulations, the grading and/or permanent clearing of naturally occurring stands dominated by woody vegetation for other activities included in Section 2.4.5.C.1.a, or the area of such disturbance.

Drive-Through Service: Any structure through which a product or service is provided directly to a customer seated in a motor vehicle including, but not limited to, take-out windows, banking terminals, automatic teller machines 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 a motor vehicle that remains in a parking space.

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 other uses to which the lot is devoted.

Dwelling, 1- or 2-family: A structure designed for occupancy by one or two households on a single lot.

Dwelling Unit: A group of rooms that provide living quarters with independent cooking, sleeping, and bathroom facilities for one household. The term shall apply to mobile homes, and to rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented. Recreational vehicles are not dwelling units.

Elevated Building: For the floodplain management purposes of the FPO District, an elevated building is a non-basement building that is:

A. Built to have the top of the elevated floor (in the case of buildings in Zones A1-30 or A) or the bottom of the lowest horizontal structural member of the elevated floor (in the case of buildings in Zones V1-30) 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.

Equestrian Facility: A facility designed and intended for the display of equestrian skills and the hosting of events including but not limited to show jumping, dressage, and similar events of other equestrian disciplines, and including stables and other accessory uses and structures supporting those activities.

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.

Expansion of Use: The addition of weeks or months to a use's operating season, additional hours of operation, or an increase in floor area or ground area devoted to a particular use.

Fall Zone: The area within which a telecommunications tower may be expected to fall in the event of a structural failure, as determined by engineering standards.

Farm: A location for 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 greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Final Plan: _____

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Emergency Management Administration, on which the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Floodplain: Any land area susceptible to being inundated by flood waters from any source during a Base Flood.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

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. 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.

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, floor area shall be measured from the interior of the walls which defines the space.

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

Foundation: For purposes of the shoreland area regulations for the SPO District, 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.

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.

Front Lot Line: That line that separates the lot from a public or private street 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 purposes of the floodplain management regulations for the FPO District, a use that 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 shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Garage and Yard Sales. A temporary activity for the sale of used household goods on a property containing a residential primary use.

Golf Course: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards, excluding miniature golf, golf driving ranges and Frisbee golf. A golf course may include a clubhouse and shelters as accessory uses.

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.

Hazardous Matter: any material identified as being hazardous by either the Maine Department of Environmental Protection (MEDEP) or the U.S. Environmental Protection Agency (USEPA).

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.

Historic Structure: Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. 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; or

D. Individually listed on a Town inventory of historically significant places.

Home Occupation: A lawful business, profession, occupation or trade, conducted within a dwelling unit or accessory structure by a resident of the dwelling unit, where the business, profession, occupation, or trade is incidental and subordinate to use of the dwelling for residential purposes.

Hotel: A facility that provides sleeping accommodations for transient guests, with or without a dining room or restaurant, including a motel, but excluding Bed and Breakfast, Boarding House, and Residence Hall facilities.

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

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.

Individual Private Campsite: An area of land that is not associated with a campground, but is developed for repeated camping by only one group of not more than ten individuals, and involves site improvements that may include, but not be limited to, a gravel pad, parking area, fire place, or tent platform.

Industry, Artisan. This use includes small scale manufacturing of arts, crafts, gifts, clothing, foods, beverages, and other materials in facilities that also sell goods produced to the public from the same location, in a space not to exceed 10,000 square feet and where no more than 10 employees typically occupy the space at any given time.

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. Includes small engine repair.

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 or Automobile Graveyard: 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, scrap iron, steel, copper, brass, and other scrap ferrous or nonferrous material or three or more unserviceable, discarded, worn-out, or junked motor vehicles. This use includes garbage dumps, waste dumps, and sanitary landfills.

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

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 waterborne contaminants into the ground.

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

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

Lot Width: The horizontal distance between side lines measured along a line that is parallel to the front lot line.

Lot, Rear: A lot located to the rear of another lot that lacks the minimum road frontage required in the zoning district and is accessed by either by a strip of land that is part of the parcel or a deeded right-of-way or easement over one or more lot(s).

Lowest Floor: For purposes of the floodplain management regulations for the NPO2 District, the lowest floor of the lowest enclosed area (including basement) of a building. 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 of this Ordinance.

Manufactured Housing: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A , as amended.

Marina: A business establishment having frontage on navigable water that, as its principal use, provides for hire moorings, slips, and/or docking facilities for boats, and that may also provide accessory services such as boat and related sales, boat repair and construction, 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, boat launching ramps, yacht clubs, boat yards, boat storage, facilities associated with commercial fishing, bridges over 20 feet in length, and accessory uses associates with any of these activities. Excluded are non-commercial structures which are: accessory to a single or two-family dwelling.

Mineral Extraction: Any operation that 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.

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

Mobile Home: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A (1), as amended.

Mobile Home Park: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.B, as amended.

Mobile Home Park Lot: The area of land within a mobile home park designed and used as the site for placement of an individual mobile home and reserved for use by the occupants of that home.

Modular Home: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A (2), as amended.

Multifamily Dwelling. A structure designed for occupancy by three or more households or living units, but not including an Assisted/Congregate Living Facility, Boarding House, Hotel, or Residence Hall.

Municipal Facility: Any Town owned or leased facility that is provided to meet a municipal need, including, but not limited to recreational facilities, municipal offices, and utilities provided by Brunswick and Topsham Water District and Brunswick Sewer District necessary to provide utility services to residents of the Town, but not including 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 were 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)".

Naturally Occurring Stand 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.

Neighborhood Store: A retail store of not more than 2,000 square feet, located on a collector street, offering primarily grocery items and that may also offer takeout food items. A Neighborhood Store does not incorporate and is not accessory to a vehicle fueling station.

Net Site Area: The portion of a parcel subject to Development Review and used in the determination of allowable density. See Section 4.1.4.A, Calculation of Net Site Area.

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.

Nonconforming Lot: A lot that does not meet one or more of the requirements of this Ordinance, but was lawfully created before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Sign: A sign that does not meet one or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Site Feature: A site feature that does not meet one or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Structure: A structure other than a sign that does not meet one or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Use: A use of land, building or structure that does not meet one or more of the requirements of this Ordinance, but was lawfully established before the adoption of the Ordinance provisions that cause it to be noncomplying.

Noncontributing Resource: For purposes of the Village Review Overlay District, 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.

Normal High-Water Line (non-tidal waters): That line—apparent from visible markings, changes in the character of soils due to prolonged action of the water, or changes in vegetation—that distinguishes predominantly aquatic land from predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and 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.

Nursing Home: A facility for individuals needing 24-hour skilled nursing care who can no longer live independently.

Office: A space used to conduct the administrative affairs of an organization, including but not limited to spaces for academic or administrative staff of a postsecondary school, or for a member of a recognized medical or non-medical profession, or for commercial vocational education that is not college, or a facility for purposes of preparing or presenting or broadcasting materials on radio, television, or cable television or similar communications media or the recording or production of films or video material. Includes uses formerly known as Business Office, College Office, Professional Office, and Media Studio.

Off-Premise Advertising: A sign that advertise products, services, or activities not sold, distributed, or carried out on the premises.

Outdoor Sales: A temporary 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, garage and yard sales, farmers' markets, sales of food from food trucks, church events or other similar activities.

Outdoor Storage: The regular or extended storage of materials outside a fully enclosed building. Recreational vehicles, boats, and trucks shall be considered outdoor storage if placed within a required front, side, or rear yard for a period exceeding 60 days.

Parking Facility (as a principal use): A parking lot or garage that 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: Walking, hiking, biking, and other similar activities. Passive recreation specifically excludes the use of motorized vehicles and equipment.

Permanent Clearing: For the purposes of wildlife habitat protection regulations for the WPO District, the removal of 40 percent 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.

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.

Plant Nursery: Any land or structure used primarily to raise trees, shrubs, flowers, and other plants for sale or for transplanting, including greenhouses, and including accessory sales of those plants to the public.

Primary Road: 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 that houses the principal use of the lot.

Principal Use: The primary purpose for which land or structures are used.

Private Road: A street privately owned and maintained that is used as the principal means of access to two or more abutting lots.

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: A vehicle designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use, and that is built on a single chassis, covers 400 square feet or less in area when measured at the largest horizontal projection, and is designed to be self-propelled or permanently towable by a motor vehicle.

Recycling Collection Facility: A lot or parcel of land, with or without buildings, upon which used and recoverable materials such as newspapers, glassware, plastics, and metal cans are separated and temporarily stored before they are sent to a processing facility, but where no processing of those items occurs.

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

Renewable Energy Generating Facility: A facility for generating electrical energy through from wind, solar, or geothermal means, or through the burning of biomass or other renewable resources.

Residence Hall: A facility owned by a school or other institution to house its students.

Restaurant or Dining Facility: An establishment or facility having as its predominant use the on-premises consumption of food and beverages, including an institutional or college dining facility.

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: A strip of specifically-described land encompassing an existing or future public or private street or 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.

Salt Marsh: An area of coastal wetlands that supports 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.

Salt Meadow: An area of a coastal wetland that supports 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 bulrush occurs in fresher areas.

Scale: Factors that 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.

School: Any building consisting primarily of classroom space that is used for offering courses, lectures, training seminars or other similar use, including, but not limited to, private nursery, kindergarten, elementary, middle, secondary education, including accessory structures and uses necessary to support those activities, but not including facilities for post-secondary education.

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 in the definition of "primary road."

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 (U.S. National Park Service, 1995), as amended. These are national standards to guide work undertaken on historic properties, and are intended to assist in the long-term preservation of historic structures and features. They are used to evaluate rehabilitation projects on certified historic structures for federal tax credits.

Service Business, Class 1: A business under 2,000 square feet in gross 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, mail services, and laundries.

Service Business, Class 2: A business 2,000 square feet in gross 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 shops, tailors, mail services, and laundries.

Setback: In non-shoreland area, the minimum horizontal distance between the front, side or rear lot line and the nearest point of the building, including decks r any covered projections thereof, on the lot.

Setback: In a shoreland area, the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area.

Shoreland Area: The Shoreland Protection Overlay (SPO) District.

Shoreline: The normal high-water line of, or upland edge of, a freshwater or coastal wetland.

Sign: An object, device, or structure, or part thereof, situated outdoors or displayed in a window, freestanding or attached, that is used to advertise, identify, display, or 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, Awning: A covering that is (or appears to be) made of cloth or canvas and 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.

Sign, Changeable Copy: A sign greater than four square feet in area that allows for lettering to be placed and periodically removed or changed, including signs with an electronic reader board.

Sign, Contractor: A temporary sign erected during the construction phase of a project only.

Sign, Directly Illuminated: A sign illuminated by a light source that is outside of the sign.

Sign, Directory: A sign that advertises more than one use or establishment.

Sign, Farm Stand: A sign used to advertise a farm stand selling fruits, vegetables, or other agricultural crops and products.

Sign, Flashing Illuminated: A sign 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 excluded from this definition.

Sign, Freestanding: A pole sign or monument sign.

Sign, Household: A sign that display street numbers, last names, or personal names given to residential structures.

Sign, Internally Illuminated: A sign illuminated by a light source that is within the sign.

Sign, Marquee: a sign used for the advertisement of a movie or theatrical event.

Sign, Monument: A sign mounted directly on the ground.

Sign, Moving: A sign subject to motorized physical movement or motorized revolution up or down, around, or sideways that completes a motorized cycle of change at any interval.

Sign, Official Business Directional: An off-premise sign erected and maintained in accordance with the Maine Traveler Informational Services Act, 23 M.R.S.A. § 1901-1925, and this Ordinance, that 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.

Sign, On-Premise Directional: A sign used to provide direction to entrances and exits from parking or pedestrian areas.

Sign, Pole: A sign attached to a pole or poles erected directly into the ground.

Sign, Political Campaign: A temporary sign bearing messages relating to an election, primary, or referendum.

Sign, Portable: A sign designed for and intended to be moved from place to place and not be permanently affixed to land, buildings, or other structures, but not including a Sandwich Sign.

Sign, Projecting: A sign attached to a wall at an angle.

Sign, Real Estate: A temporary sign advertising the lease or sale of land, space, or structure.

Sign, Roof: A sign mounted to the roof of a building. Signs mounted on the face of a mansard roofare not considered roof signs, but as wall signs.

Sign, Sandwich: A free-standing, moveable sign, usually shaped like an "A", used to advertise daily specials or special events.

Sign, Special Events or Notice: A temporary sign—such as a banner, pennant, wind sock, poster, or flag—that is displayed on premise for decorative or festive purposes to announce festivals, elections, or other special events.

Sign, Wall: A sign applied, painted, or affixed flush to the exterior of a structure.

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

Site Feature: An element of site design other than the characteristics of the lot itself, the uses on the lot, the structures on the lot, or signs on the lot, such as landscaping, or lighting fixtures.

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.

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.

Special Event: 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 not more than 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 events for 200 or more people.

Start of Construction: For purposes of the floodplain management regulations for the NPO2 District, the date the flood hazard development 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 of construction 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 mobile 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.

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 5.2.7.F.2.b are exempt from this definition.

Stream: For purposes of the Shoreland Protection Overlay District, a channel between defined banks created by the action of surface water and has two or more of the following characteristics.

A. It contains or is known to contain flowing water continuously for a period of at least six 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.

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 drainageway constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.

Streetscape: The visual elements of a street—including the road, adjoining buildings, street furniture, trees, and open spaces, etc.—that combine to form the street's character.

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.

Studio. A workshop of an artist, writer, photographer, dancer, musician, yoga practitioner, or similar craftsperson or performer, including spaces where members of the public can come to receive instruction on a more than incidental basis or to sit for portraits.

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

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: For purposes of the floodplain management regulations for the FPO District, 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 that have incurred substantial damage, regardless of the actual repair work performed.

Subsurface Wastewater Disposal System: Any system designed to dispose of waste or wastewater on or beneath the surface of the earth—including, but is not limited to, septic tanks, disposal fields, grandfathered cesspools, holding tanks, pretreatment filters, piping, or any other fixture, mechanism, or apparatus used for those purposes. It does not include any discharge system licensed under Title 38 M.R.S.A. § 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

Telecommunications 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.

Telecommunication Tower, Small-scale: 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.

Temporary Use: A use of land or building occurring occasionally and for a limited period of time, and that may occur repeatedly during a calendar year, but that does not occur regularly on a weekly, monthly, or quarterly schedule.

Theater: A facility for the viewing of movies or live presentations of musicians or other performing artists, but not including any Adult Entertainment Establishment.

Tidal Waters: All waters affected by tidal action during the maximum spring tide.

Timber Harvesting: The cutting and removal of wood products from their growing site and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads or the clearing of land approved for construction.

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 gallons of ultra-light fuel, and shall not be used for flight operations unless daylight and visual frame of reference (VFR) conditions (1,000-foot ceiling and three-mile visibility) are present.

Upland Edge of a Wetland: The boundary between a wetland and upland. For coastal wetlands, 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 freshwater wetlands, this boundary is the line 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 meters (approximately 20 feet) tall or taller.

Urban Agriculture: The raising, keeping or production of fruit, vegetable, flower, and other crops, poultry, or bees as a primary (not accessory) use of land on sites of two and one-half (2.5) acres or less. This uses includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include raising, storing, or processing of any animals other than poultry and bees.

Utility Facility, Major: Facilities necessary to the supply of the electric, natural gas, water, cable television, telephone, telecommunications, water, or sewer services, or similar services, of a scale and character commonly found only in one or a few specialized locations in the Town, including but not limited to water treatment plants, sewer treatment plants, and electric power generating facilities and substations, but excluding Telecommunication Towers, Small-scale Telecommunications Towers, Renewable Energy Generating Facilities, offices for the conduct of utility business and operations, and Minor Utility Facilities.

Utility Facility, Minor: An installation used by a public utility to supply and distribute electric, natural gas, water, cable television, telephone, telecommunications, water, sewer, stormwater management, or similar services that need to be near the property to which the service is provided, including the poles, pipes, wires, transmitters, culverts, and service boxes necessary to provide those or similar services, of a scale and character commonly found in developed portions of the Town, but excluding Telecommunications Towers, Small-scale Telecommunications Towers, Renewable Energy Generating Facilities, offices for the conduct of utility business and operations, and Major Utility Facilities.

Vegetation: All live trees, shrubs, ground cover, and other plants.

Vehicle Fueling Station: An establishment providing sales of fuel for motor vehicles, including but not limited to gasoline, diesel fuel, compressed natural gas, or electricity, that may also provide minor repair services such as lubrication, oil and tire changes, but not including vehicle bodywork or painting, or major repair of engines or drivetrains. Does not include Vehicle Service or Repair or Marina

Vehicle Service or Repair: An establishment where motor vehicles and equipment, are repaired or serviced, but not including boat or small engine service or repair

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.

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.

Wetland, Coastal: Any tidal and subtidal lands; any land 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 may include portions of coastal sand dunes.

Wetland, Forested: A freshwater wetland dominated by woody vegetation that is six meters tall (approximated 20 feet) or taller.

Wetland, Freshwater: A freshwater swamp, marsh, bog, or similar area other than a forested wetland which is:

A. Of ten or more contiguous acres; or of less than ten 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 ten acres; and

B. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and that under normal circumstances does 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.

Wetland: An area, of any size, that is 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 are 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, as amended.

Wildlife Habitat Blocks: The rural portions of large (greater than 150 acres) continuous blocks of naturally occurring stands dominated by woody vegetation.

Wildlife Corridors: The overland connections between Wildlife Habitat Blocks that provide naturally vegetated linkages supporting daily and seasonal species movement between Wildlife Habitat Blocks.

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.

Yard Depth: That dimension of a yard measured as the distance between a lot line and the nearest part of the principal structure on the lot.

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

Yard, Rear: A yard extending the width of a lot from side lot line to side lot line, between the rear lot line and the nearest part of the principal structure on the lot. A corner lot has no rear yard.

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

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

Chapter 2 - Zoning Districts

2.1 Summary Table

All new zoning base districts and overlay districts identified in the table below are hereby established. Such districts are applied to geographic areas as shown on the Zoning Map of the Town of Brunswick.

Table 2.1: Summary Table of Zone Districts

Old Zone Districts		New Zone Districts	
Growth Area Base Districts			
R-R	BNAS Reuse - Residential	GR1	Growth Residential 1
R1	Residential Extended Neighborhood-1 (Longfellow))	GR2	Growth Residential 2
R8	Residential Extended Neighborhood-8 (College Park)		
R2	Residential Extended Neighborhood-2 (Meadowbrook-Parkview)	GR3	Growth Residential 3
R3	Residential Extended Neighborhood-3 (Maquoit Rd.)	GR4	Growth Residential 4
R4	Residential Extended Neighborhood-4 (Meredith Dr.-West McKeen St.)		
R5	Residential Extended Neighborhood-5 (River Rd.)		
R6	Residential Extended Neighborhood-6 (Cooks Corner)		
CR2	Country Residential 2 (Old Bath Road Area In Growth Area)		
R7	Residential Extended Neighborhood-7 (McClellan-Garrison)	GR5	Growth Residential 5
TR1	Intown Residential Neighborhood 1 (Inner Pleasant St.)	GR6	Growth Residential 6
TR2	Intown Residential Neighborhood 2 (Federal St.)	GR7	Growth Residential 7
TR3	Intown Residential Neighborhood 3 (Water St.)	GR8	Growth Residential 8
TR4	Intown Residential Neighborhood 4 (Jordan Acres)		
TR5	Intown Residential Neighborhood 5 (Columbia Ave.-Spring St.)	GR9	Growth Residential 9
MU2	Mixed Use 2 (Intown Railroad Corridor)	GM1	Growth Mixed-Use 1
MU3	Mixed Use 3 (Upper Harpswell Rd.)	GM2	Growth Mixed-Use 2
MU6	Mixed Use 6 (Lower Harpswell Rd.)		
MU4	Mixed Use 4 (Fox Run)	GM3	Growth Mixed-Use 3
I1	Large Scale Business, Industrial, & Institutional 1 (Industry Rd. Industrial Park)		
I4	Large Scale Business, Industrial, & Institutional 4 (Exit 28)		
CC	Commercial (Cooks Corner Center)	GM4	Growth Mixed-Use 4
MU1	Lower Old Bath Road Area		
HC1	Highway Commercial 1 (Outer Pleasant St.)	GM5	Growth Mixed-Use 5
HC2	Highway Commercial 2 (Inner Bath Rd.)		
TC1	Town Center 1 (Maine Street)	GM6	Growth Mixed-Use 6
TC2	Town Center 2 (Fort Andross)		
TC3	Town Center 3 (Lower Park Row)		
R-CMU	BNAS Reuse - Community Mixed Use	GM7	Growth Mixed-Use 7
MUOZ	Medical Use Overlay Zone	GM8	Growth Mixed-Use 8
CU1	College Use 1 (Campus Center)	GC1	Growth College 1
CU2	College Use 2 (Pickard Field)		
CU3	College Use 3 (College St.)		
CU5	College Use 5 (Brunswick Apts.)	GC2	Growth College 2
CU6	College Use 6 (Cleaveland St.-Bath Rd.)		
CU4	College Use 4 (Bowdoin Pines)	GC3	Growth College 3
CU7	College Use 7 (Longfellow)		
CU/TC	College Use/Town Conservation (former West Side BNAS)	GC4	Growth College 4
R-AR	BNAS Reuse – Aviation Related	GA	Growth Aviation

Table 2.1: Summary Table of Zone Districts			
Old Zone Districts			**New Zone Districts**
I-2	Large Scale Business, Industrial, & Institutional 2 (Church Rd. Ind. Park)	GI	Growth Industrial
I3	Large Scale Business, Industrial, & Institutional 3 (E. Bath Rd.-Harding Plant Area)		
R-B&TI	BNAS Reuse – Business and Technology Industries		
R-R&OS	BNAS Reuse – Recreation and Open Space	GO	Growth Outdoor Recreation
BCN	BNAS Conservation (growth area part)	GN	Growth Natural Resources
R-PO	BNAS Reuse – Professional Office		Combined earlier with RCMU
Rural Area Base Districts			
BCN	BNAS Conservation (rural area part)	RN	Rural Natural Resources
FF1	Farm and Forest 1 (Durham-Hacker Rd. Area)	RF	Rural Farm and Forest
CR1	Country Residential 1 (Northwest Brunswick)		
CR2	Country Residential 2 (Old Bath Rd. Area Outside Growth Area)	RR	Rural Residential
MU1	Mixed Use 1 (Lower Old Bath Rd. Area Outside Growth Area)		
CP1	Coastal Protection 1 (Mere Point Area)	RP1	Rural Protection 1
FF3	Farm and Forest 3 (New Meadows River Area)		
CP2	Coastal Protection 2 (Raymond Rd. Area)	RP2	Rural Protection 2
MU5	Mixed Use 5 (Portland Rd. Area)	RM	Rural Mixed Use
Overlay Zoning Districts			
APZ1	Aquifer Protection Zone 1	APO1	Aquifer Protection 1
APZ2	Aquifer Protection Zone 2	APO2	Aquifer Protection 2
APZ3	Aquifer Protection Zone 3	APO3	Aquifer Protection 3
NRPZ	Natural Resource Protection Zone (Shoreland Area)	SPO	Shoreland Protection Overlay
NRPZ	Natural Resource Protection Zone (Special Flood Hazard Area)	FPO	Flood Protection Overlay
RBSGO	Rural Brunswick Smart Growth Overlay – Wildlife Habitat Block	WPO	Wildlife Protection Overlay
RBSGO	Rural Brunswick Smart Growth Overlay – Wildlife Corridor		
MHZ	Mobile Home Park Zone	MHO	Mobile Home Park Overlay
FPZ1	BNAS Flight Path Zone 1 (Clear Zone)	AAO	Airport Approach Overlay
FPZ2	BNAS Flight Path Zone 2 (Noise/Accident Zone)		
TCZ1	Telecommunication Zone 1	TCO	Telecom Overlay
TCZ2	Telecommunication Zone 2		
VRZ	Village Review Zone	VRO	Village Review Overlay

2.2 Growth Area Base Zone Districts

Table 2.2: Growth Area Base Zone Districts					
Growth Residential Districts		**Growth Mixed-Use Districts**		**Growth Special Purpose Districts**	
GR1	Growth Residential 1	GM1	Growth Mixed-Use 1	GC1	Growth College 1
GR2	Growth Residential 2	GM2	Growth Mixed-Use 2	GC2	Growth College 2
GR3	Growth Residential 3	GM3	Growth Mixed-Use 3	GC3	Growth College 3
GR4	Growth Residential 4	GM4	Growth Mixed-Use 4	GC4	Growth College 4
GR5	Growth Residential 5	GM5	Growth Mixed-Use 5	GA	Growth Aviation
GR6	Growth Residential 6	GM6	Growth Mixed-Use 6	GI	Growth Industrial
GR7	Growth Residential 7	GM7	Growth Mixed-Use 7	GO	Growth Outdoor Recreation
GR8	Growth Residential 8	GM8	Growth Mixed-Use 8	GN	Growth Natural Resources
GR9	Growth Residential 9				

2.2.1. Growth Residential Districts

A. Growth Residential 1 (GR1) District

The Growth Residential 1 (GR1) District applies to that area designated as Residential Land Use District in the Brunswick Naval Area Station (BNAS) Reuse Master Plan. It is intended to provide for a variety of housing types in a compact, pedestrian-oriented setting. District regulations accommodate a range of moderate-density residential uses, including single-family (attached or detached), multifamily apartments, assisted/senior housing, and retirement/second homes.

B. Growth Residential 2 (GR2) District

The Growth Residential 2 (GR2) District applies to that part of the area designated as Town Residential in the Comprehensive Plan, encompassing the Longfellow and College Park neighborhoods. District regulations are intended to accommodate new low-density residential development and maintain the character of the established neighborhoods.

C. Growth Residential 3 (GR3) District

The Growth Residential 3 (GR3) District applies to that part of the area designated as Town Extended Residential in the Comprehensive Plan, encompassing the Meadowbrook-Parkview neighborhoods. District regulations are intended to accommodate new low- and moderate-density residential development and maintain the character of the established neighborhoods.

D. Growth Residential 4 (GR4) District

The Growth Residential 4 (GR4) District applies to that part of the area designated as Town Extended Residential in the Comprehensive Plan, encompassing the Maquoit Road, Meredith Drive-West McKeen Street, and River Road neighborhoods, as well as the residential neighborhoods of the Cook's Corner Extended Area and the Exit 28 Mixed Use Development Area. District regulations are intended to accommodate new moderate-density residential development (including multifamily and assisted living/senior housing) and very limited, small-scale nonresidential uses, while maintaining the character of the established neighborhoods.

E. Growth Residential 5 (GR5) District

The Growth Residential 5 (GR5) District applies to that part of the area designated as Town Residential in the Comprehensive Plan, encompassing the McLellan-Garrison neighborhood. District regulations are intended to accommodate a range of new moderate-density residential development (including multifamily and assisted living/senior housing) and very limited, small-scale nonresidential uses, while maintaining the character of the established neighborhoods.

F. Growth Residential 6 (GR6) District

The Growth Residential 6 (GR6) District applies to that part of the area designated as Town Core in the Comprehensive Plan, encompassing the Northwest Brunswick neighborhood. The District is intended to provide for infill development and redevelopment as well as expansions to existing buildings that maintain the overall character of the neighborhood while allowing for intensification of use. District regulations accommodate moderate- to moderately high-density residential development (including multifamily and senior housing) and a wide range of small- to moderate-scale nonresidential uses, while protecting and enhancing development patterns of the established neighborhood. In addition, specialized controls apply to those lots fronting inner Pleasant Street, in order to reflect the larger scale and public character of the development on those lots.

G. Growth Residential 7 (GR7) District

The Growth Residential 7 (GR7) District applies to that part of the area designated as Town Core in the Comprehensive Plan, encompassing the Federal Street neighborhood. The District is intended to maintain the overall character of the neighborhood while allowing for intensification of use. District regulations accommodate moderate density residential development (including multifamily and senior housing) and very small scale nonresidential uses, while protecting and enhancing development patterns of the established neighborhood.

H. Growth Residential 8 (GR8) District

The Growth Residential 8 (GR8) District applies to that part of the area designated as Town Core in the Comprehensive Plan, encompassing the Water Street and Jordan Acres neighborhoods. The District is intended to maintain the overall residential character of the neighborhood while allowing for intensification of use. District regulations accommodate moderate- to moderately high-density residential development (including multifamily and senior housing) and a limited range of small- to moderate-scale nonresidential uses, while protecting and enhancing development patterns of the established neighborhood.

I. Growth Residential 9 (GR9) District

The Growth Residential 9 (GR9) District applies to that part of the area designated as Town Residential in the Comprehensive Plan encompassing an older residential area of distinct neighborhoods with walkable elementary and junior high schools, bounded by Hennessey Avenue to the north, Maine Street to the east, MacMillan Drive to the south, and Baribeau to the west. District regulations are intended to provide for infill development and intensification of use while maintaining the overall character of the neighborhood. District regulations accommodate moderate density residential development (including multifamily and senior housing), educational facilities, and a limited range of small scale nonresidential uses, while protecting and enhancing development patterns of the established neighborhoods.

2.2.2. Growth Mixed-Use Districts

A. Growth Mixed-Use 1 (GM1) District

To Be Inserted

B. Growth Mixed-Use 2 (GM2) District

To Be Inserted

C. Growth Mixed-Use 3 (GM3) District

To Be Inserted

D. Growth Mixed-Use 4 (GM4) District

The Growth Mixed-Use 4 (GM4) District applies to the Cook's Corner commercial hub (the area around the intersection of Bath Road and Gurnet Road). It is intended to promote the evolution of this area into a vibrant, mixed-use area that continues to serve as a regional commercial center, but with added residential development and enhanced pedestrian and bicycle connections to adjacent neighborhoods. The District accommodates a range of residential uses (including multifamily development), a wide range of nonresidential uses (including retail and consumers uses, services, offices, and public and community uses), and mixed-use development containing residential and nonresidential uses. District regulations focus on encouraging development that maximizes the available development potential, with higher residential densities and nonresidential intensities as well as standards

promoting high-quality design. All applications in the district are subject to the Cook's Corner Design Standards, as applicable to the type of construction or development proposed.

E. Growth Mixed-Use 5 (GM5) District

The Growth Mixed-Use 5 (GM5) District applies to existing commercial gateways into Brunswick and is intended to encourage redevelopment that will make the commercial corridors more functional, safer, and more attractive. District regulations are intended to maintain or improve the quality of the streetscape, control access to and from major roads, and accommodate pedestrian and bicycle movement. The District accommodates a wide range of nonresidential uses, including retail and consumer uses, services, office, public and community uses, and existing industrial uses. Residential uses are not encouraged except as part of mixed-use development.

F. Growth Mixed-Use 6 (GM6) District

To Be Inserted

G. Growth Mixed-Use 7 (GM7) District

The Growth Mixed-Use 7 (GM7) District is intended to provide a compact pedestrian-oriented mix of uses that will provide a variety of live, work, play, and education opportunities. District regulations accommodate a range of nonresidential uses—such as neighborhood-scale retail, professional offices, business and support services, restaurants, hotels and conference centers, health and fitness centers, day care centers, and civic and cultural uses—and a variety of higher-density residential uses—such as townhomes, condominiums and apartments, and assisted living/senior housing.

H. Growth Mixed-Use 8 (GM8) District

The Growth Mixed-Use 8 (GM8) District is intended to accommodate major hospitals, large scale medical uses, and associated structures and land uses.

2.2.3. Growth Special Purpose Districts

A. Growth College 1 (GC1) District

The Growth College 1 (GC1) District is intended to accommodate the core areas of Bowdoin College campus and sports fields and facilities, to allow the college significant flexibility to meet the needs of its operations within those areas, to restrict more intense land uses such as residence halls and dining halls to the north portions of the district, and to buffer residential areas near and adjacent to the sports fields from the impacts of future development in that area.

B. Growth College 2 (GC2) District

The Growth College 2 (GC2) District is intended to accommodate facilities and land uses owned by, operated by, or related to Bowdoin college on certain lands located near the edges of the campus, and to accommodate existing college facilities in those areas, while buffering residential areas near and adjacent to those areas from the current and future impacts of those college facilities and related activities.

C. Growth College 3 (GC3) District

The Growth College 3 (GC3) District is intended to accommodate facilities and land uses owned by, operated by, or related to Bowdoin College on certain lands located near the edges of the campus, and in the Longfellow Street area located between the core campus and the playing fields, and to accommodate existing college facilities in those areas while

buffering residential areas near and adjacent to those areas and along Longfellow Street from the current and future impacts of those college facilities and related activities.

D. Growth College 4 (GC4) District

To Be Inserted based on BNAS Reuse Study Intents

E. Growth Aviation (GA) District

The Growth Aviation (GA) District applies to an area containing and surrounding the runways, taxiways, and buffer areas of the Brunswick Executive Airport—areas designated Airport Operations and Aviation-Related Business in the Brunswick Naval Area Station (BNAS) Reuse Master Plan. The District is intended to accommodate primarily airport facilities and operations plus business, industry, transportation and distribution, technology employment, and other uses that rely on, or directly benefit from, proximity to airport facilities and operations. Such uses could include general and corporate aviation, aircraft maintenance/repair/overhaul, aviation-related manufacturing, and government and aerospace research and development.

F. Growth Industrial (GI) District

The Growth Industrial (GI) District applies to lands appropriate for industrial and other types of more intensive nonresidential development (other than large retail uses), as well as to the area designated as Business and Technology Industries in the Brunswick Naval Area Station (BNAS) Reuse Master Plan. District regulations are intended to improve the environmental and visual quality of existing industrial areas and accommodate the development and redevelopment of a wide range of nonresidential uses, including light manufacturing, technology-based research and development, energy park, laboratories, warehouse and distribution uses, and related service and office uses—but not retail or consumer-oriented uses.

G. Growth Outdoor Recreation (GO) District

The Growth Outdoor Recreation (GO) District applies to the area designated Recreation and Open Space in the Brunswick Naval Area Station (BNAS) Reuse Master Plan. It is intended to provide suitable areas for a variety of commercial and public active and passive outdoor recreational opportunities for the community—including public parks, recreation fields, golf courses, public gardens, bicycle trails, and equestrian facilities.

H. Growth Natural Resources (GN) District

1. Purpose

The Growth Natural Resources (GN) District is intended to preserve, maintain, and enhance existing natural areas in Growth Areas that are designated as Natural Areas in the Brunswick Naval Area Station (BNAS) Reuse Master Plan to provide for the long-term benefit of the natural environment, including S1-ranked natural communities, and area residents. As such, development is restricted to only those uses that would not significantly alter the environment and/or would provide opportunities to experience the environment, including uses such as pedestrian trails, nature and interpretive centers, and other non-intrusive passive outdoor recreation and educational uses.

2. Use Standards

Notwithstanding the Permitted Use restrictions in Section 3.2 (Growth Area Permitted Use Table), the use of land within the GN 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:

a. Non-intensive recreational uses not requiring structures, such as hunting, fishing, bird watching, walking, and hiking;

b. Hiking trails, bridle paths, pedestrian trails, and walkways;

c. Forest management activities in accordance with an approved management plan;

d. Fire prevention activities in accordance with an approved management plan;

e. Wildlife management activities;

f. Soil and water conservation activities;

g. Surveying and resource analysis;

h. Emergency operations;

i. The harvesting of wild crops;

j. Nonresidential facilities for educational, scientific, or nature interpretation purposes;

k. Buildings accessory to permitted uses;

l. 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;

m. Parking facilities to serve a permitted use;

n. Public utility facilities and structures;

o. Wetland mitigation activities;

p. Nonstructural stormwater management facilities;

q. Signs related to a permitted use or to provide public information; and

r. 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.

3. Development Standards

In addition to the Development Standards in Chapter 4 (Development Standards), development in the GN District shall comply with the following standards:

a. The area of project disturbance must be less than 2,500 square feet

b. All buildings, structures, and improvements shall 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 the water body and wetland setback regulations in Section 2.4.3.C.1 (Setbacks of Structures from Water Bodies and Wetlands).

d. All activities shall comply with the shoreland area standards in Section 2.4.3.C, (Additional Requirements for the SPO District).

2.3 Rural Area Base Zone Districts

2.3.1. Rural Natural Resources (RN) District

A. Purpose

The Rural Natural Resources (RN) District is intended to preserve, maintain, and enhance existing natural areas in Rural 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, development is restricted to only those uses that would not significantly alter the environment and/or would provide opportunities to experience the environment, including uses such as pedestrian trails, nature and interpretive centers, and other non-intrusive passive outdoor recreation and educational uses.

B. Use Standards

Notwithstanding the Permitted Use restrictions in Section 3.3 (Rural Area Permitted Use Table) the use standards for the Growth Natural Resources (GN) District (see Section 2.2.3.H.2) shall also apply in the RN District.

C. Development Standards

In addition to the Property Development Standards in Chapter 4 -, the development standards for the Growth Natural Resources (GN) District (see Section 2.2.3.H.3) shall also apply in the RN District.

2.3.2. Rural Farm and Forest (RF) District

The Rural Farm and Forest (RF) District applies to Rural Areas where environmental systems are preserved and rural resources, including active and productive natural resource-based uses such as farming and forestry, are maintained. District regulations are intended to ensure that any development or intensive use maintains rural character and protects natural and scenic resources, including wetlands, unfragmented wildlife habitats, and scenic roads. The district accommodates agriculture and forestry activities, low-density residential development (encouraging open space subdivisions as the preferred form of development), and limited low-intensity businesses and other nonresidential development that supports or are based on rural and natural-resource-based uses.

2.3.3. Rural Residential (RR) District

The Rural Residential (RR) District applies to Rural Areas that define gateways into Brunswick and the rural character of areas outside its Growth Areas. District regulations are intended to ensure that any development or intensive use maintains rural character and protects natural and scenic resources, including wetlands, unfragmented wildlife habitats, and scenic roads. The district accommodates low-density residential development (encouraging open space subdivisions as the preferred form of development), agriculture and forestry activities, and a wide range of low-intensity businesses and other nonresidential uses that support or are based on rural and natural-resource-based uses.

2.3.4. Rural Protection Districts (RP1 and RP2Districts)

The Rural Protection (RP) districts apply to coastal watersheds in Rural Areas where environmental systems are preserved and rural resources, including active and productive natural-resource-based uses—particularly those that rely on the coastal waters—are maintained. District regulations are intended to manage land use and development to protect coastal embayments from the potential impact of stormwater runoff, nutrient loading, and other nonpoint source pollution by limiting impervious surfaces, enhancing stormwater management, ensuring

maintenance of subsurface wastewater disposal systems, and managing lawn maintenance and agricultural practices. They are also intended to ensure that any development or intensive use maintains rural character and protects natural and scenic resources, including wetlands, unfragmented wildlife habitats, and scenic roads. The districts accommodate marine activities, water-dependent uses, agriculture, and forestry activities. They also accommodate very-low-density residential development (encouraging open space subdivisions as the preferred form of development) and low-intensity businesses and other nonresidential development that support or are based on rural and natural-resource-based uses.

2.3.5. Rural Mixed Use District (RM)

To be inserted.

2.4 Overlay Zone Districts

2.4.1. General

Overlay districts are applied over base zoning districts and regulations for overlay districts supplement or supersede the provisions of the underlying base zoning district(s). Overlay district regulations do not change the density, use, or dimensional requirements of the underlying base zoning district unless specifically stated. If regulations for an overlay district conflict with those for the underlying base zoning district, the regulations for the overlay district shall prevail. If regulations for one overlay district conflict with those for another applicable overlay district, the more restrictive regulations shall prevail.

2.4.2. Aquifer Protection Overlay (APO) Districts

A. Purpose

The purpose of the Aquifer Protection Overlay (APO) districts is to protect the quality and quantity of Brunswick's present and future ground water resources by regulating activities and land use practices that 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.

B. Definition and Delineation of APO Districts

1. The Aquifer Protection Overlay (APO) districts consist of sand and gravel aquifers and aquifer recharge areas. There are three APO districts:

a. Aquifer Protection Overlay 1 (APO1) District, defined in Section 2.4.2.C.1;

b. Aquifer Protection Overlay 2 (APO2) District, defined in Section 2.4.2.D.1; and

c. Aquifer Protection Overlay 2 (APO2) District, defined in Section 2.4.2.E.1.

2. The boundaries of the APO districts are delineated on the Brunswick Zoning Map, and are based on:

a. "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

b. "Hydrogeology of the Jordan Avenue Station Aquifer in Brunswick, Maine" report, dated March 22, 1994, by Caswell, Eichler and Hill.

C. Aquifer Protection 1 (APO1) District

1. Definition of APO1 District

The APO1 District is the area within which leachable materials disposed of or applied into or onto land or water bodies can travel to the public water supply wells within 200 days.

2. Use Standards for APO1 District

a. All uses are prohibited with exception of the following:

i. Conservation of soil, water, plants, and wildlife.

ii. Outdoor recreation—including fishing, nature study, and hunting—where otherwise legally permitted.

iii. Pedestrian, bicycle and horse paths, and bridges.

iv. Operation, maintenance, and expansion of public water supply facilities.

v. Timber harvesting.

vi. Natural gas or propane storage and transmission facilities.

b. Motorized vehicles may be used in conjunction with the allowable uses listed in subsection a above, except that the use of motorized vehicles for recreational purposes is prohibited.

c. The permitted uses shall meet the performance standards in Section 2.4.2.F (Performance Standards for Aquifer Protection Overlay (APO) Districts).

D. Aquifer Protection 2 (APO2) District

1. Definition of APO2 District

The APA2 District is the area outside of the APO1 boundary that is drained by streams flowing directly into the sand and gravel aquifer. The streams in the APO2 District are important as they have eroded through the silt/clay cap leaving exposed a "window" to the underlying aquifer.

2. Use Standards for APO2 District

a. All uses are prohibited, except those uses allowed in the APO1 District provided that they meet the requirements of the underlying base zoning district and the following standards:

i. 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.

(A) The Local Plumbing Inspector may consider and grant a request to reduce this setback for 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, and the report states that the existing system is failing and that the proposed location is the only suitable location on the applicant's property for the replacement system.

ii. All home heating fuel tanks, except natural gas or propane gas storage tanks, shall be enclosed and located within an impervious secondary containment unit.

iii. 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.

iv. The storage of no more than two unregistered automobiles is prohibited.

b. The permitted uses shall meet the performance standards in Section 2.4.2.F (Performance Standards for Aquifer Protection Overlay (APO) Districts).

E. Aquifer Protection 3 (APO3) District

1. Definition of APO3 District

The APO3 District is the area within which leachable materials disposed of or applied into or onto land or water bodies can travel to the public water supply wells in more than 200 days.

2. Use Standards for APO3 District

a. The following uses and development activities are prohibited:

i. The disposal of solid waste other than brush or stumps.

ii. The disposal or storage of hazardous matters, as defined in Section 1.7.2 (Definitions), with the exception of the above-ground natural gas or propane gas tanks.

iii. The disposal or storage of leachable materials, except subsurface wastewater disposal systems and water from residential swimming pools.

iv. The bulk or commercial disposal or storage of road salt or other de-icing agents.

v. The storage of petroleum products in containers with a total volume in excess of ten gallons, except those stored for heating use by that property owner or his designee only.

vi. 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.

vii. The disposal of any unregistered automobiles or the storage of more than two unregistered automobiles.

viii. Use or storage of pesticides, other than for households or agriculture and those products that are permitted by the Organic Materials Review Institute (OMRI).

(A) The Codes Enforcement Officer may, upon written request, approve an exception to this prohibition to allow pesticides to be used to:

(1) Control or destroy a health hazard (i.e., a pest that has or is likely to have an adverse effect on the health of any person);

(2) Control or destroy pests which have caused infestation to property (i.e., where the presence of pests in numbers or under conditions that involve an immediate or potential risk of substantial loss or damage; or

(3) Control or destroy bees' nests or poison ivy.

(B) The Brunswick and Topsham Water District shall be notified of any such requests and approvals.

ix. Use or storage of fertilizer, compost, or manure, other than:

(A) Slow-release organic fertilizer;

(B) Products used for households and agriculture; and

(C) Natural organic compost that:

(1) Is in keeping, but not limited to, compost approved by USDA National Organic Program; or

(2) Is in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association (MOFGA) Certified Farms; or

(3) 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.

x. 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.

xi. Pipelines for transmission of petroleum products or hazardous materials, except natural gas or propane storage and transmission facilities.

xii. Commercial boat, internal combustion engine, and motor vehicle sales, service, and repair.

xiii. Metal plating operations.

xiv. Dry cleaning operations.

xv. Truck terminals.

xvi. Furniture stripping, painting, and wood preserving operations.

xvii. Mining operations.

xviii. Sand and gravel extraction.

b. Uses or management practices not listed above may be permitted in the APO3 District provided that they are allowed in the underlying base zoning district, will not have an unreasonable adverse effect on the water supply, and meet the performance standards in Section 2.4.2.F (Performance Standards for Aquifer Protection Overlay (APO) Districts).

F. Performance Standards for Aquifer Protection Overlay (APO) Districts

All uses or activities within an APO1, APO2, or APO3 District, other than nonconforming uses, shall meet the following performance standards.

1. General Standards for Uses and Activities Subject to Development Review

The following standards apply to uses and activities subject to Development Review (see Section 5.2.7):

a. Management of Stormwater Runoff

The stormwater runoff 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.

b. Groundwater Contaminants

i. Monitoring wells may be required for a use known by the Codes Enforcement Officer to be an actual or potential source of groundwater pollution.

(A) A licensed hydrogeologist chosen or approved by the Town shall determine the number, location, and depth of monitoring wells.

(B) Monitoring wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983).

(C) Monitoring wells shall be installed on the property at the expense of the owner.

(D) 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.

(E) Results from monitoring well samples shall be submitted to the Department and the Brunswick and Topsham Water District.

ii. 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 ten percent of the allowable Primary Public Drinking Water Standards for contaminants as measured at the Water District monitoring wells and recommend remedial actions.

iii. 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 exceeds 50 percent of the allowable Primary Public Drinking Water Standards for contaminants as measured at the Brunswick and Topsham Water District monitoring wells.

iv. No Development Review approval shall be granted for a use, expansion of the use, or activity that would 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 percent of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water act, as amended.

v. No Development Review approval shall be granted for a use, expansion of a use, or development activity that would cause 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 activity to exceed 50 percent of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water Act, as amended.

2. Timber Harvesting

Timber Harvesting shall comply with the following provisions

a. Selective cutting of no more than 40 percent of the total volume of trees four inches or more in diameter measured at 4½ feet above ground level on any lot in any ten year period is permitted. Harvesting operations shall not create single clear-cut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet, they shall be at least 100 feet apart. Such clear-cut openings

shall be included in the calculation of total volume removal. For purposes of these standards, volume may be considered to be equivalent to basal area.

b. Timber harvesting operations exceeding the 40 percent limitation in subsection a above may be allowed by the Review Authority 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.

c. No accumulation of slash shall be left within 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.

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 that are composed of gravel, rock, or similar hard surface that 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 at least 75 feet wide for slopes up to ten percent shall be retained between the exposed mineral soils and the normal high-water line of a river, tidal waters, or stream, or the upland edge of a coastal or freshwater wetland. For each ten percent increase in slope, the unscarified strip width shall be increased by 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 25 feet from the protected resource. In addition, an unscarified strip of vegetation at least 75 feet wide shall be retained between the exposed mineral soils and the normal high-water line of a stream.

3. Application of Fertilizers and Manure

a. Application rates and shall conform to Section 2.4.2.F.1 (General Standards).

b. 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.

c. Runoff from areas where manure or fertilizer is being applied to the land shall be controlled.

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

4. Manure Storage

Agricultural operations that generate or utilize manure shall provide containment facilities for manure storage. Such facilities shall be adequate to hold one year's production, and shall be covered.

5. 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.

6. Use of Pesticides

a. Land application of pesticides is allowed provided that surface runoff and erosion in areas where pesticides are being applied is contained.

b. Application rates shall conform to Section 2.4.2.F.1 (General Standards).

7. Subsurface Waste Disposal Systems

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

b. Subsurface waste disposal systems in the APO1 and APO2 Districts shall be pumped out at least once every three years and maintained. The Local Plumbing Inspector may consider and grant a request to waive or reduce the frequency of pumping and maintenance if evidence of significant underusage of the disposal system is submitted and accepted.

c. Homeowners shall retain receipts when their tank is pumped to demonstrate compliance to the Codes Enforcement Officer during an inspection.

8. Storage Tanks

a. All underground storage tanks (other than propane gas or natural gas storage tanks) that are in place prior to November 2, 1998 shall be nonconforming. All such existing underground storage tanks and piping systems that 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.

b. All aboveground storage tanks (other than propane gas or natural gas storage tanks) that are in place within the APO1 or APO2 District prior to November 2, 1998 and that are not enclosed and located within an impervious secondary containment unit shall be nonconforming. When it becomes necessary to replace these tanks, the replacement tanks shall be enclosed and located within a secondary containment unit.

9. Application of Compost, Sludge Products, or Organic Fertilizer

a. Land application materials are limited to those allowed in Section 2.4.2.E.2 (Use Standards for APO3 District).

b. Landowners shall keep records of past land applications of compost, sludge products, or organic fertilizers.

2.4.3. Shoreland Protection Overlay (SPO) District

A. Purpose

The purposes of the SPO District are to:

1. Further the maintenance of safe and healthful conditions;

2. Prevent and control water pollution;

3. Protect fish spawning areas, aquatic life, and bird and wildlife habitat;

4. Protect buildings and lands from flooding and accelerated erosion;

5. Protect archaeological and historic resources;

6. Protect commercial fishing and the maritime industries;

7. Protect freshwater and coastal wetlands;

8. Control building sites and the placement of structures and land uses;

9. Conserve shore cover;

10. Conserve visual and actual points of access to inland and coastal waters;

11. Conserve natural beauty and open space; and

12. Anticipate and respond to the impacts of development in shoreland areas.

B. Definition and Delineation of SPO District

1. The SPO District consists of:

a. All land areas within a horizontal distance of 250 feet from the:

i. Normal high-water line of any river,

ii. Upland edge of a coastal wetland, including all areas affected by tidal action, and

iii. Upland edge of a freshwater wetland; plus

b. All land areas within a horizontal distance of 75 feet from the normal high-water line of a stream.

2. SPO District boundaries are delineated on the Brunswick Zoning Map.

C. Additional Requirements for the SPO District

The requirements in this subsection shall apply to all development within the SPO District.

1. Setbacks of Structures from Water Bodies and Wetlands

a. Any new principal or accessory structure, except structures requiring 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 set back a minimum horizontal distance of :

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river;

iii. 125 feet from the upland edge of a coastal or freshwater wetland; and

iv. 250 feet from the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, where such areas 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.

b. Water body 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 an applicant for development approval 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.

2. Prohibited Locations of New Structures

No new principal or accessory structure, except structures requiring 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. Floodplains adjacent to tidal waters, rivers, and artificially formed great ponds along rivers, as defined by the 100-year floodplain 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.

b. Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.

c. Areas of two or more contiguous acres of wetlands that are not part of a freshwater or coastal wetland and are not surficially connected to a river, tidal waters, or stream during the period of normal high water.

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

3. Development of Properties Created before Shoreland Regulations

Properties that were created prior to June 6, 1994 and lie within the minimum setback from moderate or high value habitat areas established in Section 2.4.3.C.1.a.iv above, and properties created prior to November 18, 2002 and lie within the minimum setback from a stream created after November 18, 2002, may be developed with 1-family dwelling through the Minor Development Review process if the Staff Review Committee makes a positive finding that the applicant has demonstrated that all of the following conditions are met:

a. There is no location on the property, other than a location within the SPO District, where the structure can be built.

b. The lot was established and recorded in the Cumberland County Registry of Deeds prior to June 6, 1994, or November 18, 2002, as appropriate.

c. All proposed buildings, sewage disposal systems, and other improvements are located on natural ground slopes of less than 20 percent.

d. All proposed buildings, sewage disposal systems, and other improvements are 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. (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.)

e. 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 floodplain management regulations in Section 2.4.4 (Flood Protection Overlay (FPO) District).

f. 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.

g. 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 a horizontal distance of not less than a horizontal distance 75 feet from a stream and not less than a horizontal distance of 125 feet from a coastal or freshwater wetland or other water body. In determining "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.

4. Water-Dependent Structures

New principal and accessory structures requiring direct access to the water as an operational necessity are subject to the supplementary use standards in Section 3.4.1.S (Marine Activity).

5. Agriculture

a. 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. § 4201-4209).

b. Storage or stockpiling of manure shall be set back a minimum horizontal distance of:

i. 75 feet of the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; or

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. All manure storage areas shall be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

d. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the SPO District shall require a Conservation Plan to be filed with the Planning Board. Nonconformance 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.

e. Newly established fields that require tilling of soil shall not be permitted within 75 feet, horizontal distance, of the normal high water line of any river, tidal waters, or stream, or of the upland edge of a coastal or freshwater wetland.

f. The tilling of fields that is associated with ongoing farm activities and is not in conformance with the setback requirement in subsection e above may continue, provided that such tilling is conducted in accordance with a Conservation Plan.

g. Newly established livestock grazing areas shall be set back as minimum horizontal distance of 75 feet from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland. Livestock grazing that is associated with ongoing farm activities and is not in conformance with the above setback requirement may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

6. 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.

7. Timber Harvesting

Timber harvesting in the SPO District is subject to the Maine Forest Service's Statewide Standards for Timber Harvesting Activities in Shoreland Areas (04-058 C.M.R. ch. 21) and the Maine Bureau of Forestry's Forest Regeneration and Clearcutting Standards (01-669 C.M.R. ch. 20).

8. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting

a. Preservation of Vegetated Buffers along Water Bodies and Wetlands

i. Except to allow for development of permitted uses, a buffer of vegetation shall be preserved within a strip of land extending a minimum horizontal distance of 75 feet inland from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland.

ii. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is retained.

iii. For purposes of the requirement in subsection ii above, a "well-distributed stand of trees" shall be defined as one rating a score of 24 or more in any 25- foot-by-50-foot rectangular (1250 square feet) area as determined by the following rating system.

TABLE 2.4.3-1: Rating System for Well-Distributed Stand of Trees

Diameter of Tree at 4½ feet above Ground Level	Points
2 < 4 inches	1
4 < 8 inches	2
8 < 12 inches	4
12 inches or greater	8
Example: If a 25-foot-by-50-foot plot contains four 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 plot contains a well-distributed stand of trees. Trees totaling 12 points (36-24 = 12) may be removed from the plot provided that no cleared openings are created.	

iv. The following shall govern in applying this point system:

(A) The 25-foot-by-50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(B) Each successive plot must be adjacent to, but not overlap, a previous plot;

(C) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(D) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

(E) Where conditions permit, no more than 50 percent of the points on any 25-foot-by-50-foot rectangular plot may consist of trees greater than 12 inches in diameter.

v. For purposes of the requirement in subsection ii above, retention of "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at 4½ 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 inches in diameter can be removed until 5 saplings have been recruited into the plot.

vi. There shall be no cleared opening in the buffer strip's forested canopy (as measured from the outer limits of the tree or shrub crown)—or the canopy of other existing woody vegetation if a forested canopy is not present—that is greater than 250 square feet in area—provided, however, that a footpath no wider than six feet (as measured between tree trunks and/or shrub stems) is allowed if a cleared line of sight to the water through the buffer strip is not created.

vii. 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.

viii. To protect water quality and wildlife habitat, existing vegetation under three 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 selective cutting or a foot path as allowed in subsections ii and vi above.

ix. Pruning of tree branches on the bottom third of the tree is allowed.

x. Notwithstanding the above provisions, no more than 40 percent of the total volume of trees four inches or more in diameter, measured at 4½ feet above ground level may be removed in any ten-year period.

xi. This subsection a. 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.

b. Limitation on Selective Cutting Adjacent to Water Bodies and Wetlands

i. At horizontal distances greater than 75 feet from the normal high-water line of any water body or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40 percent of the

volume of trees four inches or more in diameter, measured 4½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40 percent calculation. For purposes of this requirement, volume may be considered to be equivalent to basal area.

ii. In no event shall the aggregate area of openings cleared for any purpose (including, but not limited to, principal and accessory structures, driveways, lawns, and sewage disposal areas) exceed 25 percent of the lot area within the SPO District or 10,000 square feet, whichever is greater. Previously cleared land shall be included in calculating cleared openings.

c. Clearing of Vegetation

i. 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 on November 18, 2002.

ii. Fields and other cleared openings that have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated by subsection b.i above.

iii. In the following areas, clearing of vegetation shall be limited to that which is necessary for permitted uses:

(A) Areas within a horizontal distance of 250 feet from the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, where such areas 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.

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

(C) Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.

(D) Areas of two or more contiguous acres of wetlands that are not part of a freshwater or coastal wetland and are not surficially connected to a river, tidal waters, or stream during the period of normal high water.

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

(F) 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.

iv. 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 "well-distributed stand" scoring limits in subsection a.ii above, native species will be planted to return the area to compliance with the "well distributed stand" requirement as prior to the start of the next growing season.

(C) Non-native invasive woody species under three 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.

9. Erosion and Sedimentation Control

a. Activities requiring Development Review that involve filling, grading, excavation, or other similar activities resulting in unstabilized soil conditions shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Review Authority for approval and shall include, where applicable, provisions for:

i. Mulching and revegetation of disturbed soil;

ii. Temporary runoff control features such as hay bales, silt fencing or diversion ditches; and

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

b. 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.

c. 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.

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

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

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

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

e. Natural and artificial drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed to carry water from a 25- year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

10. Mineral Exploration and Extraction

a. All mineral exploration and extraction within the SPO district shall be subject to the following requirements in addition to the supplemental use standards applicable to mineral extraction in Section 3.4.1.T (Mineral Extraction). The Review authority may impose such conditions to a Site Plan Approval as necessary to minimize adverse impacts associated with mineral extraction operations on surrounding uses and resources.

b. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods that create minimal disturbance of less than 100 square feet of ground surface. A Conditional Use Permit shall be required for mineral exploration that exceeds the above limitation.

c. 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.

d. No new gravel pits may be developed within the SPO District 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.

e. Any extraction operation, including drainage and runoff control features, shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

f. Gravel pits shall be screened from a stream, river, tidal waters, or wetland by vegetation.

g. Extraction operations shall be set back a minimum horizontal distance of 75 feet from any property line without written permission of the owner of such adjacent property.

h. Extraction operations at an extraction site shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12-month period. Within

12 months after that time, ground levels and grades shall be established in accordance with the following:

i. 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.

ii. The final graded slope shall be 2.5:1 (horizontal to vertical) or flatter.

iii. 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.

i. The reclamation plan required by Section 3.4.1.T.6 (Reclamation Plan) shall include a detailed description of the procedures to be undertaken to fulfill the requirements of subsection h above.

11. Structures Extending over or below a Water Body or within a Wetland

The following requirements apply to 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. (Note: New permanent structures, and expansions thereof, projecting into or over water bodies require a permit from the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., § 480-C, as amended. Permits may also be required from the U.S. Army Corps of Engineers if located in navigable waters.)

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 noncommercial 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 Maine 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 water body 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 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 shall conform to the supplementary use standards in Section 3.4.1.S (Marine Activity).

12. Roads and Driveways

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

a. Unless the Review Authority determines that no reasonable alternative exists, roads and driveways shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of any coastal or freshwater wetland.

b. On determining that no reasonable alternative exists to compliance with a minimum road/driveway setback requirement in subsection a above, the Review Authority may reduce the minimum setback to no less than 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).

c. On slopes of greater than 20 percent, the minimum road/driveway setbacks required in subsection a above shall be increased by ten feet for each five percent increase in slope above 20 percent.

d. The minimum road/driveway setbacks required in subsection a above do 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 subsection a above except for that portion of the road or driveway necessary for direct access to the structure.

e. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body or wetland.

f. New roads and driveways are prohibited in the areas described in Section 2.4.3.C.2 (Prohibited Locations), except that the Review Authority may grant a permit to construct a road or driveway to provide access to permitted uses within the those areas on 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.

g. Road and driveway grades shall be no greater than ten percent except for segments of less than 200 feet.

h. Road and driveway banks shall be no steeper than a slope of 2:1 horizontal to vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 2.4.3.C.9 (Erosion and Sedimentation Control).

i. 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 along a stream, river, tidal waters, or wetlands.

i. The minimum horizontal width of an unscarified buffer strip along the normal high water line of a stream shall be 25 feet.

ii. The minimum width of an unscarified buffer strip along the normal high water line of a river or tidal waters, or upland edge of a coastal or freshwater wetland, shall equal 50 feet plus two times the average slope between the outflow point of the ditch or culvert and the river, tidal waters, or wetland.

j. Surface drainage 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.

k. Ditch relief (cross drainage) culverts, drainage dips, and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

i. 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:

Table 2.4.3-2: Spacing of Culverts, Drainage Dips, and Water Turnouts

Grade	Spacing
0 – 2%	250 feet
3 – 5%	200 – 135 feet
6 – 10%	100 – 80 feet
11 – 15%	80 – 60 feet
16 – 20%	60 – 45 feet
21%+	40 feet

ii. Drainage dips may be used in place of ditch relief culverts only where the grade is ten percent or less.

iii. On sections having slopes greater than ten percent, ditch relief culverts shall be placed at approximately a 30 degree angle downslope from a line perpendicular to the centerline of the road or driveway.

iv. 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.

l. 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.

13. Campgrounds

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

a. 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:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

b. Campgrounds shall contain a minimum of 5,000 square feet of land for each camp site. Land containing roads and driveways, lands containing supporting wetland vegetation,

and land below the normal high water line of a water body shall not be included in calculating land area per camp site.

c. All campgrounds are subject to Site Plan Approval by the Planning Board and approval by the Department of Human Services.

14. Individual Private Campsites

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

a. One campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the SPO District, whichever is less, may be permitted.

b. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. 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.

d. The clearing of vegetation for the sitting of the recreational vehicle, tent, or similar shelter shall be limited to an area of 1,000 square feet.

e. 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.

f. No recreational vehicles, tent, or similar shelter shall be placed on-site for more than 120 days per year.

15. 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 SPO District shall meet the following additional standards:

a. All parts of all types of subsurface wastewater disposal systems shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

b. No clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall occur within a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream

ii. 125 feet from the normal high water line of a river or tidal waters;

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. A holding tank is not allowed for a first-time residential use.

d. The Local Plumbing Inspector may consider and grant a request to reduce this setback for 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, and the report states that:

i. the existing system is failing;

ii. no suitable location exists outside the setback; and

iii. the proposed location meets the required setbacks to the greatest extent practicable.

e. Setbacks for new subsurface wastewater disposal facilities cannot be reduced by Variances.

16. 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 June 6, 1994, may continue as long as they are in compliance with all appropriate State law and do not involve expansion of the existing system.

17. 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 or wetland.

18. Soils

a. 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.

b. 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 that the evaluator deems appropriate. The soils report shall include recommendations for the proposed use to counteract soil limitations where they exist.

19. Archaeological Sites

a. 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 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 Commission shall be kept on file in the Planning and Codes Enforcement Offices.

b. 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.

20. Parking Areas

a. Parking areas shall meet the minimum water body and wetland setback requirements for principal and accessory structures in Section 2.4.3.C.1 (Setbacks of Structures from Water Bodies and Wetlands). On finding that no reasonable alternative to compliance with a required minimum setback exists, the Review authority may reduce the minimum setback for parking areas serving a public or private boat launching facility to no less than 50 feet from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland.

b. 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.

c. Parking areas shall conform to the design standards in Section 4.7 (Parking and Loading). In addition parking spaces for vehicles with boat trailers shall be at least 40 feet in length.

21. Stormwater Runoff

a. All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features such as berms, swales, terraces, and wooded areas shall be retained to reduce runoff and encourage infiltration of stormwater.

b. Direct discharge of stormwater into any water body shall be avoided.

c. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

22. Minor Utilities

a. Where feasible, the installation of minor utilities shall be limited to existing public ways and existing service corridors.

b. The installation of minor utilities other than road-side distribution lines is not allowed in the SPO District 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.

c. Damaged or destroyed public utility transmission and distribution lines, towers, and related equipment may be replaced or reconstructed without a permit.

2.4.4. Flood Protection Overlay (FPO) District

A. Purpose

The purpose of the FPO District regulations is to:

1. Protect human life, health, and welfare;

2. Encourage the use of construction practices that will prevent or minimize flood damage in the future;

3. Reduce financial burdens on the Town and its residents by discouraging unwise design and construction in areas subject to flooding;

4. Minimize the need for and cost of rescue and relief efforts associated with flooding;

5. Minimize prolonged business interruptions;

6. Minimize damage to public facilities and utilities such as streets and bridges; water and sewer lines; gas lines; electric, telecommunications, and telephone lines;

7. Minimize flooding of water supply and sanitary sewage disposal systems and the public health risks related to interruptions of these important public services;

8. Minimize interference with floodwater storage and conveyance facilities;

9. Maintain natural drainage and minimize the impact of development on the natural and beneficial functions of floodplains; and

10. Meet the requirements of the National Flood Insurance Program and all related requirement of Maine law.

B. Definition and Delineation of FPO District

1. The FPO District consists of any land in the floodplain lying within the 100-year flood boundary (Special Flood Hazard Area) as delineated on the Flood Insurance Rate Map of the Town as part of the National Flood Insurance Program.

2. The FPO District is comprised of 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 the accompanying "Flood Insurance Rate Map" (FIRM) and "Flood Boundary and Floodway Map"—which are incorporated by reference into this Ordinance.

3. In a case where the boundary of the FPO District or one of its zones 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.

C. Permit Requirements for the FPO District

1. Flood Hazard Development Permit Required

All development within the FPO District shall require a Flood Hazard Development Permit obtained in accordance with Section 5.2.4 (Flood Hazard Development Permit Requirements).

2. Certificate of Compliance

No land in the FPO District 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 to the Code Enforcement Officer written notification that the development is complete and complies with this Ordinance, along with a completed Elevation Certificate completed by:

   i. A Professional Land Surveyor for compliance with Section 2.4.4.D.2 (Residential Structures), Section 2.4.4.D.3 (Nonresidential Structures), Section 2.4.4.D.4 (Mobile Homes), and Section 2.4.4.D.12 (Coastal Floodplains); and,

ii. A registered professional engineer or architect for compliance of floodproofed nonresidential structures with Section 2.4.4.D.3 (Nonresidential Structures) and compliance of structures constructed in the coastal floodplains with Section 2.4.4.D.12 (Coastal Floodplains).

b. The Code Enforcement Officer shall review the Elevation Certificate and shall issue a Certificate of Compliance if the building conforms to the provisions of this Ordinance.

D. Additional Requirements for the FPO District

The requirements in this subsection shall apply to all development within the FPO District.

1. General

a. 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.

b. Construction material and utility equipment shall be resistant to flood damage.

c. Construction methods and practices shall be used to minimize flood damage.

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

e. 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.

f. 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.

g. 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.

2. Residential Structures

a. New construction or the substantial improvement of any residential structures located within Zones A1-A30 shall have the lowest floor (including the basement) elevated at least one foot above the base flood elevation.

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

c. New construction or the substantial improvement of any residential structures located within Zones V1-30 shall meet the requirements of Section 2.4.4.D.12 (Coastal Floodplains).

3. Nonresidential Structures

a. New construction or substantial improvement of any nonresidential structures located within 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:

i. 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;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

iii. 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 part of 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.

b. New construction or substantial improvement of any nonresidential structures located within 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 2.4.4.D.3 (Nonresidential Structures).

c. New construction or substantial improvement of any nonresidential structures located within Zones V1-30 shall meet the requirements of Section 2.4.4.D.12 (Coastal Floodplains).

4. Mobile Homes

a. New or substantially improved mobile homes located within Zones A1-30 shall:

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

ii. 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:

(A) 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 requires one additional tie per side); or by,

(B) 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 requires four additional ties per side).

iii. All components of the anchoring system described above shall be capable of carrying a force of 4,800 pounds.

b. New or substantially improved mobile homes located within 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.

c. New or substantially improved mobile homes located within Zones V1-30 shall meet the requirements of Section 2.4.4.D.12 (Coastal Floodplains).

5. Recreational Vehicles

a. Recreation vehicles located within Zones A1-30 shall either:

i. Be on the site for fewer than 180 consecutive days;

ii. 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

iii. Be permitted in accordance with the elevation and anchoring requirements for "modular housing" in Section 2.4.4.D.3.a above.

b. Recreation vehicles located within Zones V1-30 shall meet the requirements of either Section 2.4.4.D.5.a.i or Section 2.4.4.D.5.a.ii or Section 2.4.4.D.12 (Coastal Floodplains).

6. Accessory Structures

a. Accessory structures located within Zones A1-30 and A shall be exempt from the elevation criteria required in Section 2.4.4.D.2 (Residential Structures and Section 2.4.4.D.3 (Nonresidential Structures) if all other requirements of Section 2.4.4.D (Additional Requirements for the FPO District) and all the following requirements are met.

b. Accessory structures shall:

i. Have an area of 500 square feet or less and have a value less than $3,000;

ii. Have unfinished interiors and not be used for human habitation;

iii. Have hydraulic openings as specified in Section 2.4.4.D.8.a8.a.ii(C) in at least two different walls of the accessory structure;

iv. Be located outside the floodway;

v. 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; and

vi. Have only ground fault interrupt electrical outlets and have electric service disconnects located above the base flood elevation and, when possible, outside the Special Flood Hazard Area.

7. Floodway Encroachments

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

b. In those riverine areas within Zones A1-30 and Zone A for which no regulatory floodway is designated, encroachments—including fill, new construction, substantial improvement, and other development—shall not be permitted in the floodway (as determined in accordance with subsection c below) 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:

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

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

c. In riverine areas within Zones A and A1-30 for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse 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.

8. Enclosed Areas Below The Lowest Floor

a. New construction or substantial improvement of any structure in Zones A1-30 and Zone A that meets the standards in Section 2.4.4.D (Additional Requirements for the FPO District), including the elevation requirements of Section 2.4.4.D.2 (Residential Structures), Section 2.4.4.D.3 (Nonresidential Structures), Section 2.4.4.D.4 (Mobile Homes), and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation provided all the following standards are met:

i. Enclosed areas shall not be not "basements" as defined in Section 1.7.2 (Definitions).

ii. 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 Be engineered and certified by a registered professional engineer or architect or meet the following standards:

(A) A minimum of two openings having a total net area of not less than one square inch shall be provided for every square foot of the enclosed area;

(B) The bottom of all openings shall be no higher than one foot above the lowest grade; and,

(C) 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.

iii. The enclosed area shall not be used for human habitation.

iv. The enclosed areas shall be usable solely for building access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

9. Bridges

New construction or substantial improvement of any bridge located within Zones A1-30 and Zones V1-30 shall:

a. When possible, be designed so that the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

b. Be certified by a registered professional engineer that:

i. The structural design and methods of construction meet the elevation requirements of this section and the floodway standards in Section 2.4.4.D.7 (Floodway Encroachments); and

ii. The foundation and superstructure attached to the bridge are 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.

10. Containment Walls

a. New construction or substantial improvement of any containment wall located within Zones A1-30 and Zones V1-30 shall:

i. Have the containment wall elevated to at least one foot above the base flood elevation;

ii. Have structural components capable to resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

iii. 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 subsection.

b. New construction or substantial improvement of any containment wall located within Zone A shall have the containment wall elevated to at least one foot above the base flood elevation.

11. Wharves, Piers, and Docks

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

a. The wharf, pier, or dock shall comply with all applicable local, State, and federal regulations; and

b. Any commercial wharf, pier, or docks involving fill shall adhere to the design and construction standards contained in the U.S. Army Corps of Engineers' "Shore Protection Manual."

12. Coastal Floodplains

a. All new construction located within Zone A, Zones A1-30, and Zones V1-30 shall be located landward of the reach of the mean high tide except as provided in subsection b.vii below.

b. New construction or substantial improvement of any structure located within Zones V1-30 shall meet the following standards:

i. The structure shall be elevated on posts or columns such that:

(A) 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; and

(B) 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. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

ii. The structure shall have the space below the lowest floor:

(A) Free of obstructions;

(B) 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

(C) Constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than 10, nor more than 20, pounds per square foot.

iii. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the structure and certify that they:

(A) Meet or exceed the technical criteria contained in the Coastal Construction Manual, (FEMA-P55/4th Ed. 2011); and,

(B) Are in accordance with accepted standards of practice for meeting the standards in this subsection b.

iv. The use of fill for structural support is prohibited.

v. Human alteration of sand dunes is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

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

vii. Lobster sheds and fishing sheds located seaward of mean high tide shall be exempt from the elevation requirement in Section 2.4.4.D.2 (Residential Structures) and are permitted in accordance with the requirements of Section 2.4.4.D.7 (Floodway Encroachments) and Section 2.4.4.D.8 (Enclosed Areas Below The Lowest Floor) and all of the following standards:

(A) The sheds shall be limited to low value structures, such as metal or wood sheds, that have a floor area of 200 square feet or less and do not exceed more than one story.

(B) 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.

(C) The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

(D) The structure shall have unfinished interiors and shall not be used for human habitation.

(E) Any mechanical, utility equipment, and fuel storage tanks shall be anchored and either elevated or floodproofed to one foot above the base flood elevation.

(F) All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located onshore, above the base flood elevation, and when possible, outside the Special Flood Hazard Area.

13. Statement of FPO District Regulations Applicability

A statement that construction and other development in the FPO District must meet the requirements of this subsection shall 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 statement shall clearly articulate that the Town may enforce any violation of these requirements. The statement shall also be included on any map, plat, or plan to be signed by the Review Authority as part of the approval process.

14. 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 increased 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.

2.4.5. Wildlife Protection Overlay (WPO) District

A. Purpose

1. The purpose of the Wildlife Protection Overly (WPO) District is to reduce the continuing loss of habitat for native species in rural districts, while simultaneously accommodating development in those districts.

2. The intent of the requirements of Section 2.4.52.4.5 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”.

B. Definition and Delineation

1. The WPO District comprises two parts:

a. Wildlife Habitat Blocks consist of the rural portions of large (greater than 150 acres) continuous blocks of naturally occurring stands dominated by woody vegetation.

b. Wildlife Corridors consist of the overland connections between Wildlife Habitat Blocks that provide naturally vegetated linkages supporting daily and seasonal species movement between Wildlife Habitat Blocks.

2. WPO District boundaries and the boundaries of Wildlife Habitat Blocks and Wildlife Corridors are delineated on the Brunswick Zoning Map and are based on aerial photo imagery that depict land-use changes known to have occurred through December 2005. Those boundaries will be adjusted as approved development within the WPO District occurs.

C. Additional Requirements for the WPO District

1. Applicability and Exempt Activities

a. The requirements in this subsection C shall apply to the following activities:

i. Disturbance;

ii. New subdivisions;

iii. Construction, enlargement or placement of a new building or structure;

iv. Construction of a road, driveway, or parking lot;

v. Creation or expansion of commercial utility corridors;

vi. 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. The following activities do not pose a significant adverse impact on the environmental value of unfragmented blocks and corridors, and therefore are exempt from the requirements of this subsection C. (The standards of the underlying base zoning district and other overlay districts continue to govern these activities where applicable):

i. Maintenance of existing hayfields and pastures.

ii. Standard farming activities at an existing establishment practicing agriculture—including, but not limited to:

(A) The construction of traditional walls and fences for the purpose of enclosing existing livestock areas or delineating existing fields, pastures, crops, and garden plots;

(B) Construction or improvement of structures used for agriculture;

(C) Bush-hogging existing regenerating fields for agricultural purposes;

(D) Creation of utility lines and corridors directly associated with farm operations; and

(E) Creation of impervious surfaces for the purposes of equipment and product storage, and access to existing agricultural facilities, fields, and pastures.

iii. 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 1.7.2 (Definitions); 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.).

iv. Structures constructed or placed on existing maintained lawns or impervious surfaces.

v. Permanent clearings within Wildlife Corridors less than 10,000 square feet in size.

c. The construction of one 1-family dwelling and accessory structures on a lot that is created by a single division of an existing parcel and has frontage on a public road, where the total area of disturbance within the WPO District does not exceed 1 acre.

d. 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 nonagricultural use.

i. 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 WPO District shall be considered a disturbance for the

purposes of Section 2.4.5.E (Habitat Mitigation Requirements and Density Bonus Eligibility).

ii. 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.

D. General Standards

1. Activities in the Wildlife Protection Overlay District shall minimize disturbances to the extent feasible.

2. Activities are subject to habitat mitigation, or eligible for density bonuses, based on the provisions in Section 2.4.5.E (Habitat Mitigation Requirements and Density Bonus Eligibility).

3. The Review Authority may reduce front, side, and rear yard depth requirements to minimize disturbances within the Wildlife Protection Overlay District provided that:

a. No other reasonable alternative exists; and

b. The yard depth reduction(s) will not cause unreasonable adverse impacts to the adjacent property.

E. Habitat Mitigation Requirements and Density Bonus Eligibility

1. Wildlife Habitat Blocks

a. Habitat mitigation requirements within a Wildlife Habitat Block are set forth in the following table, as determined separately for each percentage category of disturbance.

Table 2.4.5: Habitat Mitigation Requirement/Density Bonus Eligibility

Percentage of Wildlife Habitat Block Area within Original Parcel that is Disturbed [1,2]	Percentage of Original Parcel Area Covered by Wildlife Habitat Block		
	0 – 50%	51 – 75%	76 – 100%
0%	No mitigation	Density bonus: See Table 4.1.4.E.3	Density bonus: See Table 4.1.4.E.3
1 - 15%	No mitigation	No mitigation	Density bonus: See Table 4.1.4.E.3
16 – 25%	1:1 mitigation	No mitigation	Density bonus: See Table 4.1.4.E.3
26 – 50%	2:1 mitigation	1:1 mitigation	1:1 mitigation
51 – 100%	3:1 mitigation	2:1 mitigation	2:1 mitigation

NOTES:
1. The amount of the Disturbance is the cumulative amount on parcels that exist as of record on April 5, 2006 ("original parcels"). The subsequent division of the original parcel does not change the measurement of cumulative Disturbance on the original parcel. The burden of documenting and calculating all disturbance to the original parcel since April 5, 2006, is on the applicant.
2. In the case of subdivisions, Disturbance includes those portions of residential lots that are not encumbered by conservation easement, deed restriction, or similar mechanism that limits future disturbances to those meeting the purposes of the WPO District.

b. Land for Wildlife Habitat Block mitigation required in accordance with the table in subsection a above shall be permanently protected through a conservation easement, deed restriction, or similar mechanism that limits future disturbance. Such a mechanism can be utilized on portions of newly created lots to meet the mitigation requirement.

c. Mitigation land should be within the same continuous block as the disturbed area. If the Review Authority determines that no land is available in the same Wildlife Habitat Block, then land in another Wildlife Habitat Block or in a Wildlife Corridor may be used to satisfy this requirement.

d. Habitat Block protection that complies with the requirements of subsections a, b, and c. above shall receive a density bonus as shown in Table 4.1.4.C.5 (Open Space Developments).

2. Wildlife Corridors

a. Subdivisions that avoid disturbance in the Wildlife Corridor and place structures so as to avoid blocking wildlife travel ways are eligible for the bonus shown in Section 4.1.4.E (Density Bonuses).

b. Land for Wildlife Corridor mitigation required in accordance with subsection a above shall be permanently protected through a conservation easement, deed restriction, or similar mechanism that limits future disturbance. Mitigation land must be located within the same corridor as the disturbed area.

c. If the requirements in b above cannot be met, then the applicant can satisfy mitigation requirements by restoring or enhancing woody vegetation cover in portions of the Wildlife Corridor that have been previously disturbed by clearing or similar disturbance. Restoration and enhancement proposals must be reviewed and approved by the Director, and the restored and/or enhanced acreage must be placed under permanent protection through a conservation easement, deed restriction, or similar mechanism.

F. Density Bonus for Permanent Habitat Protection

A density bonus shall be granted in accordance with the eligibility provisions in subsection E above only if undisturbed land in the WPO on the parcel is permanently protected through a conservation easement, deed restriction, or similar mechanism that limits its future disturbance.

G. List of Potential Sellers of Mitigation Lands

The Town shall 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 a Wildlife Habitat Block or Wildlife Corridor.

2.4.6. Mobile Home Park Overlay (MHO) District

A. Purpose

The Mobile Home Park Overlay (MPO) District is intended to recognize and provide for the development of mobile home parks in a manner that allows the Town to address their potential impacts on adjacent neighborhoods through special review and the application of specific standards, and subject to site plan and/or subdivision approval.

B. Limited Expansion

Existing mobile home parks may be expanded, one time only, up to a maximum of one-third of their land area as of December 1, 1995. Such expansion may encompass contiguous land outside the mapped MHO District.

C. Mobile Home Park Standards

1. Review Requirements

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

2. Underlying Base Zoning District Standards

All use and development regulations applicable in the underlying base zoning district shall continue to apply in the MHO District unless expressly provided otherwise in this subsection 2.4.6.

3. 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.

4. Minimum Lot Size and Density

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

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

c. Where on-site sewage disposal is located on each lot, the minimum individual lot size shall be 20,000 square feet.

d. Mobile home parks shall not be subject to the residential density requirements except as provided in subsection b above.

5. Lot Dimensions

Dimensions for individual sites or lots are as follows:

a. Minimum Lot Width: 50 feet

b. Minimum Yard Depths:

i. Front: 10 feet

ii. Rear: 15 feet

iii. Side: 10 feet

6. Open Space and Recreation

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

7. Park Setbacks

a. Structures within a mobile home park shall maintain a minimum setback of 25 feet from all exterior property lines, except where the mobile home park abuts a residential use or development, where the minimum setback shall be 50 feet.

b. The minimum setback area may be included as part of the required open space.

c. The minimum setback area shall be sufficiently landscaped or fenced to effectively screen the park from surrounding properties.

8. Landscape Plan

A mobile home park shall have a landscape plan that 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.

9. 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.

2.4.7. Airport Approach Overlay (AAO) District

A. Purpose

The purpose of the Airport Approach Overlay (AAO) District is to prevent development that is incompatible with safe flight operations at the Brunswick Executive Airport.

B. Definition and Delineation

1. The AAO District is comprised of two zones:

a. The Runway Protection Zone (RPZ), which includes those areas beyond the ends of airport runways where certain structures and other development could potentially obstruct or interfere with safe aircraft operations and/or are particularly vulnerable to aircraft landing and take-off accidents. There are two RPZ areas, one to the north and one to the south of the runway.

b. The Airport Approach Zone (AAZ), which includes those areas adjacent to the airport where development is particularly vulnerable to the adverse impacts of aircraft noise.

2. AAO District boundaries and the boundaries of the Runway Protection Zone and Airport Approach Zone are delineated on the Brunswick Zoning Map and are based on the Airport Layout Plan, Brunswick Executive Airport, 2010, revised 2013 (available in the Brunswick Planning and Development Office).

C. Consideration of Safety and Noise

Issues of safety and noise will be carefully reviewed by the Planning Board as it considers any and all Special Permit or Conditional Use Permit applications within the AAO District.

D. Modified Use Standards

In addition to the Permitted Use and Conditional Use provisions in Sections 3.2 and 3.3 (Permitted Use Tables), the table below lists uses that are expressly prohibited or allowed only with a Conditional Use in the Runway Protection Zone and Airport Approach Zone. Where a use designation in this table conflicts with the use designation relating to any applicable base district or other applicable overlay district, the most restrictive designation shall apply.

Table 2.4.7: Use Table for AAO District Zones
P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited

Use	RPZ	APZ
Principal Uses		
Residential Uses		
Household Living		
Dwelling, 1-family	X	P
Dwelling, 2-family	X	C
Dwelling, multifamily	X	C
Mobile home	X	C
Mobile home for disabled persons	X	C
Group Living		
Assisted/Congregate Living Facility	X	X
Boarding house	X	X
Nursing home	X	X
Residence hall	X	X
Public, Institutional, and Civic Uses		
Community, Cultural, and Educational Uses		
Club or lodge	X	X
College facility not listed	X	C
Community center	X	X
Day care facility, small	X	X
Day care facility, large	X	X
Hospital	X	X
Library, museum, or art gallery	X	C
Municipal facility	X	C
Park or conservation area	X	C
Religious institution	X	X
School	X	X
Communication Uses		
Small-scale telecommunications tower	X	C
Telecommunications tower	X	C
Commercial Uses		
Agriculture and Animal Care Uses		
Aquaculture	X	C
Equestrian facility	X	C
Farm	P	P
Kennel	X	P
Plant nursery	X	P
Veterinary office	X	C
Food, Beverage, and Entertainment		
Adult entertainment establishment	X	X
Golf course	X	C
Recreation facility, as a principal use	X	C
Restaurant or dining facility	X	X
Theater	X	X
Lodging		
Campground	X	X
Hotel	X	X
Retail Sales and Services		
Bank	X	C
Neighborhood store	X	C
Office	X	C
Retail, Class I	X	C

Table 2.4.7: Use Table for AAO District Zones
P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited

Use	RPZ	APZ
Retail, Class II	X	C
Service business, Class I	X	C
Service business, Class II	X	C
Studio	X	C
Transportation and Vehicle-Related Uses		
Aviation operations	P	P
Aviation-related business	X	P
Bus or rail station	X	C
Car wash	X	P
Marina or boat storage	X	P
Parking facility, as a principal use	X	C
Ultra-light airpark	X	X
Vehicle fueling station	X	X
Vehicle sales, rental, or storage	X	P
Vehicle service or repair	X	P
Industrial Uses		
Contractor's space	X	C
Industry, Artisan	X	C
Industry, Class I	X	C
Industry, Class II	X	C
Junkyard or automobile graveyard	X	P
Marine activity	X	P
Mineral extraction	X	P
Recycling collection facility, as a principal use	X	P
Renewable energy generating facility, as a principal use	X	C
Utility facility, major	X	C
Utility facility, minor	C	C
Warehousing and storage	X	C
Accessory Uses		
Accessory apartment	X	C
Bed and breakfast	X	X
Convenience store	X	C
Day care facility, small	X	C
Day care facility, large	X	C
Drive-through service	X	C
Home occupation	X	C
Parking facility, as an accessory use	C	P
Recreation facility, as an accessory use	C	C
Renewable energy generating facility, as an accessory use	X	C
Temporary Uses		
Garage or yard sale	X	P
Outdoor sales	X	P
Special event	X	C
Temporary construction office or yard	X	C
Temporary movable storage container	X	P
Temporary real estate sales office	X	C

E. Additional Requirements for the AAO District

1. Residential density shall not exceed one unit per two acres.
2. The maximum building height is 35 feet.

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

2.4.8. Telecommunications Overlay (TCO) Districts

A. Purpose

The Telecommunications Overlay (TCO) District is intended to provide for the development of wireless telecommunication towers in a manner that allows the Town to address their potential impacts on adjacent neighborhoods through special review and the application of specific standards.

B. Definition and Delineation

1. The Telecommunications Overlay (TCO) Districts have been identified as suitable locations for telecommunication towers, which shall be permitted by right in the TCO Districts, subject to site plan approval.
2. There are two Telecommunications Overlay zones:
   a. The Telecommunications Overlay 1 (TCO1) District accommodates telecommunication towers from 200 to 400 feet tall.
   b. The Telecommunications Overlay 2 (TCO2) District accommodates telecommunication towers from 120 to 200 feet tall.
3. TCO District boundaries are delineated on the Brunswick Zoning Map.

C. Permits

1. 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.
2. Upon compliance with all the requirements of this Section 2.4.8, the Codes Enforcement Officer shall issue a Building Permit to the applicant without the necessity of site plan review.

D. Standards for Telecommunication Towers in the TCO Districts

1. Dimensional Standards

The standards in the table below shall apply to the TCO Zones.

Table 2.4.8: Dimensional Standards for TCO Districts

Dimensional Standard	TCO1	TCO2
Minimum lot area (square feet) [1]	80,000	30,000
Minimum lot width (feet) [1]	200	60
Minimum front yard depth (feet)	30	30
Minimum rear yard depth (feet)	30	30
Minimum side yard depth (feet)	30	30
Maximum impervious surface coverage (% of lot area) [1]	50	50
Maximum tower height (feet)	400	199
NOTES: 1. For purposes of this subsection, leased land shall be treated as a lot.		

2. FAA and FCC Compliance

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

b. Upon request by the Town, the applicant shall certify compliance with all applicable FCC radio frequency exposure guidelines.

3. Evidence of Need

a. The applicant of a telecommunication tower shall submit 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 subsection 13.b.i below, drive test data and other correspondence from prospective users of the tower.)

b. 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.

4. Collocation

a. A new telecommunication tower and related equipment shall be designed and constructed to accommodate the collocation of at least three independent arrays of antennae and related equipment.

b. The applicant shall provide the Codes Enforcement Officer documentation ensuring that the owners of the telecommunication tower and their successors and assigns agree to:

i. 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;

ii. Negotiate in good faith for shared use of the telecommunication tower by third parties;

iii. Allow shared use of the telecommunication tower if an applicant agrees in writing to pay reasonable charges for collocations;

iv. Require no more than a reasonable charge for shared use of the telecommunication 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 telecommunication tower.

c. 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.

5. Tower Structure

a. In the TCO1 District, 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.

b. In the TCO2 District, only AM radio towers/antennae or similar installations may be installed with guy wire support and transmission wiring. All other new

telecommunication tower must be a freestanding monopole structure with a round base and section throughout its length.

c. Guy wired towers/antennae shall include techniques to mitigate bird and bat injuries.

6. Fall Zone

Any telecommunication tower constructed in the TCO2 District shall be designed to collapse upon itself and no habitable structure shall be located within 100 feet of the tower. The tower owner shall own or otherwise have control of the land within this 100-foot-radius "fall zone" in order to assure compliance with this requirement.

7. Accessory Facilities

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.

8. Screening, Materials and Color

a. A new telecommunication tower and related equipment shall be screened with plants from view by abutting properties to the greatest extent practicable.

b. Provided there are no FAA color requirements to the contrary, a new telecommunication 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.

9. Preservation of Vegetation and Landforms

Existing plants and natural landforms on the site shall be preserved to the greatest extent practicable. The cutting of trees or other vegetation within the "fall zone" described in subsection 6 above shall be limited to the minimum necessary for:

a. Construction of the tower, accessory structures, fencing, and vehicular access to the facility;

b. Removal of trees that are dead or diseased, and/or create a hazard; and

c. A footpath through the area not to exceed six feet in width.

10. Parking

At least one parking space shall be provided for each telecommunication tower, along with circulation and vehicle access.

11. Lighting

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 standards in Section 4.8 (Outdoor Lighting).

12. Fencing

A new telecommunication 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 feet in height and be topped with barbed wire.

13. Building Code Compliance

a. All towers must be constructed so as to meet or exceed the manufacturer's specifications and the current building code of the Town. The Codes Enforcement Officer can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the Building Permit

b. Prior to issuance of a Building Permit for a new tower, the applicant shall provide the Codes Enforcement Officer:

i. 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.

ii. 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.

iii. 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 subsection 14 below.

c. The owner shall arrange for an annual inspection of each tower to determine that it meets the most current building code 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.

14. Abandonment of Tower

a. A telecommunications tower that is not operated for a continuous period of 12 months shall be considered abandoned.

b. The Codes Enforcement Officer shall notify the owner of an abandoned tower in writing and order the removal of the tower within 90 days of receipt of the written notice.

c. The owner of the facility shall have 30 days from the receipt of the notice to demonstrate to the Codes Enforcement Officer that the tower has not been abandoned.

d. If the Owner fails to show that the tower is in active operation, the owner shall have 60 days to remove the tower.

e. 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 subsection 13.b.iii above.

f. 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.

2.4.9. Village Review Overlay (VRO) District

A. Purpose

The purpose of the Village Review Overlay (VRO) District is to protect and preserve the architectural context and historical integrity of downtown neighborhoods in the Town of Brunswick by:

1. 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 Overlay District without stifling change or forcing modern recreations of historic styles.

2. 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.

3. Promoting economic development by enhancing the attractiveness of the Town to businesses and their patrons, residents, and visitors to Brunswick.

4. Fostering civic pride in the Town's history and development patterns as represented in distinctive sites, structures, and objects.

5. Promoting and protecting significant features of the historic patterns of development, including traditional landscaping, densities, structural mass and scale.

B. Definition and Delineation

The Village Review Overlay (VRO) District applies to specific areas of Brunswick as delineated on the Brunswick Zoning Map.

1. Classification of Architectural and Historic Resources

a. Architectural and historic resources subject to VRO District review procedures consist of:

i. Contributing resources, as listed in Appendix C, which shall include:

(A) Properties listed on the National Register of Historic Places.

(B) Properties eligible for listing on the National Register of Historic Places, as determined by the Maine Historic Preservation Commission.

(C) Properties located within a National Register Historic District, deemed to be contributing resources by the Maine Historic Preservation Commission.

(D) Properties deemed to be contributing resources of local and regional significance by the Town of Brunswick.

ii. Noncontributing resources, which are all remaining architectural and historic resources not considered to be contributing.

2. Certificate of Appropriateness Required

A Certificate of Appropriateness is required for activities in the VRO District involving contributing resources or noncontributing resources visible from a public right-of-way, and in accordance with the review procedures in Section5.2.6 (Village Review Overlay Design Review).

Chapter 3 - Property Use Standards

3.1 General

The Permitted Uses, Special Uses, and Prohibited Uses in each zone district are indicated in Tables 3.2 and 3.3 below. Additional uses of property or restrictions on the use of property may be contained in the description of that district in Section 2.2 (Growth Area Base Zone Districts), Section 2.3 (Rural Area Base Zone Districts), and Section 2.4 (Overlay Zone Districts).

A. A "P" in a cell of Tables 3.2 or 3.3 indicates that the use is permitted by-right in that zone district, subject to compliance with the Supplemental Use Standards in the right-hand column of that line of the table.

B. A "C" in a cell of Tables 3.2 or 3.3 indicates that the use is permitted only after the applicant obtains Special Use approval pursuant to Section 5.2.2 (Conditional Use Permit), and subject to the Supplemental Use Standards in the right-hand column of that line of the table.

C. An "X" in a cell of Tables 3.2 or 3.3 indicates that the use is not permitted in that zone district.

D. A development may include multiple principal uses listed in Tables 3.2 and 3.3, including a combination of residential and nonresidential uses, provided that each use is either a Permitted Use or a Conditional Use in that zone district, that a Conditional Use Permit is obtained for any Conditional Use, all Supplementary Use Standards applicable to each use are met, the development complies with all applicable density, dimensional, impervious surface, development, and performance standards, and all Site Plan approvals are obtained.

E. The Director of Planning has the authority to interpret whether a proposed land use is included within a listed land use shown in Tables 3.2 or 3.3, based on its scale, character, traffic impacts, and potential impacts on surrounding properties.

F. If the Director determines that the proposed land use is not included in a listed land Permitted Use or Conditional Use in Tables 3.2 or 3.3, the applicant may file an application for a Special Use approval of that use, pursuant to Section 5.2.3 (Special Permits for Unclassified and Omitted Uses).

3.2 Growth Area Permitted Use Table

Table 3.2: Permitted Use Table for Growth Area Base Districts[1]

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed only as Temporary Use
* = Subject to Supplementary Use Standards

Land Use	NEW ZONE	GR1	GR2	GR3	GR4[2]	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4[3]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN[4]	Supple-mentary Use Standards
	CURRENT ZONE	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN	
Principal Uses																											
Residential Uses																											
Household Living																											
Dwelling, 1- or 2-family		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	C	P	P	P	P	X	X	X	X	3.4.1.A
Dwelling, multifamily		P *	X	X	P *	P *	P	P	P	P	P	P *	P	P	P	P	P	P	P *	P	P	P	X	X	X	X	3.4.1.B
Mobile home		Permitted Only in Mobile Home Park Overlay District																									
Group Living																											
Assisted/Congregate Living Facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	X	X	
Boarding house		X	X	X	C	P	C	X	C	C	P	P	P	C	C	C	P	P	X	P	X	X	X	X	X	X	
Nursing home		X	X	X	X	X	X	X	X	X	X	X	P	C	C	C	P	P	X	X	X	X	X	X	X	X	
Residence hall		X	X	X	X	X	X	X	X	P *	X	P	C	C	X	C	P	P	P *	C	P	P	X	C	X	X	3.4.1.C
Public, Institutional, and Civic Uses																											
Community, Cultural, and Educational Uses																											
Club or lodge		X	X	X	X	X	C	X	C	C	P	C	C	C	C	P	P	P	X	X	X	X	X	C	X	X	
College facility not listed		X	X	X	C	P	C	X	P	P	P	C	P	P	P	P	P	C	P	P	P	P	P	P	P	X	
Community center		A	X	X	C	C	C	X	C	C	P	P	C	P	P	P	P	P	P	X	P	P	X	C	X	X	
Day care facility, small		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Day care facility, large		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Hospital		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	
Library, museum, or art gallery		X	X	X	C	C	P	X	X	C	P	C	C	P	P	P	P	P	P	P	P	P	X	C	X	X	
Municipal facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P	P	P	X	
Park or conservation area		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious institution		X	X	X	C	C	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	X	X	
School		P	P	P	C	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Communication Uses																											
Telecommunication tower		Permitted only in Telecommunications Overlay District																									

[1] Where the consolidated districts apply different standards, the proposed standards is shaded in blue. Where we propose to change the current standard (other than through consolidation rules), the proposed designation is shaded in magenta.
[2] This also consolidates the Growth Area part of the CR2 District.
[3] This also consolidates the Growth Area part of the MU1 District.
[4] This district includes only those BCN lands located in the Growth Area.

Table 3.2: Permitted Use Table for Growth Area Base Districts[1]

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed only as Temporary Use
* = Subject to Supplementary Use Standards

Land Use	NEW ZONE	GR1	GR2	GR3	GR4[2]	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4[3]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN[4]	Supple-mentary Use Standards
	CURRENT ZONE	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN	
Telecommunication tower, small-scale																	C							C			3.4.1.D
Commercial Uses																											
Agriculture and Animal Care Uses																											
Aquaculture		X	X	X	X	X	X	X	X	X	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Equestrian facility		X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	P	P	X	X	P	X	
Farm		X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	P	X	X	P	X	
Kennel		X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	X	X	X	X	X	X	X	C	X	X	
Plant nursery		X	X	C	P	P	P	C	X	X	P	P	C	P	P	X	C	C	P	X	P	P	X	P	P	X	
Urban Agriculture		P	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	3.4.1.F
Veterinary office		X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P	P	X	X	X	X	X	P	X	X	
Food, Beverage, and Entertainment																											
Adult entertainment establishment		X	X	X	X	X	X	X	X	X	X	X	X	X	P*	X	X	X	X	X	X	X	X	X	X	X	3.4.1.G
Golf course		X	X	X	P	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X	P	X	
Recreation facility, as a principal use		X	X	X	C	C	C	X	X	X	P	P	P	P	P	P	P	P	P	X	X	P	X	P	P	P	
Restaurant or dining facility		X	X	X	X	X	C	X	X	X	P	P	C	P	P	P	P	P	P	X	P*	P	P*	C	X	X	3.4.1.H
Theater		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	P	P	X	P	P	X	P	X	X	
Lodging																											
Campground		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	C	C	C	C	X	X	X	P	X	
Hotel		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	P	X	X	P*	X	X	P	X	X	3.4.1.I
Retail Sales and Services																											
Bank		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	P	X	X	X	X	P	C	X	X	
Neighborhood store		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	X	P*	X	X	3.4.1.J
Office		X	X	X	X	C	C	X	X	C*	P	P	P	P	P	P	P	P	P	X	P	P	P	P	A	X	3.4.1.K
Retail, Class I		X	X	X	X	X	C	X	X	X	P*	C	P*	P*	P*	P*	P*	P*	X	X	X	P*	P*	P*	X	X	3.4.1.L
Retail, Class II		X	X	X	X	X	X	X	X	X	P*	C	C	P*	P*	P*	P*	P*	X	X	X	X	X	P*	X	X	3.4.1.L
Service business, Class I		X	X	X	X	C	C	X	X	X	P	C	C	P	P	P	P	P	X	X	X	P	P*	P	X	X	3.4.1.M
Service business, Class II		X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P	P	X	X	X	X	P*	P	X	X	3.4.1.M
Studio		X	X	X	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	X	P	P	X	P	X	X	

Table 3.2: Permitted Use Table for Growth Area Base Districts[1]

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed only as Temporary Use
* = Subject to Supplementary Use Standards

Land Use	NEW ZONE	GR1	GR2	GR3	GR4[2]	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4[3]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN[4]	Supple-mentary Use Standards
	CURRENT ZONE	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN	
Transportation and Vehicle-Related Uses																											
Aviation operations		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	C	C	C	X	P	P	X	X	
Aviation-related business		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	C	C	C	C	X	P	P	X	X	
Bus or rail station		X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	P	X	X	X	X	X	X	X	
Car wash		X	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	X	X	X	X	X	X	X	
Marina or boat storage		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	C	C	C	X	X	C	X	X	
Parking facility as a principal use		X	X	X	X	X	C	X	X	C	P	P	P	P	P	P	P	P	P	C	P	P	P	P	X	X	
Ultra-light airpark		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	C	C	C	X	C	C	X	X	3.4.1.N
Vehicle fueling station		X	X	X	X	X	X	X	X	X	C	X	X	C	P	X	P	C	X	X	X	X	P *	P	X	X	3.4.1.O
Vehicle sales, rental, or storage		X	X	X	X	X	X	X	X	X	P *	X	X	P *	P *	X	X	X	X	X	X	X	X	C *	X	X	3.4.1.P
Vehicle service or repair		X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	P	C	X	X	X	P	X	P	X	X	
Industrial Uses																											
Contractor's space		X	X	X	X	X	X	X	X	X	C	C	C	C	C	P	P	C	X	X	C	X	A *	P	X	X	3.4.1.Q
Industry, Artisan		X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	X	X	X	P	P	X	X	
Industry, Class I		X	X	X	X	X	X	X	X	X	P	C	C	C	C	X	P	C	X	X	X	X	P	P	X	X	
Industry, Class II		X	X	X	X	X	X	X	X	X	C	C	C	C	X	X	P	C	X	X	X	X	P	P	X	X	
Junkyard or automobile graveyard		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	3.4.1.R
Marine activity		X	X	X	X	X	X	X	P *	X	P *	P *	P *	P *	P *	P *	P *	P *	X	X	X	X	P *	P *	P *	X	3.4.1.S
Mineral extraction		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	3.4.1.T
Recycling collection facility, as a principal use		X	X	X	X	X	X	X	X	X	P	C	C	C	C	P	P	C	X	X	X	X	P	P	X	X	
Renewable energy generating facility, as a principal use		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	C	X	3.4.1.U
Utility facility, major		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	X	
Utility facility, minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Warehousing and storage		X	X	X	X	X	A	X	X	X	P	C	P	P	C	A	P	C	P	A	A	P	P	P	X	X	
Accessory Uses																											
Accessory apartment		A *	A *	A *	A *	A *	A *	A *	A *	A *	A *	A *	A *	A *	A *	A *	X	A *	A *	A *	A *	A *	X	A *	X	X	3.4.2.A
Bed and breakfast		X	X	X	A	A	A	A C	A C	A C	A	A	A	A	A	A	A	A	A C	A C	A C	A	X	A	X	X	
Day care facility, small		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	

Table 3.2: Permitted Use Table for Growth Area Base Districts[1]

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed only as Temporary Use
* = Subject to Supplementary Use Standards

Land Use	NEW ZONE	GR1	GR2	GR3	GR4[2]	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4[3]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN[4]	Supple-mentary Use Standards
	CURRENT ZONE	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN	
Day care facility, large		AC	AC	AC	AC	AC	AC	AC	AC	AC	A	A	A	A	A	A	A	A	A	A	A	A	AC	AC	AC	X	
Drive-through service		X	X	X	X	X	X	X	X	X	A	X	X	A	A	AC*	AC	A	X	X	X	X	X	X	X	X	3.4.2.B
Home occupation		A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	X	3.4.2.C
Parking facility, as an accessory use		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Recreation facility, as an accessory use		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	A	X	A	
Renewable energy generating facility, as an accessory use		A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	3.4.1.U
Temporary Uses																											
Garage and yard sales		T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	X	3.4.2.D
Outdoor sales		X	X	X	X	X	X	X	X	X	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	X	X	3.4.2.E
Special event		X	X	X	X	X	X	X	X	X	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	CT	X	
Temporary construction office or yard		T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	X	3.4.2.F
Temporary movable storage container		T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	X	3.4.2.G
Temporary real estate sales office		T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	X	3.4.2.H

3.3 Rural Area Permitted Use Table

Table 3.3: Permitted Use Table for Rural Base Districts[5]

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use
* = Subject to Supplementary Use Standards

Land Use	NEW ZONE	RN[6]	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2	CP1, FF3	CP2	MU5	
Principal Uses								
Residential Uses								
Household Living								
Dwelling, 1- or 2-family		X	P*	P*	P*	P*	P*	3.4.1.A
Dwelling, multifamily		X	P*	P*	X	P*	P*	3.4.1.B
Mobile home		X	P	P	P	P	P	
Group Living								
Assisted/Congregate Living Facility		P	P	P	P	P	P	
Boarding house		X	C	C	X	C	C	
Nursing home		X	X	X	X	X	X	
Residence hall		X	X	X	X	X	X	
Public, Institutional, and Civic Uses								
Community, Cultural, and Educational Uses								
Club or lodge		X	C	C	P	C	P	
College facility not listed		X	C	C	C	C	C	
Community center		X	C	C	X	C	P	
Day care facility, small		X	P	P	P	P	P	
Day care facility, large		X	C	P	C	C	C	
Hospital		X	X	X	X	X	X	
Library or museum, or art gallery		X	C	P	P	C	P	
Municipal facility		P	P	P	P	P	P	
Park or conservation area		P	P	P	P	P	P	
Religious institution		X	C	C	C	C	C	
School		X	P*	P*	P*	P*	P*	
Communication Uses								
Telecommunication tower		Permitted only in Telecommunications Overlay District						
Telecommunication tower, Small-scale							P	3.4.1.D
Commercial Uses								
Agriculture, Aquaculture, and Animal Care Uses								
Aquaculture		X	P*	P*	P*	P*	P*	3.4.1.E
Equestrian facility		X	P*	P*	P*	P*	P*	3.4.1.E
Farm		X	P*	P*	P*	P*	P*	3.4.1.E

[5] Where the consolidated districts apply different standards, the proposed standards is shaded in blue. Where we propose to change the current standard (other than through consolidation rules), the proposed designation is shaded in magenta.
[6] This district includes only those BCN lands located in the Growth Area.

Table 3.3: Permitted Use Table for Rural Base Districts[5]

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use
* = Subject to Supplementary Use Standards

Land Use	NEW ZONE	RN[6]	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2	CP1, FF3	CP2	MU5	
Kennel		X	C	C	X	C	C	
Plant nursery		X	P	P	P	P	P	
Veterinary office		X	P	P	X	P	P	
Food, Beverage, and Entertainment								
Adult entertainment establishment		X	X	X	X	X	X	
Golf course		X	C	C	X	C	C	
Recreation facility, as a principal use		P*	C	C	C	C	C	
Restaurant or dining facility		X	X	X	X	X	X	3.4.1.H
Theater		X	X	X	X	X	X	
Lodging								
Campground		X	C	C	C	C	C	
Hotel		X	X	X	X	X	X	
Retail Sales and Services								
Bank		X	X	X	X	X	C	
Neighborhood store		X	P*	P*	P*	P*	P*	3.4.1.J
Office		X	X	X	C	X	P	
Retail, Class I		X	X	P*	X	X	P*	3.4.1.L
Retail, Class II		X	X	X	X	X	X	
Service business, Class I		X	C	X	C	C	P	
Service business, Class II		X	C	X	X	C	P	
Studio		X	P	P	C	P	P	
Transportation and Vehicle-Related Uses								
Aviation operations		X	X	X	X	X	S	
Aviation-related business		X	X	X	X	X	X	
Bus or rail station		X	X	X	X	X	X	
Car wash		X	X	X	X	X	X	
Marina or boat storage		X	C	C	C	C	C	
Parking facility, as a principal use		X	X	X	X	X	C	
Ultra-light airpark		X	X	X	X	X	C	3.4.1.N
Vehicle fueling station		X	X	X	X	X	X	
Vehicle sales, rental, or storage		X	X	X	X	X	C	
Vehicle service or repair		X	X	X	X	X	C	
Industrial Uses								
Contractor's space		X	C	C	X	C	C	
Industry, Artisan		X	X	X	X	X	P	
Industry, Class I		X	X	X	X	X	P	
Industry, Class II		X	X	X	X	X	X	

Table 3.3: Permitted Use Table for Rural Base Districts[5]

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use
* = Subject to Supplementary Use Standards

Land Use	NEW ZONE	RN[6]	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2	CP1, FF3	CP2	MU5	
Junkyard or automobile graveyard		X	X	X	X	X	X	
Marine activity		P*	P*	P*	P*	P*	P*	3.4.1.S
Mineral extraction		X	P	P	P	P	P	3.4.1.T
Recycling collection facility, as a principal use		X	X	X	X	X	C	
Renewable energy generating facility, as a principal use		X	C	C	C	C	C	3.4.1.U
Utility facility, major		X	C	C	C	C	C	
Utility facility, minor		P	P	P	P	P	P	
Warehousing and storage		X	X	X	X	C	P	
Accessory Uses								
Accessory apartment		X	A*	A*	A*	A*	A*	3.4.2.A
Bed and breakfast (as accessory to a dwelling)		X	A	A	A	A	A	
Day care facility, small, as an accessory use		X	A	A	A	A	A	
Day care facility, large, as an accessory use		X	AC	AC	AC	AC	AC	
Drive-through service		X	X	X	X	X	X	
Home occupation		X	A*	A*	A*	A*	A*	3.4.2.C
Parking facility, as an accessory use		X	A	A	A	A	A	
Recreation facility, as an accessory use		A	A	A	A	A	A	
Renewable energy generating facility, as an accessory use		X	A*	A*	A*	A*	A*	3.4.1.U
Temporary Uses								
Garage and yard sales		X	T*	T*	T*	T*	T*	3.4.2.D
Outdoor sales		X	T*	T*	T*	T*	T*	3.4.2.E
Special event		CT	CT	CT	CT	CT	CT	
Temporary construction office or yard		X	T*	T*	T*	T*	T*	3.4.2.F
Temporary movable storage container		X	T*	T*	T*	T*	T*	3.4.2.G
Temporary real estate sales office		X	T*	T*	T*	T*	T*	3.4.2.H

3.4 Supplementary Use Standards

The following standards apply to each of the uses indicated, regardless of whether that use is listed as a Permitted Use or a Conditional Use in Tables 3.2 and 3.3.

3.4.1. Principal Uses

A. 1- or 2-family Dwelling

1. 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.

2. A lot may contain more than one principal residential structure, provided that each dwelling unit has sufficient area and setbacks to comply with the density requirements.

B. Multifamily Dwelling

1. Multifamily dwellings shall require Site Plan approval. This includes the adding of units to any unit that contains two or more dwelling units.

2. In the GC-1 district, this is a Permitted use north of Longfellow Street and a Conditional Use to the south of that street.

C. Residence Hall

1. In the GR9 district, Residence Halls are limited to properties currently or formerly owned and operated as college fraternity houses.

2. In the GC-1 district, this is a Permitted use north of Longfellow Street and a Conditional Use to the south of that street.

3. In the GC3 district, residence halls are limited to properties in use as a hotel, boarding house or restaurant as of October 15, 2001.

D. Small Scale Telecommunications Tower

Small Scale Telecommunication Towers (not including amateur radio installations) shall comply with the following standards:

1. All standards in Section 2.4.8.D (Standards for Telecommunication Towers in the TCO Districts) shall apply except that:

a. In Section 2.4.8.D.5.b, the "fall zone" shall be 50 percent of the tower height instead of 100 feet, and

b. Section 2.4.8.D.5.a does not apply.

2. The maximum height of any tower shall not exceed 120 feet, including antenna arrays and other attachments.

3. New towers shall be configured to minimize the adverse visual impact of the tower and antennas through careful design, siting, landscape screening and innovative camouflaging techniques. Innovative camouflaging techniques like stealth flagpoles, monopines (tree poles) and alternative mounting techniques like flush mounted antennas shall be used whenever possible.

4. A latticed or monopole tower or a tower stylistically similar to a latticed or monopole tower shall be used. Guy wires shall not be permitted.

5. New accessory facilities shall comply with Section 2.4.8.D.7 (Accessory Facilities) 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.

6. Advertising and commercial signs shall not be allowed on the tower or its accessory facilities.

7. Signals, lights or illumination shall not be allowed on the tower unless required by the Federal Aviation Administration, Federal Communication Commission or another federal agency.

8. 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).

9. In the GI district, the minimum lot area for the placement of small scale wireless communication towers may be reduced to no less than 10,000 square feet.

E. Reuse of Agricultural Structures in Rural Districts

The purpose of this provision is to provide guidance to applicants and the Reviewing Authority whenever a Development Review, Conditional Use Permit, 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 of a structure, last legally used for the purpose of conducting agriculture, or legally converted to other uses, may be converted to another use with a Conditional Use Permit, pursuant to Section 5.2.3 (Conditional Use Permit) and 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 Conditional Use Permit is necessary for the use, the Planning Board shall find that the proposed use complies with these standards in addition to the Conditional Use Permit requirements of Section 5.2.3:

1. The subject structure must be at least 1,000 square feet in size.

2. 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.

3. 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.

4. 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.

5. 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.

F. Urban Agriculture

a. Greenhouses, hoop houses, cold frames, storage sheds, and other accessory structures are limited to a maximum height of 12 feet, shall be setback at least 10 feet from any abutting lot with an occupied residential use.

b. The cumulative area covered by structures more than 4 feet above grade shall not exceed 25% of the site.

c. Sales of products grown on the site is permitted on the site, provided that the structure used for sales is no larger than 100 square feet and is not located in a required yard area.

d. Food products may be grown in soil native to the site if a composite sample of the native soil has been tested for lead content and the lead content in the soil is determined to be at or below the Maine direct-contact standards for lead the Town determines through maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past.

e. Food products may be grown in clean soil at least 18 inches in depth brought to the site without the need for testing of the existing soil.

G. Adult Entertainment Establishment

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.

H. Restaurant or Dining Facility

1. In the GC-1 district, this is a Permitted use north of Longfellow Street and a Conditional Use to the south of that street.

2. In the GC3 district, restaurants are limited to properties in use as a hotel, boarding house or restaurant as of October 15, 2001.

3. In the GA district restaurants are only permitted in conjunction with aviation related activities or uses.

I. Hotel

In the GC3 district, hotels are limited to properties in use as a hotel, boarding house or restaurant as of October 15, 2001.

J. Neighborhood Store

The establishment and/or expansion of a Neighborhood Store is subject to Minor Development Review.

K. Office

In the GR9 district, office uses are permitted only on properties currently or formerly owned and operated as college fraternity houses.

L. Retail, Class I and Class II

1. Class I and Class II 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 GM4 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 to encourage design that 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.

a. Facades and Exterior Walls

i. 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.

ii. 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.

iii. Where principal buildings contain additional, separate stores which in total occupy less than 20,000 square feet of gross floor area, with separate, exterior customer entrances, the following shall apply:

(A) 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 percent of the horizontal length of the building facade of such additional stores.

(B) Windows shall be recessed and should include visually prominent sills, shutters or other such forms of framing.

b. Entryways

Each principal building on a site shall have a clearly defined, highly visible customer entrance featuring three or more of the following features. Where additional stores will be located in the principal building, and customer entrances to such stores are outdoors, each additional store shall have a clearly defined, highly visible customer entrance featuring three or more of the following features.

i. canopies or porticos;

ii. overhangs;

iii. recesses or projections;

iv. arcades;

v. raised corniced parapets over the door;

vi. peaked roof forms;

vii. arches;

viii. outdoor patios;

ix. display windows;

x. architectural details such as tile work and moldings which are integrated into the building

xi. structure and design; or

xii. integral planters or wing walls that incorporate landscaped areas or places for sitting.

c. 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.

i. 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.

ii. 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.

iii. 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.

d. 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 features, each of which shall be in an area with 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:

i. patio/seating area;

ii. pedestrian area with benches;

iii. transportation center;

iv. window shopping walkway;

v. outdoor playground area;

vi. kiosk area;

vii. water fountain;

viii. clock tower; or

ix. other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Board, adequately enhances the pedestrian environment of the large retail store.

2. In the GA district Class I retail uses are only permitted in conjunction with aviation related activities or uses.

M. Service Business, Class I and Class II

In the GA district Class I and Class II service business uses are only permitted in conjunction with aviation related activities or uses.

N. Ultra-light Airpark

All ultra-light air parks shall require a Major Site Plan Review by the Planning Board.

O. Vehicle Fueling Station

Canopies for shall comply with the following requirements:

1. In all districts except the GM4 and GM5 districts, canopies shall be a single color and corporate colors and patterns shall not be permitted on canopies, except for signs located on the canopy.

2. Canopies are not permitted in the GM6 district.

3. No portion of the lighting fixture shall extend beyond the lower horizontal surface of the canopy.

P. Vehicle Sales, Rental or Storage

The sale or display of automobiles for sale or display shall not occur within any required setback.

Q. Contractor's Space

In the GA district contractor's space uses are only permitted in conjunction with aviation related activities or uses.

R. Junkyard or Automobile Graveyard

Junkyards and automobile graveyards existing on or before _____shall comply with the requirements of 30-A M.R.S.A. 3751-3760, as amended. Expansion of an existing junkyard is subject to approval of a Conditional Use Permit in accordance with Section 5.2.2.

S. Marine Activity

1. 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.
2. Proposed access from the shore will not cause erosion, sedimentation and siltation.
3. The proposed activities, construction, or the materials used will not adversely affect fisheries, spawning areas or other wildlife. In making this determination the reviewing entity may request that the applicant submit a letter from the Brunswick Marine Resources Committee or the Maine Department of Marine Resources.
4. Land area portions of the site are large enough and adequate to sustain water related uses.
5. 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.
6. The additional development standards found in Section 2.4.4 (Flood Protection Overlay (FPO) District) apply to Marine Activities taking place in a Special Flood Hazard Area.
7. 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, Title 38 M.R.S.A., § 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.
8. The minimum lot size for commercial marinas shall be 80,000 square feet.
9. 0.75 parking space shall be required for each boat slip and mooring that is serviced by a commercial marina.
10. 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.

T. Mineral Extraction

Site Plan approval shall be required for mineral extraction, and must comply with all of the following requirements. 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.

1. Location

This use is not permitted on lands formerly part of Brunswick Naval Air Station.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

U. Renewable Energy Generating Facility

1. A Building Permit application for a Small Wind Energy System (SWES) in the Growth or Rural districts shall contain the following:

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.

2. Small Wind Energy Systems in both the Growth and Rural districts shall be reviewed according to the following criteria:

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).

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 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.

3. In addition to those criteria in subsection 2 above, Small Wind Energy Systems in the Rural districts shall be reviewed according to the following criteria:

a. For lots located in the Rural Area the following standards apply:

b. An SWES shall have a maximum height of 125 feet from the ground level to the systems highest point.

c. 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.

d. On lots less than three acres in size, no more than one SWES installation shall be allowed.

e. On lots of three acres or more, up to three systems shall be allowed.

4. In addition to those criteria in subsection 2 above, Small Wind Energy Systems in the Growth districts shall be reviewed according to the following:

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.

3.4.2. Accessory and Temporary Uses

A. Accessory Apartment

1. An accessory apartment does not require Development Review.

2. The creation of an accessory apartment shall not be counted for density purposes.

3. Accessory apartments are allowed on single family residential and commercial lots in either a principal or accessory structure.

4. Only one accessory apartment is permitted per lot.

5. No front facade shall be altered to construct an accessory apartment.

6. The accessory apartment shall not be greater than 750 square feet or 35 percent of the floor area of the principal structure, whichever is greater.

7. The accessory apartment shall be secondary, incidental and subordinate to the single family residential or commercial use.

B. Drive-through Service

In the GM6 district, Drive-through Service windows shall be allowed only as accessory to banks, and shall not be located between the front façade of the bank and the street.

C. Home Occupations

All home occupations shall comply with the standards below. Home occupations that cannot comply with these standards shall be considered non-residential activities subject to all applicable requirements of this Ordinance.

1. Only one person other than family members residing on the premises may be employed on site at any one time.
2. 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.
3. In Growth districts, there shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation.
4. No exterior alterations to the structure may be made in relation to the home occupation.
5. The home occupation may not exceed the lesser of 35 percent 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.
6. No retail sales shall occur, except of goods produced on the premises and accessories for such goods.
7. Each home occupation is entitled to one four square foot non-illuminated sign.
8. 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.

D. Garage and Yard Sales

Garage and yard sales are limited to no more than two events per calendar year, with no event to exceed three consecutive days in duration.

E. Outdoor Sales

Except in the GM6 district, outdoor sales are limited to no more than four events per calendar year, with no event to exceed seven consecutive days in duration

F. Temporary Construction Office or Yard

Temporary construction offices and yards may be located on the site where construction is taking place, or on an adjacent parcel with the permission of that parcel owner, between the date that a Building Permit for the construction is obtained until no more than 30 days after a Certificate of Occupancy for the completed construction is issued, or if no certificate of occupancy is required for the project, then until no more than 30 days after the construction is completed.

G. Temporary Movable Storage Container

Temporary movable storage containers on private property must be located on a driveway or paved area of the lot if one exists, and shall be in place for no more than 30 consecutive days.

H. Temporary Real Estate Sales Office

Temporary real estate sales offices may be located on the site where a new building(s) is being sold or leased, or on an adjacent parcel with the permission of that parcel owner, between the date that a first Building Permit for the construction is obtained until no more than 30 days after the last portion of the building(s) have been leased or sold.

Chapter 4 - Property Development Standards

4.1 Dimensional Standards

4.1.1. Generally

A. The tables in Section 4.1.2 (Growth Area Dimensional Standards) and Section 4.1.3 (Rural Area Dimensional Standards) set forth density and dimensional standards applicable to development in the various Growth Area and Rural Area base zoning districts. The standards in the tables are supplemented by provisions in Section 4.1.4 (Supplementary Dimensional Standards and Exceptions) that set forth additional standards, alternative standards, and exceptions to the standards in the dimensional tables. Where standards in Section 4.1.4 conflict with those in Section 4.1.2 or Section 4.1.3, the standards in Section 4.1.4 shall govern.

B. 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. Applications for approval of any such proposal that involve development requiring Development Review must also include 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.

C. If a Common Development Designation has been obtained pursuant to Section 5.2.7.H, the terms of that designation may vary the standards in Tables 4.1.2 and 4.1.3, and may result in some of the required dimensions applying the to the exterior boundaries of the Common Development, rather than to individual building sites within the Common Development.

4.1.2. Growth Area Dimensional Standards

Table 4.1.2: Dimensional Standards for Growth Area Base Districts[7]

Standard	New Zone	GR1	GR2	GR3	GR4[8]	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN[2][9]
	Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I1, I-4[10]	CC	HC1 & 2	TC1, 2, 3	I2,R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2,I3 & R-B&TI	R-R&OS	BCN
Lot area, min. (1,000 square feet)		4[3]	10	7.5	7.5	10	7.5	10	7.5	7.5	7.5	10	7.5	7.5	7.5	n/a	n/a	30	7.5	10	10	4	n/a	7.5 [3]	n/a	[2]
Density, max. (dwelling units per acre of net site area)		8	3	5[4]	5[3]	7	10	4	5	5	5	10	10	15	5	n/a	24		12	24[5]	10 [6]	24	n/a	n/a	n/a	[2]
Lot width, min. (feet)		40 [3]	65	75	75	100	65	65	65	65	60	65	75	60	75	n/a	n/a	150	65	65	65	40	50 [2]	50 [3]	n/a	[2]
Building frontage, min. (% of lot width)		80 [3]														75 [3,7]	80 [3]					n/a	n/a	n/a	n/a	[2]
Building frontage, max. (% of lot width)		100 [3]														100	100					n/a	n/a	n/a	n/a	[2]
Front yard depth, min. (feet)		n/a	15	20	20	15	15[8]	20	20	20	20	15	30	0	15	n/a	0	30	15	15	15	10	0	10 [3]	0	[2]
Build-to Zone (feet)		5[3]												[9]		0-5 [10]	5[3]					n/a	n/a	n/a	n/a	[2]
Rear yard depth, min. (feet)		0	20	20	20	20	15[8]	20	20	20	20	20	30	15	15	n/a	0	30	15	15	15	10	20	20 [3]	20 [3]	[2]
Side yard depth, min. (feet)		0	15	15	15	15	15[8]	15	15	15	15	15	15	0	20	n/a	0	30	15	15	15	10	15	15 [3]	10 [3]	[2]
Impervious surface coverage, max. (% of lot area)		100 [3]	30	35	35	30	50[8]	35	35	35	75	50	60	80 [11]	70	100 [12]	100	50	60	50	50	50	80 [2]	80 [3]	10 [3]	[2]
Building height, min. (stories/feet) – both minimums apply[13]		2/ 24														2/ 24 [14]	2/ 24					n/a	n/a	n/a	n/a	[2]
Building height, max. (stories/feet or feet) – both maximums apply[15,16]		4/ 50	35	35	35	35	35[8]	35	35	35	40	35	60	40	45	40 [17]	4/ 50	40	70	45	n/a	70	100	60	35	[2]

[7] Where the consolidated districts apply different standards, the proposed standards is shaded in blue. Where we propose to change the current standard (other than through consolidation rules), the proposed designation is shaded in magenta.
[8] This also consolidates the Growth Area part of the CR2 District.
[9] This district includes only those BCN lands located in the Growth Area.
[10] This also consolidates the Growth Area part of the MU1 District.

Table 4.1.2: Dimensional Standards for Growth Area Base Districts[7]

Standard	New Zone	GR1	GR2	GR3	GR4[8]	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN[2][9]
	Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I1, I-4[10]	CC	HC1 & 2	TC1, 2, 3	I2,R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2,I3 & R-B&TI	R-R&OS	BCN
Building footprint per structure, max. (1,000 square feet)		20 [3]	5 [18]	5 [18]	5 [18, 19]	5 [18, 19]	7.5 [8]	5	5	5	20	5 [19]	n/a	50 [20]	20	n/a	n/a		30 [19]	10	20 [20]	n/a	n/a	n/a	n/a	[2]

NOTES:
[1] All new, enlarged, or redeveloped buildings and additions in the GM4 District subject to Development Review shall also be consistent with the Cook's Corner Design Standards, unless such design standards are waived in accordance with Section 5.2.7.M (Waiver Provisions).
[2] See Section 2.2.3.H.3 (Development Standards) for alternative standards applicable in the GN District.
[3] Not applicable to buildings or structures that are part of and in conformance with a Common Development Plan approved by the Planning Board in accordance with Section 5.2.7.H).
[4] 1 du per 30,000 sf of net site area for developments using subsurface wastewater disposal systems.
[5] Except that lands north of Bath Road shall be limited to 8 du/ac.
[6] Except that parcels between South Street and Grove Street shall be limited to 5 du/ac.
[7] Applicable only to the first floor of buildings along Maine Street.
[8] Except for lots fronting Pleasant Street, where minimum front, side and rear yard depth shall be 10 feet, maximum lot coverage shall be 80%, maximum height is 45 feet, and there is no maximum building footprint.
[9] See Cook's Corner Design Standards for maximum front yard depths applicable along Bath Rd., Gurnet Rd., proposed Perimeter Rd, Thomas Rd., and all public and private connector roads.
[10] Applicable only to the first floor of buildings along Maine Street. For all other buildings in the GM6 District, the build-to zone shall be determined by the range of front yard depths of principal buildings on the nearest occupied lots on either side on the same block face.
[11] Limited to 50% impervious coverage and maximum building footprint of 20,000 sq. ft. north of Route 1.
[12] Except that parcels adjacent to Park Row shall have a maximum lot coverage of 45%.
[13] Where minimum building height is expressed in stories or feet, both minimums shall apply.
[14] Minimum height is triggered if floor area is being increased by 50%, and must be met at front lot line.
[15] Where maximum building height is expressed in stories and feet, both maximums shall apply.
[16] Unless restricted to a lower height by Flight Path Overlay (FPO) District regulations (see Section 2.4.7).
[17] Except that lands north of U.S. Highway 1 shall have a maximum building height of 60 ft.
[18] May be increased to up to 30,000 square feet for single-family dwellings that constitute a community living arrangement under 30-A M.R.S.A § 4357-A, with a Conditional Use Permit approved in accordance with Section 5.2.3 (Conditional Use Permit).
[19] 10,000 square feet for multifamily dwellings.
[20] 250,000 square feet if the structure meets one of the conditions listed in Section 4.1.4.B.9.

4.1.3. Rural Area Dimensional Standards

Table 4.1.3: Dimensional Standards Table for Rural Base Districts[11]

Standard		New Zone	RN[1]	RF	RR	RP1	RP2	RM
		Current Zone	BCN[12]	FF1, CR1	CR2	CP1, FF3	CP2	MU5
Minimum Lot Area	Residential		[1]	2 ac	1.5 ac	2 ac	20,000 sf	2 ac
	Nonresidential					4 ac[1]	4 acres[2]	
Maximum Density	Developments subject to Development Review		[1]	1 du per 2 ac	1 du per 1.5 ac	1 du per 4 ac	1 du per 4 ac	1 du per 2 ac

[11] Where the consolidated districts apply different standards, the proposed standards is shaded in blue. Where we propose to change the current standard (other than through consolidation rules), the proposed designation is shaded in magenta.
[12] This district includes only those BCN lands located in the Rural Area.

Table 4.1.3: Dimensional Standards Table for Rural Base Districts[11]

Standard	New Zone	RN [1]	RF	RR	RP1	RP2	RM
	Current Zone	BCN[12]	FF1, CR1	CR2	CP1, FF3	CP2	MU5
Developments not subject to Development Review					1 du per 5 ac	1 du per 5 ac	
Lot width, min. (feet)		[1]	150	150	150	125	150
Front yard, max. (feet)		[1]	25	25	30	30	25
Rear yard, min. (feet)		[1]	30	30	30	30	30
Side yard, min. (feet)		[1]	30	30	30	25	30
Impervious surface coverage, max. (% of lot area)		[1]	20%	20%	25%	Lesser of 40% or 21,780 sf	25%
New lawn area for wooded sites (1,000 square feet)		[1]			20	20	
Building height, max. (stories/feet or feet)[3]			40	40	40	40	40
Building footprint per structure, max. (1,000 square feet)			10	10	10	10	10

NOTES: ac = acre(s) sf = square feet
[1] See Section 2.3.1.C, Development Standards, for alternative standards applicable in the RN District.
[2] 20,000 sf for lots created by the division of a lot existing on November 6, 2001, and having an area of at least 3.5 ac but less than 7 ac, into two lots.
[3] 20,000 sf for lots created by the division of a lot existing on October 9, 1991, and having an area of at least 160,000 sf, but less than 10 ac, into two lots.

4.1.4. Supplementary Dimensional Standards and Exceptions

A. Calculation of Net Site Area

Net site area is calculated by subtracting from the parcel the full area of land that:

1. Includes slopes at a gradient of more than 25 percent that are greater than 5,000 contiguous square feet.

2. Is located below the upland edge of any wetland.

3. Is located below the normal high water line of any freshwater or coastal wetland.

4. Is located within any existing or proposed public street or private street right-of-way.

5. 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.

6. 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

d. Significant vernal pools; and

e. Seabird nesting islands.

7. Contains critical spawning and nursery areas for Atlantic sea run salmon, whether or not mapped, as defined by the Atlantic Sea Run Salmon Commission.

B. Variations and Exceptions to Dimensional Standards

1. Rear Lots ("Flag Lots")

a. Rear lots are not subject to the lot width requirements of the zoning district in which it is located.

b. A rear lot shall be accessed by one of the following:

i. Access Strip

(A) 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 a minimum public street frontage of 25 feet. In Growth Area zoning districts, these widths may be reduced to 15 feet with approval of a stormwater plan by the Town Engineer.

(B) No more than two access strips shall be adjacent to one another unless a shared driveway shall be used. In such a case, the width of each access strip may be reduced to 15 feet.

ii. Deeded Right-of-Way

A rear lot may be accessed by a deeded right-of-way through another parcel that has a minimum width of 25 feet. In Growth Area zoning districts, this width may be reduced to 15 feet with approval of a storm water plan by the Town Engineer.

c. All rear lots shall have safe access for fire, police, and emergency vehicles as determined by the Fire Chief.

2. Spaghetti Lots Prohibited

No lot created by a development shall have a lot depth to shore frontage ratio greater than five to one.

3. Cul-de-Sac Lot Width

Minimum lot width requirements may be reduced to 50 feet for lots fronting on a cul-de-sac.

4. Yards

a. Reduction of Minimum Front Yard Depth to Average Yard Depth

If existing structures located on the same block face and in the same zoning district as a lot form a uniform and consistent street wall with an average front yard depth less than the minimum front yard depth required for the lot by Section 4.1.2 (Growth Area Dimensional Standards) or Section 4.1.3 (Rural Area Dimensional Standards), the minimum front yard depth required on the lot shall be reduced to the block face average—provided, however, that the front of a structure on the lot shall be no more than five feet behind the reduced minimum front yard depth.

b. Front Yard Depth Requirement on Corner and Through Lots

i. Whenever a side or rear yard is adjacent to a street, the minimum front yard depth requirement shall apply to such side or rear yard.

ii. To establish a new public or private access right-of-way that would convert one or more existing lots into a corner lot, the width of the street or access right-of-way shall be at least 50 feet and existing structures on such new corner lot must be able to satisfy the minimum front yard depth requirement along the street or access right-of-way.

c. Encroachments into Required Yards

The following encroachments into required yards are allowed:

Table 4.1.4.B.4.c: Allowable Required Yard Encroachments

Structure or Feature		Encroachment Conditions or Limits
i.	Open fire escape	Up to 4 feet into any required rear or side yard
ii.	Steps or stoop	Up to 8 feet into any required front yard; up to 4 feet into ay required rear or side yard
iii.	Awning or movable canopy	Up to 6 feet into any required yard
iv.	Cornice, eave, and other similar architectural feature	Up to 3 feet into any required yard
v.	Front or wraparound porch that is open or enclosed only with screens (not glassed in)	Up to 10 feet into any required front yard
vi.	Semi-public space such as table and patio	Anywhere in any required front yard
vii.	Access ramp for persons with disabilities	Anywhere in any required yard provided that it is designed in a manner that is compatible with the design and style of the building
viii.	Seawall, wharf, pier, or dock	Anywhere in required rear or side yard along water
ix.	Retaining wall	Anywhere in required rear or side yard

Table 4.1.4.B.4.c: Allowable Required Yard Encroachments

Structure or Feature		Encroachment Conditions or Limits
x.	Fence or wall	Anywhere any required front yard if no more than 4 feet high (customary agricultural wire or board fencing that does not obstruct visibility may be higher); anywhere in any required rear or side yard
xi.	Other accessory structure	See Section 4.1.4.B.4.d

d. Yard Locations for Accessory Structures

Swimming pools, tennis courts, garages, storage sheds, and other accessory structures not addressed by subsection c above may encroach into required rear and side yards in accordance with the following requirements:

i. Swimming pools, tennis courts, garages, storage sheds, and other structures accessory to a residential use may be located in a rear yard provided that they do not exceed 15 feet in height and do not occupy more than ten percent of the area of the rear yard, including the areas where the rear and side yards overlap.

ii. In Growth Residential (GR) zoning districts, swimming pools, tennis courts, garages, storage sheds, and other accessory structures may be located no closer than ten feet to rear or side lot lines—except that on lots with 80 feet or less of road frontage, portions of such structures not exceeding one story in height may be located no closer than three feet to side lot lines. In all other districts, swimming pools, tennis courts, garages, storage sheds, and other accessory structures may be located no closer than five feet to rear or side lot lines.

iii. No swimming pool, tennis court, garage, storage shed, or other accessory structure shall be located closer to the street than the minimum front yard depth required for a principal building except for fences, gates, mailboxes, newspaper receptacles, signs, sand storage bins, and similar roadside structures with a footprint less than 100 square feet, as well as ornamental structures such as entry pillars and statues—provided that for any such structure with lights, there shall be no glare onto the public roadway, and no flashing lights shall be permitted.

iv. Any swimming pool, tennis court, garage, storage shed, or other accessory structure 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 any swimming pool, tennis court, garage, storage shed, or other accessory structure with a footprint greater than 600 square feet is located in front of the principal building, it shall be set back from the street at least twice the minimum front yard depth requirement.

5. Setbacks for Driveways

a. Except as otherwise provided in subsections b through d below, driveways shall be set back at least 20 feet from side lot lines in Rural Area districts and at least ten feet from side lot lines in Growth Area districts.

b. Common driveways may occupy any part of a side yard adjoining the lot of another user of the common driveway.

c. On lots with less than 80 feet of road frontage, no driveway setback shall be required for individual driveways.

d. The minimum side yard depth requirement for structures shall apply as the minimum driveway setback where it is less than the minimum driveway setback requirement in subsection a above.

6. Impervious Surface Coverage for Multiple-Lot Developments

If development is proposed on two or more lots and the Director finds that the development functions as a single project, the maximum impervious surface coverage requirement shall be applied to that project as though the lots on which it is located were a single lot.

7. Height Limit for Fences and Walls

No fence on a residential lot in a Growth Area zoning district shall exceed six feet in height. (See subsection 4.c above for a height limit for fences and walls exempted from front yard depth requirements.)

8. Height Limit Exceptions

Otherwise applicable height limitations shall not apply to:

a. 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 ten percent of the roof area;

b. Satellite dishes greater than two feet in diameter; and

c. Uses in the Telecommunications Overlay (TCO) District.

9. Maximum Building Footprint Area in GM4 District

In the GM4 District, the maximum building footprint per structure is 250,000 square feet if the structure meets any one of the following conditions:

a. The structure will be occupied entirely by Office, Industry Class I, or Industry Class II uses.

b. The principal use of the structure is a hotel.

c. The structure will be occupied by multiple Retail Class I or Retail Class II uses and no individual occupant will occupy an area with a footprint of more than 50,000 square feet.

d. The structure 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.

e. The structure 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 that will occupy at least 30 percent of the gross leasable area of the building or residential uses that will occupy at least 15 percent of the gross leasable area of the building.

f. The structure 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 as a Common Development Plan in which at least 30 percent of the gross leasable area of the total development will be occupied by non-retail uses or at least 15 percent of the gross leasable area of the total development will be occupied by residential uses. In this situation, at least 50 percent 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 years of the occupancy of the retail space.

g. The structure 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 public artwork with a minimum value of one percent of the total construction budget. This condition may be satisfied, through approval by the Planning Board, by providing:

i. Community improvements on the project site; or

ii. Community improvements elsewhere in the GM4 District; or

iii. A cash payment equal to one percent of the total construction budget to the Town for planning and/or creation of community improvements in the Cooks Corner area.

10. Increased Maximum Building Footprint for Day Care Facilities

Day care facilities may exceed otherwise applicable maximum building footprint requirement by no more than 50 percent with approval of a Conditional Use Permit in accordance with Section 5.2.3 (Conditional Use Permit).

C. Open Space Developments

1. Description

An open space development is a subdivision or lot split that is designed with the express intent of integrating open space and naturally occurring features into the siting of buildings and lots. Open space developments require that a minimum portion of the development site be set aside as conservation land and allows the remainder of the site to be divided into lots that are smaller than what would otherwise be required. The area set aside for conservation may be owned in common by the residents of the development or may be owned by a third party, but shall be subject to an easement or covenant ensuring that it will be conserved as open space. To accommodate these smaller lots and their development, open space developments are subject to less restrictive dimensional standards than generally applicable in the zoning district. To encourage open space developments as an option to conventional subdivisions, open space developments are eligible for density bonuses. See Section 4.1.4.E (Density Bonuses).

2. Single Lot Split Open Space Developments

An open space development in the form of a single lot split allows the reduction of the minimum lot area requirement to 20,000 square feet, as long as the balance of the site is placed in permanent conservation 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. The remaining provisions of this subsection pertain to open space developments in the form of subdivisions involving the approval of lots for sale and/or development or planned unit developments involving the approval of building footprints for the sale and development of individual units.

3. Review and Approval

An open space development in the form of a subdivision is reviewed and may be approved in accordance with the Development Review procedures in Section 5.2.7 (Development Review).

4. Protected Conservation Land

Conservation lands set aside in an open space development shall comply with the following standards:

a. General

i. The land set aside as conserved open space shall include one or more of the following and related buffers, if they appear on the property:

(A) Floodplains;

(B) Moderate and high quality wetlands;

(C) Significant vernal pools;

(D) Wildlife habitat and corridors (including deer wintering areas);

(E) Steep slopes, rock outcroppings, and other unique topographic features on the site;

(F) Stands of mature trees; and/or

(G) Areas of rare plant communities.

ii. If none of the areas listed in subsection i. above are present on the property, conserved open space may include other open areas, including but not limited to passive recreation areas or public access areas.

iii. To the greatest degree practicable, conserved open space beyond those that the applicant would otherwise be required to protect from development pursuant to Sections 4.2 or 4.3 or pursuant to state or federal law shall be located contiguous to any conserved open space on an adjacent lot or parcel.

iv. Protected conservation land may be owned in any manner consistent with fulfilling the purposes of this Section 4.1.4.C.

No dwelling units, structures associated with dwelling units, or uses accessory to a dwelling unit shall extend into the required minimum protected conservation land unless expressly allowed in the terms of a conservation easement and approved by the holder of the conservation easement.

5. Dimensional Standards for Open Space Developments in Growth Area Districts

a. Minimum Conservation Land

An open space development located in a Growth Area zoning district shall set aside the minimum percentage of the development site area shown in Table 4.1.4.C.5 below as protected conservation land. The minimum protected conservation area requirement may not be waived.

b. Modified Dimensional Standards and Density Bonus

For lots within an open space development in a Growth Area zoning district, the modified dimensional standards shown in Table 4.1.4.C.5 shall apply instead of the comparable standard generally applicable in the district, unless the generally applicable standard is less restrictive. For dimensional standards and zoning districts not shown in the table, the standards generally applicable in the base zoning district shall apply. Dimensional standards may be waived by the Review Authority in accordance with Section 5.2.7.M (Waiver Provisions).

Table 4.1.4.C.55: Dimensional Standards for Open Space Developments in Growth Area Districts			
	Zoning Districts		
Standard	GR6, GR7, GR8, GR9, GM1, GM2, GM5, GC1, GC2, GC3, GC4	GR1, GR2, GR3, GR4, GR5, GM3, GM4, GI	GM8
Protected conservation area in addition to lands required to be protected from development by Sections 4.2, 4.3, or state or federal law, min. (% of total development site area)	15	30	15
Lot area, min. (square feet)	4,000	6,000	10,000
Lot width, min. (feet)	40	60	100
Front yard depth, min. (feet) [1]	10	15	20
Rear yard depth, min. (feet)	10	15	20
Side yard depth, min. (feet)	10	15	20
Impervious surface coverage, max. (% of lot area)	50	50	80
Density Bonus	See Section 4.1.4.E (Density Bonuses)		

NOTES:
1. This may be reduced further in accordance with Section 4.1.4.B.4.a (Reduction of Minimum Front Yard Depth to Average Yard Depth).

6. Dimensional Standards for Open Space Developments in Rural Area Districts

a. Minimum Conservation Land

An open space development located in a Rural Area zoning district shall set aside the minimum percentage of the development site area shown in Table 4.1.4.C.5below as protected conservation land. The minimum protected conservation area requirement may not be waived.

b. Modified Dimensional Standards and Density Bonuses

For lots within an open space development in a Rural Area zoning district, the modified dimensional standards shown in Table 4.1.4.C.56 shall apply instead of the comparable standard generally applicable in the district, unless the generally applicable standard is less restrictive. For dimensional standards and zoning districts not shown in the table, the standards generally applicable in the base zoning district shall apply. Dimensional standards may be waived by the Review Authority in accordance with Section 5.2.7.M (Waiver Provisions).

Table 4.1.4.C.6: Dimensional Standards for Open Space Developments in Rural Area Districts			
	Zoning Districts		
Standard	RF, RR	RP1, RM	RP2
Protected conservation area, area in addition to lands required to be protected from development by Sections 4.2, 4.3, or state or federal law, min. (% of total development site area)	45	50	50
Frontage on a primary road, min. (feet)	100	150	150
Frontage of a secondary road, min. (feet)	75 [1]	75 [1]	75 [1]
Lot area, min. (square feet)	n/a [2]	n/a [2]	n/a [2]
Rear yard depth, min. (feet)	20	20	20

Table 4.1.4.C.6: Dimensional Standards for Open Space Developments in Rural Area Districts

Standard	Zoning Districts		
	RF, RR	RP1, RM	RP2
Side yard depth, min. (feet)	10	10	10
Density Bonus	See Section 4.1.4.E (Density Bonuses)		

NOTES:
1. This may be reduced further in accordance with Section 4.1.4.B.4.a (Reduction of Minimum Front Yard Depth to Average Yard Depth).
2. For lots containing septic systems and/or walls, lot area must be sufficient to accommodate the septic system and/or well. Septic systems must be set back at least 15 feet from any lot line.

7. Community Water and Sewer Facilities

Community water and sewer systems in open space developments are subject to all applicable State and federal regulations, and the following standards:

a. 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. The Review Authority may require the applicant to present data showing the location of those soils best suited for sewage disposal fields.

b. An adequate homeowners' or property owners' association or other appropriate mechanism shall be established to oversee the permanent maintenance and repair of any community water or sewer facility.

8. Ownership of Protected Conservation Land

a. General

i. In Growth Area zoning districts, protected conservation land shall be set aside in one or more parks, greens, or other recreational conservation land areas that are owned by a homeowners' or property owners' 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.

ii. In Rural Area zoning districts, protected conservation land shall be set aside in one or more parcels owned by private landowner(s)—including individuals, families, partnerships, trusts, non-profit organizations, and homeowners' or property owners' associations—or by a governmental entity, as long as it is protected from development by a conservation easement. The protected conservation land may be included as a portion of one or more parcels on which dwellings and other structures are permitted, provided that the Review Authority approves the configuration of the conservation land and finds that the proposed development plan will not compromise its conservation value.

b. Conservation Easement to Land Trusts, State or Federal Agency

i. 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.

ii. Such conservation easement shall be approved by the Review Authority, after review by the Conservation Commission and Town Attorney, and shall be required as a condition of Subdivision or Site Plan Approval.

iii. 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.

iv. The conservation easement may permit only those uses authorized through the Development Review process.

c. Conservation Easements to the Town

When a conservation easement is offered to the Town as a result of Development Review, the following process shall be followed:

i. The Town will only consider accepting conservation easements on parcels larger than ten acres in size, and only if the offer of an easement is accompanied by stewardship funds sufficient to offset the costs to the Town of monitoring and managing the easement for a period of at least 20 years.

ii. The offering of a conservation easement to the Town during Development Review may be initiated only by the applicant.

iii. The Review Authority shall refer the request to the Conservation Commission.

iv. 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 conditions 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 protected conditions in subsection (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 (A) above.

(5) The property is found to be irreparably contaminated.

v. 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.

vi. If the Conservation Commission finds that the easement satisfies the standards of this Section 4.1.4.C.8.c, it shall refer the applicant and the easement language to the Town Council.

d. Deed Restrictions

If a conservation easement for the protected conservation land is not accepted by a third party or by the Town, a deed restriction shall be required of the applicant that meets the requirements of Section 4.1.4.C.8.b above.

e. Maintenance Standards

Standards for the ongoing maintenance of protected conservation lands that are enforceable by the Town against a private owner of conservation land shall be established as a condition of Development Review Approval.

D. Affordable Housing Developments

1. Purpose

The Town of Brunswick has developed this subsection 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. Measures permitted in this subsection 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.

2. Definition of Affordable Housing

For purposes of this subsection, “affordable housing” is housing located in the Growth Area and served by public water and sewer services that is designed with the express intent of providing decent, safe, and sanitary living accommodations affordable to

lower income 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 percent 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 percent of the applicable Non-Metro Cumberland County median income. A "low income household" is a household with a gross income over 50 percent, but less than or equal to 80 percent, of the applicable Non-Metro Cumberland County median income.

d. A "moderate income household" is a household with a gross income more than 80 percent, but less than or equal to 120 percent, 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.

3. Benefits Provided Affordable Housing Projects

The Town may provide the following benefits to developments providing additional affordable housing unit, including new construction and renovation of existing units, but not existing projects that have already been deemed “affordable” by regulatory agencies as of September 19, 2005.

a. Reduction of Fees

The Town shall reduce fees for affordable housing units as provided below:

i. Only projects that require Major Development Review are eligible for fee reductions.

ii. Application fees for any project may not be reduced.

iii. Percentage reduction of Building Permit fees and impact fees for recreation, solid waste, and other facilities imposed by the Town shall be:

(A) A 50% reduction in the regular fee for each unit affordable to Moderate Income households;

(B) A 75% reduction in the regular fee for each unit affordable to Low Income households; and

(C) A 100% waiver of the regular fee for each unit affordable to Very Low Income households.

iv. If a traffic impact fee would exceed $10,000, the Town Council may reduce the fee on finding that the reduction is required to make the project economically viable.

4. Modification of Dimensional Standards

All dimensional standards other than density (which is determined by the density bonus provisions in subsection 5 below) and building height may be modified by the Review Authority if it finds that:

a. The proposed modification is necessary to make the project economically viable;

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 pattern meets the standards of Section 4.9 (Architectural Compatibility).

5. Bonus Density

a. The maximum number of allowable units allowed for affordable housing projects shall be increased as provided in Section 4.1.4.E (Density Bonuses). The amount of density bonus depends on the affordability of the units relative to household categories defined in Section 4.1.4.D.2.

b. Projects that receive a density bonus are required to meet the dimensional standards to the greatest extent practical.

c. All bonus units shall be additional affordable housing units.

d. The final calculation that determines the total number of bonus units is rounded downward.

6. Maintaining Affordability of Units

The affordability for all units receiving benefits from the Town under subsection 3 above this subsection shall be guaranteed in accordance with the following requirements.

a. 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.

b. 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.

c. 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, authorization for the Town to seek the penalties outlined in the document and to seek injunctive relief, including attorney's fees and costs, or both.

E. Density Bonuses

1. Bonus development density is available for:

a. Projects that preserve Wildlife Habitat Blocks or Wildlife Corridors pursuant to Section 2.4.5; and

b. Projects that meet the standards for an Open Space Development in Section 4.1.4.C; and

c. Projects that provide affordable housing units pursuant to Section 4.1.4.D.

2. Bonuses for projects that meet more than one of the categories in Section 4.1.4.E.1 may be combined, but no combination of bonuses shall increase the maximum number of lots on a parcel by more than 35 percent above the number of lots that would otherwise be permitted pursuant to Sections 4.1.2 (Growth Area Dimensional Standards) or 4.1.3 (Rural Area Dimensional Standards), as applicable.

3. Density bonuses awarded for development meeting the criteria in Section 4.1.4.E.1 are shown in the table below.

Table 4.1.4.E: Density Bonuses Available

	Growth Districts GR1 through GR9, GM1 through GM5, GM8, GC1 through GC4, and GI	Rural Districts
Wildlife Habitat Blocks (% increase in number of lots permitted in base zone district)		
If 51-75% of original parcel is covered by Wildlife Habitat Block, and 0% of the Block is disturbed	15	15
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 0% of the Block is disturbed	20	20
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 1-15% of the Block is disturbed	15	15
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 16-25% of the Block is disturbed	10	10
Wildlife Corridors (% increase in number of lots permitted in a subdivision that avoids mapped corridors)	15	15
Open Space Developments (% increase in number of lots permitted in base zone district)	25	30
Affordable Housing: (Bonus units per affordable housing unit)		
Affordable to Moderate Income	.50	.50
Affordable to Low Income	.75	.75
Affordable to Very Low Income	1.00	1.00

4.2 Natural and Historic Areas

Existing features important to the natural, scenic, and historic character of the Town or that add to the visual quality of a development shall be mapped. To the greatest extent practicable, developments shall avoid such features and incorporate them into the development site design as dedicated open space or as otherwise protected features.

4.2.1. Protection of Natural Vegetation

A. Developments in Rural Area zoning districts and Scenic Areas identified by the Town shall maintain an existing vegetated buffer along existing roads except where doing so conflicts with the protection of other protected natural resources. The buffers may be broken only for driveways, streets, and stormwater infrastructure where it is impracticable to locate them elsewhere.

B. Developments are encouraged to site building envelopes within or adjacent to forested areas and to discourage siting development in open fields visible from existing streets.

4.2.2. Protection of Significant Plant and Animal Habitat

A. Developments shall provide any mitigation measures necessary to ensure that the development will not cause undue adverse impacts on the following habitat areas and the plant and animal species they support:

1. The Wildlife Protection Overlay WPO District; and

2. Areas identified and mapped by the Maine Department of Inland Fisheries and Wildlife and/or Town of Brunswick as:

a. Habitat for State or federal-designated rare, threatened, or endangered plant or animal species;

b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

c. Shorebird feeding or roosting areas and seabird nesting islands;

d. Significant vernal pools;

e. Deer wintering areas; or

f. Rare or exemplary natural communities as identified by the Maine Natural Areas program.

B. Mitigation measures shall be based on an assessment of the development's potential impact on the significant habitat and adjacent areas supporting such habitat.

4.2.3. Steep Slopes

A. General Standard

If a development site contains 5,000 or more contiguous square feet of slopes exceeding 25 percent, the impacts of the development on such slopes shall be minimized to the greatest extent practicable.

B. Specific Standards

The following standards shall apply to developments whose site contains 5,000 or more contiguous square feet of slopes exceeding 25 percent:

1. Adequate erosion control and drainage measures shall be provided so that erosion and sedimentation is minimized to the greatest extent practicable during and after construction.

2. Cutting of trees, shrubs, and other natural vegetation shall be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the Maine Forest Service and Maine Department of Environmental Protection.

3. Safety hazards due to excessive road or driveway grades—such as potential road washouts, landslides, slumping, soil creep, flooding, or avalanches—shall not be created.

4. Cutting of vegetation for recreational trails and utility lines is permitted provided mitigation measures are provided to return the site its pre-construction condition to the greatest extent practicable.

5. Slope determinations shall be made based upon the topographic information. For clay embankments and highly erodible bluffs, recommendations by a Maine Certified Geologist are required.

4.2.4. Erosion and Sedimentation

A. General Standard

Developments shall be constructed in accordance with the Department of Environmental Protection's Best Management Practices and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.

B. Specific Standards

1. An Erosion and Sedimentation Control Plan shall be submitted as part of the Development Review application in accordance with the Department of Environmental Protection's Maine Erosion and Sediment Control Best Management Practices Handbook, as amended.

2. Developments shall be designed so as to prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.

3. The procedures outlined in the erosion and sedimentation control plan shall be implemented during site preparation, construction, and clean-up stages.

4. Cutting or removal of vegetation along water bodies shall not increase water temperature or result in shoreline erosion or sedimentation.

5. Topsoil shall be considered part of the site and shall not be removed except for surplus resulting from roads, parking areas, and building excavations.

4.2.5. Groundwater

A. General Standard

Developments shall not, alone or in conjunction with existing activities, have an undue adverse effect on the quality or quantity of groundwater.

B. Specific Standards

1. There shall be no undue significant adverse impact on groundwater quality resulting from a development—either during or after development—with regard to on-site subsurface wastewater disposal, 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.

2. The applicant may be required to document existing water quality conditions and to establish a monitoring system to measure post-development levels of impacts. 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.

3. If the site of a development utilizing on-site disposal proposing a density of 3 or more bedrooms per acre overlies a sand and gravel aquifer mapped by the Maine Geologic Survey, or an aquifer recharge area as identified on the Brunswick Zoning Map, the Review Authority may require a detailed hydrogeologic evaluation conducted by a Maine-Certified hydrogeologist.

4.2.6. Surface Waters, Wetlands, and Marine Resources

Developments shall not have an undue adverse effect on the functional integrity of freshwater or coastal wetlands, water bodies, or shorelines within the watershed of the development site. The Review authority shall consider reports or statements from qualified wetland scientists, hydrogeologists, the Maine Department of Environmental Protection, Maine Department of Marine Resources, or other agents, deemed appropriate by the Review authority, that evaluate the impact of development on surface waters or wetlands.

4.2.7. Historic Resources

A. Developments that include or are adjacent to buildings, sites, or districts listed on the National Register of Historic Places or identified by the Comprehensive Plan as being of historical importance shall be designed in such a manner as to minimize impacts on the historic feature.

B. When historic features to be protected include buildings, the placement and the architectural design of adjacent new structures shall be compatible with that of the historic structures.

4.3 Flood Hazard Areas

Flood hazard areas make up the Flood Protection Overlay (FPO) District. Development in the FPO District shall comply with the standards in 2.4.4 (Flood Protection Overlay (FPO) District).

4.4 Basic Services

4.4.1. Sewage Disposal

A. General Standard

Developments shall provide for adequate sewage waste disposal and shall not cause an unreasonable burden on municipal services if utilized.

B. Specific Standards

1. Municipal Sewer

a. Sewer lines that connect to the municipal sewer shall not be extended beyond the Growth Area designated in the Comprehensive Plan.

b. The sewerage system shall conform to all standards of the Brunswick Sewer District.

2. On-Site Disposal

a. Septic systems shall be built in accordance with the Maine Subsurface Wastewater Disposal Rules, CMR 241, as amended.

b. The Review Authority may require a hydrogeological study if the development involves a developed density of three or more bedrooms per acre of net site area. If needed, the hydrogeological study shall cover the evaluation of any significant nearby water resources—including, but not limited to, wells, ponds, and riverine and ocean resources. For properties located within the Rural Protection (RP) districts or the New Meadows River Watershed, the hydrogeological analysis shall include a computation of the project's projected nutrient load to the receiving tidal water. The hydrogeological study shall be prepared by, signed, stamped, and dated by a Maine Certified Geologist as required by 32 M.R.S.A. §§ 4093 and 4918.

c. The development plan shall include test pit samples to establish soil suitability, with locations flagged on the site. Each test pit must be marked with numbers corresponding to those indicated on the plan. There shall be two 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 septic leachate impacts on existing and proposed well locations shall be described.

d. No portion of a septic system (including easements) shall be located within any portion of the right-of-way of a public road.

e. A common septic system serving more than one lot may be utilized if designed and constructed in accordance with community septic system criteria as established by the Maine Subsurface Wastewater Disposal Rules, CMR 241, as amended. Such system shall be supported by a hydrogeologic analysis by a Maine Certified hydrogeologist. A back-up and maintenance plan must be provided. In the case of a "peat system," a financial guarantee approved by the Town shall be provided for bed replacement and disposal.

4.4.2. Water Supply and Quality

A. General Standard

Developments shall have sufficient water available for the reasonably foreseeable needs of the development, and shall have no undue adverse impact on existing water supplies.

B. Specific Standards

1. Public Water Supply

a. Water mains proposed for connection to the existing public water system shall not be extended outside the Growth Area designated by the Comprehensive Plan unless required due to health and safety concerns.

b. The water system shall be designed and installed in accordance with all rules, terms, and conditions of the Brunswick-Topsham Water District.

c. The size and location of mains, gate valves, hydrants, and service connections are subject to review and approval by the Water District and the Brunswick Fire Chief.

2. Private Water Supply

a. Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other sources of potential contaminations.

b. Lot and site design shall permit placement of wells, subsurface wastewater disposal areas, and replacement areas in compliance with the Maine Subsurface Wastewater Disposal Rules, the Well Drillers and Pump Installers Rules, and the Brunswick Building Code.

c. If a central water supply system is proposed, the location and protection of the source, and the system design, construction, and operation shall conform to the Maine Rules Relating to Drinking Water, CMR 231, as amended.

C. Fire Protection Water Supply

In areas where the Review Authority determines, based upon the written recommendation of the Fire Chief or designee, that a reliable water supply for firefighting purposes is not available within one-half mile of the development site, the development shall be responsible for providing adequate fire protection water supply in accordance with NFPA 1231, as approved by the Town. Acceptable options may include, but are not limited to, fire ponds with an approved dry hydrant, other water sources with an approved dry hydrant, or approved residential sprinkler systems in each principal building.

D. Water Quality

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water, CMR 231, as amended. If existing water quality contains contaminants in excess of the secondary drinking water standards in those rules, such information shall be stated on the recorded plan.

4.4.3. Solid Waste Disposal

Development utilizing municipal solid waste disposal services shall not cause an unreasonable burden on the municipality's ability to dispose of solid waste.

4.5 Stormwater Management, Landscaping, and Open Space

4.5.1. Stormwater Management

A. Applicability

1. Non-subdivision single and two-family dwelling unit projects are exempt from the requirements of this section.
2. Any development requiring a Chapter 500 Stormwater Permit, as amended, from the Maine Department of Environmental Protection (DEP) shall be deemed to have met the requirements of this section.

B. General Standard

Developments shall be designed to minimize the total area of impervious surface on the development site and shall incorporate stormwater management techniques to minimize runoff volume and rate, as well as pollutant and nutrient loadings, from the site.

C. Specific Standards

1. General

a. Developments shall provide for the perpetual maintenance of all stormwater treatment techniques/facilities approved under this section.

b. Developments shall obtain a Stormwater Permit from the Maine Department of Environmental Protection (DEP) if they:

i. Include one acre or more of impervious surface; or

ii. Are located within the watershed of a DEP-designated Urban Impaired Stream (UIS) and include 20,000 square feet or more of impervious surface.

c. Developments not requiring a DEP Stormwater Permit and not otherwise exempt from the requirements of this section shall meet the standards set forth in subsections 2 and below.

2. Stormwater Runoff Quality Standards

a. The stormwater management plan shall meet runoff treatment standards based on a percentage of the site's impervious surfaces, and shall also meet a minimum treatment for the total disturbed pervious areas, as outlined in the Table 4.5.1.C.2.a, Site Sliding Scale Table for Stormwater Treatment Sizing.

Table 4.5.1.C.2.a: Sliding Scale for Stormwater Treatment Sizing		
Impervious Surface on Development Site (acres)	**Percentage of Impervious Area Required to be Treated**	**Percentage of Total Disturbed Area Required to be Treated**
Over 1 acre [1]	95%	80%
1 acre < 0.75 acre	70%	60%
0.75 acre < 0.5 acre	50%	40%
0.5 acre < 0.25 acre	25%	20%
Under 0.25 acre	Shall meet Erosion Control requirements or DEP Chapter 500's Basic Standards	
NOTES: 1. Developments with more than 1 acre of impervious surface are required to obtain a DEP Stormwater Permit in accordance with DEP Chapter 500 standards.		

b. Development stormwater design shall either:

i. Use the treatment sizing methodology required under DEP's Chapter 500 Stormwater Rules (06-096 C.M.R. ch. 500) (which includes stormwater management design practices in accordance with the *DEP Stormwater Manual, Volume III-BMPs Technical Design Manual*); or

ii. Rely on Low Impact Development (LID) design practices and techniques as approved by the Maine DEP; or

iii. Use alternative treatment measures and techniques approved by Review Authority as appropriate for the site and providing at least an equivalent level of treatment as the standard techniques.

(A) The Review Authority may approve the use of alternative treatment measures and techniques upon a written waiver request submitted by the developer, and upon the recommendation from the Town's Engineer and/or Public Works Director.

(B) The Review Authority's evaluation of alternative treatment measures and design practices shall be based on those set forth in Chapter 10 of the *DEP Stormwater Manual, Volume III-BMPs Technical Design Manual*, and/or any manual formally adopted by the Review Authority.

(C) The developer bears the burden of showing that any alternative design meets the treatment standards to an equivalent degree.

3. Stormwater Runoff Quantity Standards

a. Developments shall be designed to compare the post-development conditions rate of runoff to the pre-developed condition rate for the 2-year and 25-year, 24-hour event. Any stormwater draining onto or across the lot in its pre-improvement state shall not be impeded or redirected so as to create ponding on, or flooding of, adjacent lots.

b. Studies and or calculations using larger storm event precipitation data may be required at the discretion of the Review Authority and be reviewed by the Town Engineer or assigned qualified third party reviewer. Data used to provide proof may include, but is not limited to, data for the 50-year, 24-hour rain event; data for the 100-year, 24- hour rain event; or acceptable rainfall data from recently recorded significant precipitation event(s).

c. Developments that cannot control peak runoff rates to pre-development conditions shall submit a request for a waiver to the Review Authority, who may grant the request if it finds each of the following:

i. Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following development can be handled on the adjacent lot without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the property owner to increase the flow rate of stormwater onto the adjacent lot(s);

ii. Any increase in volume or rate of stormwater draining from the lot onto Town-owned property following development can be handled without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the Town of Brunswick to increase the flow rate of stormwater runoff onto its property;

iii. Any increase in volume or rate of stormwater draining from the lot into the Town's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system. The developer bears the burden of proving adequate system capacity, which must be approved by the Public Works Director.

4.5.2. Landscaping

A. General

1. Landscape design shall include all forms of planting and existing and proposed vegetation, topography, water patterns, and utilitarian structures including, but not limited to, materials such as fences, walls, and, where there is difficulty in achieving vegetation growth, a variety of paving types. Wherever practicable, existing topography and vegetation shall be maintained.

2. A development's landscaping shall be designed to enhance structures and parking areas and minimize the development's effect on abutting properties.

3. Suitable plant material shall be selected according to its structure, texture, color, ultimate growth, and hardiness. Lists of suitable plant and trees may be obtained from the Town Arborist.

4. Planting areas shall be protected from vehicular traffic and parking areas through the use of curbs, wheel stops, or other permanent barriers.

B. Street Trees:

1. Street trees shall be provided along road frontages with a spacing of 40-45 feet for large growing shade trees and spacing of 30-35 feet for smaller growing trees to be planted under existing utility lines.

2. Street trees shall be located at least ten feet from hydrants, water service lines, and driveway/access road entrances.

3. The size of street trees shall range from 1.75-inch caliper to 3-inch caliper.

4. Esplanades or tree planting strips shall be a minimum of five feet in width, measured from the back of curb to edge of sidewalk.

5. Proposed plantings in the Town right-of-way shall be reviewed and approved by the Town Arborist.

6. Selection of street trees shall be guided by the Maine Urban and Community Forest Council's Recommended Tree Species List.

C. Buffers

1. Landscaping shall provide for smooth transitions between surrounding properties, proposed and existing buildings, streetscapes, driveway or access road entrances, and parking and pedestrian walkways. Compatible transitions may be achieved by utilizing buffer areas with screening materials, landscaping, and/or natural topography. Appropriate buffer area plantings shall be determined in consultation with the Town Arborist.

2. A single or double row of trees may be required, depending on the difference in scale and character of the adjacent uses and structures.

3. In order to provide year-round visual screens, tree plantings shall be comprised largely or entirely of evergreen trees. Evergreen trees shall be between four and eight feet in height, with an average height of six feet. Larger trees may be required for buffering of larger projects with structures that differ significantly from those on adjacent properties, or that produce significant potential visual or operating impacts.

4. Evergreen trees planted in a single row shall be spaced between six and ten feet apart, with the majority being no more than eight feet apart. If a double row of trees is required and trees are offset to reduce visibility from adjacent properties, wider spacing may be used, as along as visual screening from adjacent properties is achieved.

D. Parking Lot and Entrance Landscaping

Proposed and expanded parking lots, and associated entrances from a right-of-way, shall be landscaped in accordance with Section 4.7.3.B (Landscaping).

E. Landscaping Maintenance

1. The property owner or tenant shall be responsible for ongoing maintenance, including replanting, of all required landscaping in accordance with the approved landscaping plan.

2. The Review Authority may require financial security for a period not to exceed two years to ensure the replacement of any plantings shown on the landscaping plan that have failed to grow normally, are diseased, or have died.

4.5.3. Residential Recreation Areas

A. General Standard

Residential developments shall not cause an unreasonable burden on the municipality's ability to provide recreational services. To that end, a residential development shall either reserve sufficient land to meet the recreational needs of the residents of the development, or pay a fee in lieu of land reservation to the Town to use for recreational purposes.

B. Specific Standards

1. Reservation of Recreation Area

a. Amount of recreation acreage (or fee-in-lieu) required:

To be Determined

b. Reserved recreation area shall:

i. Be of suitable dimension, topography, and general character for use as a park, playground, or conservation area.

ii. Be reasonably accessible to residents of the development.

iii. Be designated on approved plans and plats as "Reserved for Conservation or Recreational Purposes."

c. Reserved recreation area shall be improved in accordance with the requirements of the Review Authority. In determining these requirements, the Review Authority shall consider the Comprehensive Plan and the long-range plans for the Recreation Department and Conservation Commission.

2. Fee in Lieu of Reservation

a. To be Determined

b. The Town shall use collected fees for the construction of a new, or improvement of an existing, recreation or conservation area as mutually agreed upon by the applicant.

3. Ownership and Maintenance of Reserved Recreation Area

As soon as the use of the recreation or conservation land has been established, the developer and Review Authority shall agree on the means of future ownership and control, which shall be one or more of the following:

a. The recreation area may be held and maintained in common by the future owners of the development, under the by-laws of a homeowners' association, as approved by the Review Authority.

b. The recreation area may be held and maintained in perpetuity by a land trust or other suitable private organization.

c. The recreation area may be deeded to the Town for future maintenance and improvement, if acceptable to the Town Council.

4.6 Circulation and Access

4.6.1. Street Standards

A. Development of New Streets

1. Streets shall be designed to move traffic safely. Any new street or road approved through the Development Review process shall 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 shall address pedestrian and bicycle safety and movement.

2. The size and design needs of new streets shall be based upon the projected number of vehicles they are to carry.

3. All new 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.

4. All street designs shall comply with the Maine Department of Transportation (DOT) Complete Streets Policy dated June 2014, as amended. To comply with this policy, all new private and public street projects funded in part or in whole by Maine DOT shall include designs and features to ensure that the street serves the needs all users, including motorists, transit users, bicyclists, and pedestrians of all abilities, as warranted and feasible (as those terms are defined in the Policy).

B. Street Design and Dedication Standards

Streets intended for public dedication must satisfy the Public Works Roadway Dedication Standards found in Appendix B (Street Standards). The Review Authority 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 B (Street Standards) to the greatest extent practicable. All dedications of streets to the Town shall comply with the Brunswick Street Acceptance Ordinance (Chapter 14, Article 188).

C. Interconnectedness

The street design shall 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 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.

D. Sidewalks

Within all Growth Area zoning districts, developments other than residential developments containing less than 25 units on dead end streets shall provide sidewalks along the development site's frontages with a public collector/commercial, local, or minor street. Sidewalks shall be at least five feet wide.

E. Traffic and Street Impact

1. New development shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of existing or proposed highways or public roads. Traffic generated by the development shall maintain the Level of Service within 200 feet of any existing or proposed curb cut.

2. 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 Review Authority deems it necessary, the applicant shall undertake to improve, repair or reconstruct such street systems. If this is required by the Review Authority, the applicant shall be responsible only for the degree of improvement necessary to mitigate the impact of the proposed development.

F. Private Road Requirements for Subdivisions

1. The design of all private roads shall be reviewed by the Fire Chief, Police Chief, and Town Engineer prior to final approval by the Review Authority. 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.

2. The Final Subdivision Plan shall show the road clearly labeled "PRIVATE ROAD."

3. 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 homeowners' associations found in Section 5.1.8 (Property Owners' Associations).

4.6.2. Curb Cuts and Street Access

A. Minimum Distance Between Curb Cuts

1. Except as otherwise provided in subsection 2 below, curb cuts along a street into a development that will generate over 500 vehicle trips per day, as determined by Institute of Traffic Engineers (ITE) standards, shall be spaced in accordance with the minimum distance shown in the following table.

Table 4.6.2.A: Minimum Distance Between Curb Cuts

Speed Limit Along Street Frontage (miles per hour)	Minimum Distance (feet)
20	85
25	105
30	125
35	150
40	185
45	230
50	275

2. The Review Authority may approve development with curb cuts that do not comply with the minimums in Table 4.6.2.A above on making any of the following findings, provided that the street level of service within 200 feet of the proposed curb cut is not reduced:

   a. It is demonstrated that the development would 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 would reduce the number of curb cuts that exists within the minimum distance.

   c. The development would consolidate curb cuts for one or more adjacent parcels.

B. Common Driveways

1. 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.

2. A maintenance agreement for common driveways satisfactory to the Review Authority shall be executed and recorded in the Registry of Deeds. The 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 street standards.

3. Common driveways shared by lots in residential developments may be unpaved.

4.6.3. Pedestrian and Bicycle Access

A. General Standard

Developments shall be designed to accommodate bicyclists and pedestrians, addressing bicycle and pedestrian access, safety, circulation on and off site.

B. Specific Standards

1. Developments 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.
2. Pedestrian pathways shall be provided within and between parking areas and between buildings, streets, and other parking areas.
3. In Growth Area zoning districts, developments with parking plans shall provide sidewalks on the development site's frontages along a public road.

4.6.4. Access for Persons with Disabilities

Developments shall comply with the Americans with Disabilities Act in a manner which is compatible with Brunswick's historic architecture.

4.6.5. Shoreline Access

Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or if applicable, shall be included in any required open space, with provisions made for continued public access.

4.7 Parking and Loading

4.7.1. Minimum and Maximum Automobile Parking Requirements

A. Minimum Number of Off-Street Vehicle Parking Spaces

Except as otherwise provided in this Ordinance, new development shall provide the minimum number of off-street vehicle parking spaces in accordance with Table 4.7.1.A, based on the principal use(s) involved and the extent of development.

Table 4.7.1.A: Minimum Number of Off-Street Vehicle Parking Spaces

Principal Use		Minimum Number of Vehicle Parking Spaces [1,2,3,4]
Residential Uses		
Household Living		
Dwelling, 1- or 2-family	2 or more bedrooms	2 per du
	1 bedroom or studio	1 per du
Dwelling, multifamily	2 or more bedrooms	2 per du
	1 bedroom or studio	1 per du
Mobile home		2 per du
Mobile home for disabled persons		1 per du
Group Living		
Assisted/Congregate Living Facility		1 per 3 beds
Boarding house		1 per guest room
Nursing home		1 per 5 beds
Residence hall		1 per 3 beds

Table 4.7.1.A:
Minimum Number of Off-Street Vehicle Parking Spaces

Principal Use		Minimum Number of Vehicle Parking Spaces [1,2,3,4]
Public, Institutional, and Civic Uses		
Community, Cultural, and Educational Uses		
Club or lodge		1 per 120 sf of assembly space
College facility not listed		1 per 900 sf of academic space + 1 per 10 beds in an on-campus residential facility
Community center		1 per 300 sf
Day care facility, small		1 per 325 sf of licensed primary indoor space
Day care facility, large		
Hospital		1 per 3 inpatient beds
Library, museum, or art gallery		1 per 500 sf
Municipal facility		1 per 400 sf of office space + 1 per 600 sf of maintenance, distribution, or storage space
Park or conservation area		See Section 4.7.1.E
Religious institution		1 per 5 persons of maximum occupancy capacity in assembly space
School	High school	1 per classroom + 1 per 10 students
	Middle or elementary school	1 per classroom + 10 visitor spaces
Communication Uses		
Small-scale telecommunication tower		n/a
Telecommunication tower		1 space
Commercial Uses		
Agriculture, Aquaculture, and Animal Care Uses		
Aquaculture		See Section 4.7.1.E
Equestrian facility		1 per 5 stalls
Farm		n/a
Kennel		1 per 300 sf used for boarding
Plant nursery		1 per 1,000 sf of display area
Veterinary office		1 per 500 sf
Food, Beverage, and Entertainment		
Adult entertainment establishment		1 per 300 sf
Golf course		1 per 300 sf of indoor area + 1 per golf course hole
Recreation facility, as a principal use		See Section 4.7.1.E
Restaurant or dining facility		1 per 4 persons of maximum occupancy capacity of customer service area(s)
Theater		1 per 4 persons of maximum occupancy capacity of assembly space
Lodging		
Campground		1 per campsite + 1 space
Hotel		1 per guest room + 1 per 800 sf of assembly space

Table 4.7.1.A: Minimum Number of Off-Street Vehicle Parking Spaces	
Principal Use	**Minimum Number of Vehicle Parking Spaces [1,2,3,4]**
Retail Sales and Services	
Bank	1 per 300 sf
Neighborhood store	1 per 300 sf
Office	1 per 400 sf
Retail, Class I	1 per 300 sf
Retail, Class II	1 per 300 sf
Service business, Class I	1 per 300 sf
Service business, Class II	1 per 300 sf
Studio	1 per 300 sf
Transportation and Vehicle-Related Uses	
Aviation operations	See Section 4.7.1.E
Aviation-related business	See Section 4.7.1.E
Bus or rail station	1 per 400 sf of passenger waiting area
Car wash	1 per 500 sf
Marina or boat storage	0.75 per boat slip or mooring
Parking facility, as a principal use	n/a
Ultra-light airpark	See Section 4.7.1.E
Vehicle fueling station	n/a
Vehicle sales, rental, or storage	1 per 400 sf of indoor sales display area and office space
Vehicle service or repair	1 per 500 sf
Industrial Uses	
Contractor's space	1 per 400 sf or office space
Industry, Artisan	1 per 600 sf
Industry, Class I	1 per 1,000 sf
Industry, Class II	1 per 1,000 sf
Junkyard or automobile graveyard	1 per 1,000 sf of storage area
Marine activity	See Section 4.7.1.E
Mineral extraction	See Section 4.7.1.E
Recycling collection facility, as a principal use	3 per station
Renewable energy generating facility, as a principal use	See Section 4.7.1.E
Utility facility, major	See Section 4.7.1.E
Utility facility, minor	n/a
Warehousing and storage	1 per 2,500 sf

NOTES:
1. When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.
2. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on square feet of floor area, all computations shall be based on gross floor area.
3. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the maximum occupancy capacity, all computations shall be based on the occupant load of the

Table 4.7.1.A: Minimum Number of Off-Street Vehicle Parking Spaces	
Principal Use	**Minimum Number of Vehicle Parking Spaces [1,2,3,4]**
building or facility as established in accordance with the Building Code. 4. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), or the maximum enrollment (for students), or the fire-rated capacity (for residents), as appropriate.	

B. Parking In-lieu Fee for GM6 District

1. Option

In the GM6 zone district, applicants may satisfy some or all of the required on-site parking applicable to the development through payment of an in-lieu fee. All parking-in-lieu fees shall be used by the Town only for the purchase or construction or off-street parking facilities in locations within the GM6 zone district that the Town Council determines will reduce on-street parking demand generated in those locations that paid parking in-lieu fees rather than providing required on-street parking spaces.

2. Amount of Fee

To be Determined

C. Exemptions in Certain Growth Mixed-Use Districts

Off-street vehicle parking spaces are not required for a nonresidential use in the GM6 and GM7 Districts that:

1. Is located on a lot with a lot area less than 10,000 square feet; or
2. Is housed in a building with less than 10,000 square feet of gross floor area.

D. Applicability to Existing Development Use Changes and Expansions

1. A change in the use of an existing development shall be accompanied by provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this section for the existing use and the minimum number of spaces required by this section for the new use.
2. If an existing structure or use is expanded in terms of the size unit used in this section to determine the minimum number of off-street vehicle parking spaces required for the applicable use (e.g., dwelling units, floor area, seating capacity), such expansion shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this section for the expanded development.

E. Uses with Variable Parking Demands

Some uses have widely variable parking demand characteristics that make it establish a single appropriate minimum off-street vehicle parking standard. On receiving an application proposing such a use (as designated by reference to this subsection in Table 4.7.1.A), the Director is authorized to apply a minimum requirement for a listed use deemed most similar to the proposed use, establish the minimum requirement by reference to a standard parking standards resource, or establish the minimum requirement based on a parking demand

study prepared by the applicant using data for the Institute of Traffic Engineers (ITE) or other acceptable source.

F. Requirements for Developments with Multiple Uses

Developments containing more than one principal use shall provide vehicle parking spaces in an amount equal to the total of the requirements applied to all individual principal uses. This does not limit the opportunity to reduce the resulting minimum requirement through approval of an alternative parking plan justifying shared parking (see Section 4.7.4.A (Shared Parking).

G. Maximum Number of Off-Street Vehicle Parking Spaces

For Class II retail uses with more than 50,000 square feet of gross floor area, the number of off-street vehicle parking spaces shall not exceed 125 percent of the minimum number of spaces required by this section unless the additional space are located within a parking structure or are allowed through approval of an alternative parking plan (See Section 4.7.4.C (Provision over the Maximum Allowed)).

H. Accessible Parking Spaces

Within each off-street vehicle parking area, a portion of the total number of parking spaces shall be spaces specially designated, located, and reserved for use by persons with physical disabilities ("accessible parking spaces") in accordance with the standards of the Americans with Disabilities Act.

4.7.2. Minimum Bicycle Parking Requirements

A. All parking areas containing ten or more vehicle parking spaces shall provide bicycle parking facilities (e.g., bike racks/lockers) to accommodate the parking of at least two bicycles for every ten vehicle parking spaces provided—provided that no more than 20 bicycle parking spaces shall be required in any one parking area.

B. Any bicycle parking facilities shall be located in a well-lit location that is conveniently accessible to a primary entrance(s) to the development's principal buildings, does not interfere with pedestrian traffic, and is protected from conflicts with vehicular traffic.

4.7.3. Design and Construction of Parking Areas

A. Location and Configuration

1. No parking area may be constructed within a required yard except on a legally established driveway.

2. In the GM6 District, off-street parking shall be located to the rear of the development's principal building and shall be accessed from a secondary street wherever practicable. In all other districts, off-street parking shall be located to the rear or side of the development's principal building wherever practicable.

3. In all Growth Mixed-Use (GM) and Growth College (GC) districts, a maximum of one row of off-street parking may be located in front of the principal building (but not within the required front yard).

4. Parking areas shall be designed and landscaped to avoid long, uninterrupted rows of parked vehicles. Surface 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.

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 Review Authority may waive the requirements of this subsection where a primary structure already exists on the parcel and there is no other alternative for siting parking, or where compliance would be impractical.

B. Landscaping

The following landscaping standards shall apply to all surface parking areas other than those for 1- and 2-family dwellings.

1. Perimeter Landscaping

a. Where a parking lot is within 50 feet of and visible from a street, other development (except another parking lot), or vacant property, perimeter landscaping shall be provided and maintained within a strip of land between the parking lot and the adjacent street right-of-way or easement or property line except where such strip is crossed by an authorized vehicular, bicycle, or pedestrian accessway, or utility easement.

b. The perimeter landscaping strip shall be at least the minimum width necessary to adequately accommodate the proposed plantings and other screening material and avoid damage to such materials by parked vehicles.

c. Perimeter landscaping shall consist of any combination of trees, evergreen shrubs, berms, walls, and fences that form a continuous opaque screen along the perimeter of the parking lot that is designed to screen the headlights of vehicles in the parking lot yet allow security surveillance of the parking lot from the adjacent street (e.g., by limiting the height of the screening to four feet or using largely transparent landscaping features such as a see-through railing or a trellis above four feet).

2. Interior Landscaping

a. Parking lots containing more than 15 parking spaces shall provide and maintain landscaped islands:

i. At the end of every row of parking spaces;

ii. Along a long row of parking, spaced no more 20 parking spaces apart; and

iii. Between at least every three parallel parking bays.

b. Islands shall be at least the minimum width necessary to adequately accommodate the proposed plantings and any proposed walkway through it, and avoid damage to landscaping by parked vehicles.

c. Each landscaped island shall include at least one canopy tree, with islands between parking bays including canopy trees spaced no more than 40 feet apart—provided, however, that understory trees may be substituted for canopy trees in areas beneath overhead utility lines.

C. Surfacing, Drainage, Lighting

1. 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.

2. 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.

3. 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.

D. Modification/Waiver of Design Requirements

The Review Authority may waive or modify the design and construction standards in this subsection on finding that the total number of parking spaces required for the use cannot be accommodated in accordance with the standards, that the site layout prevents compliance with the standards, or that existing development on the site is incompatible with the standards.

4.7.4. Parking Alternatives

The Review Authority may approve alternatives to complying with the requirements in Section 4.7.1 (Minimum and Maximum Automobile Parking Requirements) in accordance with the following standards.

A. Shared Parking

1. The Review Authority may allow use of a common parking facility to meet the minimum parking requirements for multiple uses or uses on multiple lots on finding that the uses generate parking demands during different times, or have characteristics making it likely that a significant portion of people will use the same parking space to access the other uses sharing the parking facility.
2. Shared parking spaces shall be located within 600 feet walking distance of the primary pedestrian entrance to all uses served unless shuttle service is provided between the parking facility and the uses it serves.
3. The Review Authority may require cross easements or other legally enforceable documents that ensure the participating uses or property owners the right to joint use of the parking facility as long as the shared spaces are needed to comply with this Ordinance. If the shared parking becomes unavailable to a participating use, the uses shall provide alternative means of meeting off-street parking requirements.

B. Off-Site and Satellite Parking

1. The Review Authority may allow use of a parking facility located on one lot to meet the minimum parking requirements for a use located on a separate lot.
2. Off-site parking spaces shall either be located within 600 feet walking distance of the primary pedestrian entrance to the use served or be located in a GM4, GM5, or GI District, or a Rural Area zoning district, and be served by shuttle service between the parking facility and the use it serves.
3. The Review Authority may require legally enforceable documents that ensure the served use the right to use of the parking facility as long as the spaces are needed to comply with this Ordinance. If the off-site parking facility becomes unavailable to the served use, the use shall provide alternative means of meeting off-street parking requirements.

C. Provision over the Maximum Allowed

The Review Authority may allow the maximum parking requirement applicable to a development in accordance with Section 4.7.1.G to be exceeded on finding that the additional spaces are justified by a parking demand study demonstrating that they are necessary to adequately serve a development.

D. Parking Requirement Reductions

The Review Authority may allow additional reductions of the minimum vehicle parking requirements in Section 4.7.1 on finding that the additional reduction is justified by a parking demand study showing reduce transportation and vehicle parking demand due the location,

characteristics, or committed operations of the particular use (e.g., type of development, proximity to transit, employee carpool/vanpool program, off-peak work schedules).

4.7.5. Minimum Off-Street Loading Requirements

A. Minimum Number of Off-Street Loading Spaces

1. General Standard

New development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development site shall provide a sufficient number of off-street loading spaces to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner.

2. Specific Presumptive Standards

a. Table 4.7.5.A.2 below sets forth the minimum number of loading spaces that presumptively satisfies the loading space needs of medium-sized and large-sized delivery/shipping trucks based on the principal use and size of the development. It is assumed that the needs of small delivery/shipping trucks can be met through the temporary use of vehicle parking spaces or accessways, without impeding use of adjacent driveways or fire lanes.

b. The Review Authority may require a higher or lower number of loading spaces based on a finding that the characteristics of the particular development warrant such an increase or decrease, and that the general standard in subsection 1 above is met.

Table 4.7.5.A.2: Minimum Number of Off-Street Loading Spaces

Gross Floor Area (GFA)	Medium-Sized Truck	Large-Sized Truck
Public, Civic, and Institutional Uses and Office Uses [1]		
Up to 10,000 sf	0	0
10,001 to 50,000 sf	1	0
Over 50,000 sf [2]	2	0
Commercial Uses Other than Office Uses [1]		
Up to 20,000 sf	0	1
20,001 to 50,000 sf	1	1
50,001 to 100,000 sf	1	2
100,001 to 200,000 sf	2	2
Over 200,000 [2]	3	2
Industrial Uses		
Up to 5,000 sf	0	0
5,001 to 10,000 sf	1	0
10,001 to 50,000 sf	0	1
50,001 to 100,000 sf	0	2
Over 100,00 sf [2]	0	3

NOTES:
1. For mixed-use developments, gross floor area devoted to residential uses is excluded.
2. Additional spaces may be required based on development-specific assessment relative to size.

B. Exemptions in Certain Growth Mixed-Use Districts

Off-street loading spaces are not required for a nonresidential use in the GM6 and GM7 Districts that:

1. Is located on a lot with a lot area less than 10,000 square feet; or

2. Is housed in a building with less than 10,000 square feet of gross floor area.

C. Applicability to Existing Development Expansions

If the gross floor area of an existing structure is expanded, such expansion shall be accompanied by the provision of any additional off-street loading needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this section for the expanded development.

D. Design and Use of Off-Street Loading Areas

1. Each loading space shall be of sufficient size to accommodate the types of vehicles likely to use it.

a. The minimum loading space that presumptively satisfies loading space needs of a medium-size truck is at least 12 feet wide and 35 feet long, and has at least 13 feet of vertical clearance.

b. The minimum loading space that presumptively satisfies loading space needs of a large-size truck is at least 12 feet wide and 75 feet long, and has at least 14 feet of vertical clearance.

c. The Review Authority may require larger or smaller loading spaces on finding that the characteristics of the particular development warrant the variation, and the general standard in subsection 1 above is met.

2. Where practicable, off-street loading areas shall be located to the rear of principal building(s) it serves.

3. Loading areas shall be located and designed so vehicles using them can maneuver safely and conveniently to the loading space(s) and complete loading/unloading without interfering with vehicular, bicycle, or pedestrian traffic or use on streets, bikeways, walkways, and parking areas.

4. Off-street loading areas shall be located and designed to screen and otherwise mitigate their potential adverse visual and noise impacts on adjacent streets and properties by any combination of buildings, walls or fences, or dense continuous hedge.

4.8 Outdoor Lighting

4.8.1. Applicability

A. Except as otherwise provided in below, all development other than 1- or 2-family dwellings shall comply with the standards in this section.

B. The following types of lighting are exempt from the standards in this section:

1. Lighting emitting less than 800 lumens;

2. White string mini-lights used in window displays or in trees, bushes, and shrubs as part of the landscaping;

3. Lighting of places of worship, flags, emergency lighting, as well as approved sports lighting;

4. Short-term use of lighting for public festivals, celebrations, and the observance of holidays;

5. Public street and right-of-way lighting; and

6. Lighting required and regulated by the Federal Aviation Administration (FAA).

4.8.2. Lighting Height

The maximum height of freestanding lights shall be the height of the principal building or 25 feet, whichever is less.

4.8.3. Light Shielding

A. All lighting emitting more than 800 lumens shall:

1. Conform to the Illumination Engineering Society (IES) Specification for Full Cutoff;

2. Be shielded to direct all light towards the ground so that the lighting elements are not exposed to normal view;

3. Avoid disability glare (i.e., avoid being a hazard or nuisance to motorists, pedestrians, or neighboring residents);

4. Be directed away from adjacent properties and streets, including properties separated from the development site by a street, road, or right-of-way, so that the lighting elements are not exposed to normal view by motorists or sidewalk pedestrians, or from adjacent properties.

B. Compliance with this subsection shall be achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these measures.

4.9 Architectural Compatibility

4.9.1. General Standard

New development shall be compatible with its architectural surroundings in terms of its size, mass, and design. Development in the GM4 District shall be consistent with the Cook's Corner Design Standards. Development in the VRO District shall be consistent with the Village Review Overlay District Design Guidelines.

4.9.2. Specific Standards

A. The height and scale of proposed buildings shall be consistent with existing buildings in the surrounding vicinity.

B. New buildings shall be oriented toward public streets through the location of the main entrance to the building or the provision of windows or façade improvements designed to enhance street orientation.

4.10 Neighborhood Protection Standards

4.10.1. Applicability

A. The neighborhood protection standards in this section shall apply in the Growth Mixed-Use (GM) districts and Growth Special Purpose districts (GC1-4, GAA, GI, GO, and GN) to any nonresidential, mixed use or multifamily development located on land that abuts or is across the street from a Growth Residential district lot that contains an existing 1- or 2-family dwelling. However, that the standards shall not apply to nonresidential, mixed use or multifamily development located on lots separated from the Growth Residential district lot containing a 1- or 2-family dwelling by a street with four or more lanes.

B. Where the standards in this section conflict with other design standards in this Ordinance, the neighborhood protection standards in this section shall control.

4.10.2. Compatibility Standards

A. Structures within 30 feet of lot lines shared with a Growth Residential district lot containing a 1- or 2-family dwelling shall not exceed a height of 35 feet.

B. Light poles and fixtures within 50 feet of lot lines shared with a Growth residential district lot containing a 1- or 2-family dwelling shall not exceed a height of 20 feet.

C. An opaque fence at least six feet in height shall be installed along the lot lines shared with a Growth Residential district lot containing a 1- or 2-family dwelling. The finished side of the fence shall face the lot containing the 1- or 2-family dwelling.

D. Roof-mounted heating, ventilation, air conditioning, and energy producing equipment shall be incorporated into the structural design or screened from the view of an adjacent Growth Residential district 1- or 2-family dwelling, unless the Director determines that doing so would impair the equipment's functionality.

E. No drive-through facility audio speakers shall be located between the nonresidential or mixed use development's principal building(s) and property lines shared with Growth Residential district lots containing a 1- or 2-family dwelling, unless the speaker is located at least 100 feet away from and oriented to project sound away from the Growth Residential district boundary.

4.11 Signs

4.11.1. Purpose

The purpose of this section 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, reduce sign or advertising distractions and obstructions, reduce hazards that may be caused by signs, and ensure that new signs are compatible in design and scale with their surroundings.

4.11.2. General Provisions

A. Exemption of Certain Town-Authorized Signs

Signs authorized by the Brunswick Town Council to be displayed on public property or over public rights of ways are exempt from all standards in this section except Section 4.11.6 (Special Requirements Signs).

B. Calculation of Size of Sign

1. Two-Sided Signs

Only one side of a sign shall be counted when determining the size of a two-sided sign.

2. Signs 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 that 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.

C. Maximum Sign Size

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.

4.11.3. Standards for Sign Types

A. Awning Signs

1. The sign face of an awning sign may not exceed 25 percent of the area of the plane of the awning on which the sign face appears.
2. No materials or signage may hang from an awning.

B. Monument Signs

1. The size of the face of a monument sign shall not exceed 32 square feet.
2. The maximum height of a monument sign is ten feet.
3. Only one monument sign per 250 feet of lot frontage is permitted.
4. Monument signs are prohibited in the GM6 District.

C. Pole Signs

1. Only one pole sign per 250 feet of lot frontage is permitted.
2. In the GM1, GM2, GM3, GM4, GM5, GM7, and GI Districts, the height of the pole sign shall not exceed 15 feet and the size of a pole sign shall not exceed 25 square feet.
3. In all other zoning districts except for TC2, the height of a pole sign pole signs shall not exceed ten feet and the size of a pole sigh shall not exceed 15 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood or wood carving.
4. Pole signs shall be set back at least 5 feet from a side or rear property line.
5. Any use that contains a pole sign may not contain a projecting sign or a roof sign.
6. Pole signs are not permitted in the GM6 District.

D. Marquee Signs

Marquee signs are permitted for theaters only, and must be wall signs, subject to the requirements for wall signs.

E. Projecting Signs

1. Where a projecting sign projects over a sidewalk, it must clear the ground by at least eight feet.
2. Any use that contains a projecting sign may not contain a pole sign.
3. Projecting signs shall not be placed above the first story of a structure unless it is advertising a use that occurs above the first floor. 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.
4. In all Growth Residential (GR) districts, GM6 District, Growth College (GC) districts, and Rural Area Districts, the size of a projecting sign shall not exceed six square feet and projecting sign shall not project more than three feet beyond the wall to which they are attached.
5. In the GM1, GM2, GM3, GM4, GM5, GM7, and GI Districts, the size of a projecting sign shall not exceed 25 square feet.
6. Projecting signs are prohibited in the GM6 District.

F. Wall Signs

1. 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.

2. In the GM1, GM2, GM3, GM4, GM5, GM7, and GI Districts, each nonresidential establishment shall be allowed wall signage not to exceed a total of 25 square feet—provided, however, that establishments occupying a portion of the building's principal facade shall be allowed wall signage not to exceed 25 square feet or ten percent of that portion of the principal façade occupied by that establishment, whichever is greater.

3. In the GM6 District, wall signs shall be placed between the top of a first story window and the bottom of a second story window, made of wood (or materials that appear to be wood, and be professionally engraved. The size of a wall sign shall not exceed 16 square feet.

4. In all other districts, each nonresidential establishment shall be allowed wall signage not to exceed a total of 16 square feet provided, however, that establishments occupying a portion of the building's principal facade shall be allowed wall signage not to exceed 16 square feet or ten percent of that portion of the principal façade occupied by that establishment, whichever is greater.

G. Religious Institution Signs

A religious institution sign shall be for the use of a religious institution, shall be located on the same lot as the religious institution, and may have a changeable copy sign. A religious institution sign shall be either a wall monument or a pole sign in accordance with the requirements for those types of signs.

H. Development Signs

A single sign not to exceed 16 square feet in area shall be permitted to identify the name of a subdivision. The development sign shall be located on a common area within the development.

I. Changeable Copy Signs

1. Changeable copy signs are prohibited in all Growth Residential (GR) districts, the GM6 District, and all Growth College (GC) districts.

2. 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 that is mounted to a pole sign or directory sign shall count towards the maximum allowable signage area of the pole or directory sign.

J. Directory Signs

1. A directory sign may be mounted to the ground, one or more poles, walls, or may project from a wall at an angle.

2. A directory sign may advertise or identify only uses that exist within the same lot or uses that exist in any group of structures sharing a common point of access from the public way.

3. Only one directory sign per 250 feet of lot frontage is permitted.

4. In the GM1, GM2, GM3, GM4, GM5, GM7, GM8, and GI Districts, a directory sign may be used to advertise establishments that occurring on any four or fewer adjacent parcels and share access, and the total size of a directory sign may not exceed 25 square feet per nonresidential establishment advertised.

5. In the GM6 District, only one directory sign is permitted, and its total sign area shall not exceed 56 square feet.

6. In the GM6 District, directory signs shall be placed at the entrance to upper-story uses for any building with no front yard, and the total sign area of directory signs shall be no larger than five square feet. Directory signs for buildings with a front yard shall not exceed ten square feet per nonresidential establishment advertised.

7. In all other districts, directory signs shall be prohibited.

K. On-Premise Directional Signs

1. An on-premise directional sign may not exceed two square feet in area.

2. An on-premise directional sign shall be placed so as not to impede sight distance.

L. Neon Window Signs

Neon signs that are placed inside a window are permitted by permit—provided that neon window signs are not permitted for residential uses and shall not exceed five square feet in area for any single use.

M. Advertising Messages Incorporated into Approved Signage

Permanent advertising messages or business information (such as signage indicating business hours, signage indicating 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. Reviewing of such signage shall also consider other signs on the site.

N. 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:

1. No sign shall exceed 15 percent of the square footage of the side of the canopy on which it is located. No side shall contain more than one sign.

2. The total area of signs on a gas station canopy shall not exceed nine percent 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.

4.11.4. Signs Not Subject To Permit

The following signs are permitted as indicated in each subsection, and require no permit.

A. Real Estate Signs

1. A real estate sign for the sale of a residential structure shall not exceed four square feet in area. A real estate sign for all other uses and vacant land shall not exceed 32 square feet in area.

2. Real estate signs shall be removed within ten days of the sale or lease of the property.

B. Contractor Signs

1. The size of a contractor sign shall not to exceed 32 square feet.

2. A contractor sign shall be removed upon the issuance of a Certificate of Occupancy, where one is required. A contractor sign used during home improvement or renovation projects that are not subject to Certificate of Occupancy shall be removed after the work has been completed.

C. Signs for Lawn, Yard, or Garage Sales

1. Lawn, yard, or garage sale signs are prohibited on any State or local public property or right-of-way, and or on utility poles.

2. No sign for a lawn, yard, or garage sale shall be posted more than 24 hours before and after the event.

3. The size of a lawn, yard, or garage sale sign is limited to 4 square feet in area.

D. Window Signs

Window signs are allowed provided that they are placed on the inside of the window and occupy no more than 25 percent of the glassed area of all windows.

E. Farm Stand Signs

Farm stand signs are permitted provided that each sign is no greater than ten square feet in area and they displayed only during the season when the premises are open for business. Farm stand signs may have a changeable copy.

F. Household Signs

A household sign shall not require a permit.

G. Political Campaign Signs

1. 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 five days after the same election, primary, or referendum.

2. The size of a political sign shall be limited to eight square feet.

H. Sandwich Signs

1. A sandwich sign shall not exceed seven square feet in area.

2. A sandwich sign shall be made of wood or materials that appear to be wood.

3. A sandwich sign may be displayed only when the premises it advertises are open for business.

4. Sandwich signs may not impede pedestrian, bicycle, or vehicular access. Any sandwich sign found to impede the safe movement of pedestrians, bicycles, or vehicles may be ordered removed or relocated by the Codes Enforcement Officer.

5. Sandwich Signs located in the Village Review Zone do not require review by the Village Review Board.

4.11.5. Signs Requiring Written Notification to Codes Enforcement Officer

A. Special Events or Notice Signs

1. Special events or notice signs shall not interfere with pedestrian or vehicular traffic.

2. No individual building occupant may display a special events or notice sign for more than 90 days within a calendar year—provided that special events or notice signs for an event or notice exceeding 90 days in length shall be permitted for a period not to exceed five calendar days immediately following the conclusion of the event or notice, or 180 days per calendar year, whichever is less, upon written approval by the Codes Enforcement Officer.

3. Prior to displaying any special event or notice sign, the building occupant shall submit written notification to the Codes Enforcement Officer of the sign's installation and removal.

4.11.6. Special Requirements Signs

The following signs are permitted subject to special requirements.

A. Banners

Town Council permission is required to raise a banner and the Town Council has the right to restrict where and when such banners may be displayed.

B. Official Business Directional Signs

An Official Business Directional Sign visible from a public way may be erected or maintained in the Town of Brunswick in accordance with the following standards and with applicable provisions of the Maine Traveler Information Services Act (23 M.R.S.A. § 1901-1925) and any regulations of the Maine Department of Transportation promulgated thereunder, not inconsistent with the provisions of this Ordinance.

1. 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 the GM6 District, the VRO District, or the Maine Street or Park Row right-of-way:

a. Public and private schools and colleges.

b. Airports.

c. Cultural facilities and historic monuments.

d. Recreational facilities.

e. Municipal and other government facilities.

f. Nonprofit organizations.

g. Public accommodations and commercial businesses.

h. Retail agricultural operation.

2. Number of Signs

Not more than four official business directional signs may be permitted per each qualified use.

3. Placement of Signs

Official business directional signs may not be installed in the GM6 District, the VRO District, and the Maine Street or Park Row right-of-way.

4. Additional Requirements

The following additional requirements shall apply to official business directional signs:

a. The minimum distance between official business directional sign posts shall be at least 300 feet as measured along the shortest straight line.

b. An official business directional 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 directional sign shall be placed closer than 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 200 feet, nor further than 2,500 feet, from an intersection where a change in direction as indicated on said sign is required.

e. No more than three 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.

5. Permitting and approval process

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.

C. Nonprofit Organization Fund Raising Signs

Nonprofit organization fund raising signs, when recommended by the Town Manager and approved by the Town Council, shall be permitted at locations on public and private property, subject to the following:

1. The sign shall be a ground sign, with an area not exceeding 32 square feet.

2. The height of such sign shall not be greater than eight feet.

3. The sign shall not be illuminated.

4. The sign shall be removed one week after the fund raising event has ended.

4.11.7. Signs Expressly Prohibited

The following signs are prohibited in all zoning districts and under all circumstances:

A. Off-premise advertising, provided that this shall not be interpreted to prohibit political campaign signs that are regulated by and conform to Section 4.11.4.G above.

B. Flashing illuminated signs.

C. Moving signs.

D. 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.

E. Roof signs.

F. Portable signs—except those used for the conveyance of traffic and other public safety information, which are permitted without a permit.

4.11.8. Illumination

A. Non-Illuminated Signs

Any sign may be non-illuminated.

B. Directly Illuminated Signs

The light emitted from a directly illuminated sign shall not result in light trespass beyond the intended area of illumination.

C. Internally Illuminated Signs

Internally illuminated signs are permitted only in the GM4, GM5, and GI Districts.

4.12 Performance Standards

4.12.1. Operation of Uses and Development

The following standards shall apply to all development activities and uses regulated by this Ordinance, and shall be enforced by the Codes Enforcement Officer.

A. Noise

1. The following temporary activities are exempt from the requirements of this section: parades, farming, forestry, emergency signals, water craft, and automobile traffic. Other activities of a temporary nature that are unable to meet these requirements shall require Development Review by the Planning Board.

2. 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:

Table 4.12.1.A: Maximum Equivalent Sound Level Measured in dBA [1],[2]

Districts	Day	Night
Rural Area districts, GO, GN	50	40
Growth Residential (GR)	55	45
GM1, GM2, GM3, GM6, GM8, GC1, GC2, GC3, GC4	60	50
GM4, GM5, GM7, GA, GI	70	60

NOTES:
[1] 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.
[2] 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.

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

4. Adequate provisions shall be made to control unnecessary noise from and at the development site. The review authority may require the developer to establish pre- and post-development noise levels.

5. 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.

6. 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.

7. All construction, drilling, or demolition work shall be conducted between 7:00AM 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.

4.12.2. 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.

4.12.3. Dust and Fumes

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

B. The developer shall apply and maintain asphalt, water, or calcium chloride on dirt roads, driveways, parking lots, and other surfaces to control the level of airborne dust and other particles associated with construction of the development.

4.12.4. Odors

No use may, as a result of normal operation, regularly emit odors that are offensive or harmful by reason of their character, intensity, or duration, and that 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.

4.12.5. Vibrations

No use or activity shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

4.12.6. Unlicensed Motor Vehicles

With the exception of properties on which a legally established vehicle sales, rental, or storage use, or a vehicle service or repair use, 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.

4.13 Maintenance

4.13.1. General

When the standards and procedures of this Ordinance or conditions attached to a development approval require that any structure or site feature be constructed or installed, the owner of the affected property shall be responsible for maintain these structures and site features in good repair, and for replacing them if they are damaged or destroyed, or in the case of living materials, if they die or are effectively destroyed after installation. In addition, property owners shall be responsible for each of the additional maintenance, replacement, and operating standards set forth in this Section 4.13.

4.13.2. Landscape Maintenance

A. Landscaped areas, screens, and plant materials required to be installed or protected by this Ordinance or conditions attached to a development approval shall be maintained in a healthy growing condition and in a neat and orderly appearance, free from refuse and debris.

B. If required plant material dies or becomes diseased, it shall be replaced by the property owner on or before October of the year the dead or diseased planting is discovered or such further time frame deemed reasonable by the Codes Enforcement Officer.

4.13.3. Maintenance of Signs

A. Any private sign, including signs for which a permit is not required, that has become damaged, dilapidated, or dangerous shall be repaired or removed immediately, or within the time frame determined by the Codes Enforcement Officer.

B. If the paint on any sign has checked, peeled, or flaked to the extent the sign cannot be read in whole or in part, the sign shall be repainted or removed.

4.13.4. Parking Area Maintenance

All surface parking lots areas shall be maintained in a clean and neat condition. Potholes and surface breaks shall be promptly repaired, and litter and debris shall be removed on a regular basis.

4.14 Administrative Adjustments / Alternative Compliance

4.14.1. Administrative Adjustment

A. Purpose

An administrative adjustment is intended to allow minor deviations, or adjustments, to certain dimensional or numerical standards in this Ordinance based on specific criteria. The intent is to provide relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards of this Ordinance and the Comprehensive Plan, and is compatible with surrounding development.

B. Applicability

The review authority may grant an applicant's request for an administrative adjustment for one or more of the standards identified in the table below, up to the limits set forth in the table for the type of standard.

Table 4.14.1.B: Allowable Administrative Adjustments

Standard	Allowable Administrative Adjustment
Lot area or width, minimum	10%
Building frontage, minimum	10%
Front, side, or rear yard depth, minimum	10%
Encroachment into required yards, maximum	10%
Impervious surface coverage or building footprint, maximum	10%
Building height, maximum	10%
Number of off-street vehicle parking spaces, minimum	10%
Walking distance between shared or off-site parking and primary pedestrian entrance to building served	10%
Fence or wall height, maximum	1 ft.
Lighting height, maximum	10%

C. Standards

A review authority may grant a request for an administrative adjustment only after finding that the adjustment falls within the limitations in Table 4.14.1.B and that:

1. The administrative adjustment is consistent with the character of development in the surrounding areas, and will not result in incompatible development.

2. Any potential adverse impacts resulting from the administrative adjustment will be mitigated to the greatest extent practicable.

3. The administrative adjustment is either:

a. Required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally;

b. Proposed to protect sensitive natural resources or save healthy existing trees; or

c. Required to eliminate a minor inadvertent failure to comply fully comply with a standard.

4. The administrative adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.

4.14.2. Alternative Equivalent Compliance

A. Applicability

The Staff Review Committee may grant an applicant's request for an alternative equivalent compliance determination related to a proposed alternative design for standards in Section 4.5. (Stormwater Management, Landscaping, and Open Space), Section 4.6 (Circulation and Access), and Section 4.7 (Parking and Loading). The Committee shall not, however, have authority to approve an alternative equivalent compliance proposal that includes violation or waiver of a street or stormwater engineering design standard applicable within the Town.

B. Alternative Equivalent Compliance Review Standards

A request for an alternative equivalent compliance shall be approved only if the Town Council finds that:

1. The proposed alternative design will achieve the intent of the standard(s) from which a deviation is sought to the same or a higher degree than the subject standard(s);

2. The proposed alternative design is consistent with the Comprehensive Plan and advances the goals of this Ordinance to the same or a higher degree than the standard(s) from which a deviation is sought;

3. The proposed alternative design will impose no greater impacts on adjacent lands than would occur through compliance with the standard(s) from which a deviation is sought; and

Chapter 5 - Administration

5.1 General Provisions

5.1.1. Reviewers and Decision-Makers

A. Planning Board

1. Membership

The Planning Board consists of seven (7) members appointed by the Town Council for terms of three (3) years. See Section 801.

2. Powers and Duties

a. The Planning Board shall review all Major Development Review applications and any Minor Development Review application for which the applicant requests Planning Board review. The Planning Board may conduct Minor Development Review if recommended by either the Director or the Staff Review Committee.

b. The authority of the Planning Board to review certain Minor Development Review applications is hereby delegated to the Staff Review Committee in accordance with the provisions of Section 402.2. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Staff Review Committee.

B. Zoning Board of Appeals

1. Membership

The Board of Zoning Appeals consists of five (5) full members and four (4) associate members appointed by the Town Council for terms of three (3) years. See Section 803.

2. Powers and Duties

The Zoning Board of Appeals shall 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, the Planning Board or Village Review Board, to hear applications for Conditional Use Permits and Special Permits, and to authorize Variances in specific cases.

C. Village Review Board

1. Membership

a. The Village Review Board shall consist of seven members.

b. The members 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.

2. Powers and Duties

The Village Review Board shall have the following powers and duties:

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.

g. Adopt rules of procedure and shall establish appropriate meeting times.

D. Staff Review Committee

1. Membership

The Staff Review Committee shall consist of the Director, Public Works Director, Codes Enforcement Officer, Town Planner, Parks and Recreation Director, Fire Chief, Police Chief, Town Assessor, Natural Resources Planner, General Manager of the Brunswick-Topsham Water District, and the General Manager 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 nonvoting staff representative from the Midcoast Regional Redevelopment Authority (MRRA). The Executive Director of MRRA shall designate the MRRA representative in writing.

2. Powers and Duties

The Staff Review Committee shall have the following powers and duties:

a. Development Review.

When acting in its Development Review capacity:

i. The Staff Review Committees hall 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.

ii. Actions by the Staff Review Committee to approve an application, with or without conditions, shall require the approval of 3 members or a majority of those members present and voting, whichever is greater. A quorum shall consist of three member and, further, shall have a minimum of three deciding votes when acting on an application.

iii. The Staff Review Committee may waive provisions of this Chapter, in accordance with Section 5.2.7.M (Waiver Provisions).

iv. All appeals from a Staff Review Committee decision shall be heard by the Planning Board.

v. 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.

b. Recommendations. 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.

E. Director of Planning and Development and Codes Enforcement Officer

1. Powers and Duties

a. Minor Change of Use. The Code Enforcement Officer may approve Changes of Use that do not exceed the thresholds required for Development Review shown in Table 5.2.8.B.

b. Minor Modifications. The Director may approve a minor modification to an approved Site Plan, Subdivision, Conditional Use Permit, or Special Permit or related materials, in consultation with the Town Planner, Codes Enforcement Officer, and the Public Works Director, as provided in Section 5.2.8.B (Minor Modifications).

5.1.2. Pre-Application Meetings

Pre-application meetings with Town staff are required prior to submission of applications for Streamlined Major Development Review. Pre-application meetings with the staff, Staff Review Committee, or Planning Board are optional for all other applications, but are strongly recommended prior to the expenditure of funds toward the design of a development proposal.

A. Pre-application Meeting with Town Staff

Prior to submitting an application for development review, the applicant is advised to meet with Town Staff to discuss applicable zoning standards and submission requirements. At this meeting, staff can detail the process for development review, answer any questions, and provide feedback to the applicant.

B. Pre-application Meeting with Review Authority

Prior to submitting an application for development review, the applicant may meet with the Review Authority to discuss applicable zoning provision, submission requirements, and any requested waivers in order to assist the Review Authority in providing feedback to the applicant.

5.1.3. Applications Required

A. Application Submission

Development applications shall be submitted to the Director. Required application materials are summarized in Appendix D. For each item required to be submitted as part of Development Review applications the applicant shall submit either the requested information or a request for a waiver from the information requirement, pursuant to Section 5.2.7.M (Waiver Provisions). The Town shall provide a dated receipt for each application received.

B. Notice Provided

When an application is received, 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.

5.1.4. Determination of Completeness

A. An application is complete when an application form and all plan requirements or waiver requests have been submitted to the Director. Within five working days of receiving an application, the Director shall determine whether the application is complete. If the application

is not complete, the Director shall notify the applicant in writing 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 complete. As used in this section "complete" shall mean that all submission requirements established by this Ordinance have either been complied with or a wavier has been requested; any additional information requested by the Planning Board or Staff Review Committee at any prior meeting has been provided; and 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).

5.1.5. Community Facility Impact Analysis

In order to determine if the development will result in impacts outside the boundaries of the project, the Planning Board may require a facilities impact analysis that addresses the following:

A. Impact Analysis

1. 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.

2. Estimated impact on the water system, including flow estimates, capacity and assessment of existing or potential water pressure.

3. Estimated impact on traffic system, including the impact of projected trips on flow characteristics and the impact of traffic on existing road system in the Town. If the application includes more than 30 dwelling units, or more than 30,000 square feet of non-residential development, or both, the Planning Board may require that the Assessment include estimated impact on the traffic system in adjacent Towns.

4. Estimated impact of any proposed residential units on the school system, based upon the demographic description outlined in subsection B below.

5. Estimated impact on the public safety providers.

6. Estimated impact on the Public Works Department, including solid waste disposal.

7. Estimated impact on the existing storm water management system, including flow and water quality.

8. Estimated impact on the recreation resources and provisions of methods to meet projected needs, based on the demographic description outlined in subsection B below.

9. Any other impact identified through the review process.

B. Demographic Description

For applications involving residential units, the analysis must identify the demographic market the project intends to serve, including, average family size, numbers and ages of children, and 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.

5.1.6. Fees Required

A. Application Processing Fee

The applicant shall submit with each application the fees for review of that type of application established by the Town Council.

B. Development Impact Fees

Where it can be clearly demonstrated that a 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 may require the applicant to participate in municipal infrastructure and/or service system improvements in accordance with Section 5.1.5 (Community Facility Impact Analysis). The Planning Board shall assess and establish the applicant's level of participating in the improvement of the system or service.

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.

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. All determinations of appropriate cost share shall comply with all applicable decisions of the federal and state courts regarding essential nexus and rough proportionality in development exactions.

a. **Applicant Makes Improvements.** 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 from subsequent developments that realize a benefit by using the infrastructure and/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. **Town Makes Improvements.** 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.

5.1.7. Fiscal Capacity and Performance Guarantees

A. 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.

B. Performance Guarantee

1. When Required

A performance guarantee may be required prior to the construction of infrastructure that is intended for dedication to the Town, 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. 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. No Certificate of Occupancy may be issued unless a written approval is granted by the Town Engineer stating that the occupancy of the project or project phase can accommodate occupants without posing a threat to the public's safety.

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 Director, the Town Engineer, and the 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.

3. Release of Performance Guarantee

a. 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 Director and the Town, 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:

i. A statement by the Town Engineer that all street and storm drain systems have been constructed and completed in compliance with the Final Plan.

ii. A statement from the Brunswick Sewer District Superintendent that all sewage disposal systems have been constructed and completed in conformity with the Final Plan.

iii. 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.

b. In releasing the performance guarantee, the Town shall provide the applicant with a certificate of compliance signed by the Town Manager.

5.1.8. Property Owners' Associations

All private roads, land and facilities owned in common private ownership shall be managed and controlled by a homeowners' association or property owners' association, in accordance with the following:

A. 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.

B. 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.

C. 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.

D. The homeowners association shall be able to adjust the assessment to meet changed needs.

E. Ownership shall be structured so that real property taxing authorities may satisfy property tax claims against the conservation land from the association and its members.

5.1.9. Appeals of Administrative Decisions

A. Making an Appeal

1. Administrative 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. Dimensional variance appeals do not require a prior decision of the Codes Enforcement Officer or a board and are not subject to this time limit.

2. The 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, the applicant shall submit a sketch drawn to scale or photograph showing lot lines, location of existing buildings and other physical features pertinent to the Variance request, and a concise written statement stating what Variance 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 of Appeals all of the documents constituting the record of the decision appealed from. Each appeal shall be accompanied with the fee designated by the Town Council.

4. A copy of each Variance request located in the Flood Protection Overlay (FPO) district, 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 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.

B. Procedure on Appeal

1. The Zoning Board of Appeals shall hold a public hearing on the appeal within 45 days after the filing of the appeal.

2. At least ten days prior to the date set for hearing, the Board shall give similar written notice to all property owners of record whose properties lie within 200 feet of the perimeter of the affected property, the person making the appeal, and the Codes Enforcement Officer, Planning Board, or Village Review Board (whichever made the decision being appealed), and any other person requesting notice. The notice will be sent via U.S. Mail, postage prepaid, to those persons as listed on the Town's tax records.

3. At least seven days prior to the date of the hearing on such appeal, the Zoning Board of Appeals shall cause to be published in one issue in a newspaper of general circulation in Brunswick a notice which includes, the name of the person appealing, a brief description of the property involved, including the street address, a brief description of the decision appealed from, or the nature of a Variance, and the time and place of the Zoning Board of Appeals' hearing.

C. Hearings

1. In hearing an 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 the Board whose decision is being appealed.

b. Determine on the basis of the entire record presented whether the Codes Enforcement Officer or such Board, as applicable, could reasonably have found the facts and reached the conclusions upon which the decision under appeal was based.

c. Determine whether the decision being appealed 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 of Appeals 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 of Appeals 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 Officer or 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 a remand, the appeal before the Zoning 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 Zoning Board of Appeals, which shall then made a final decision on the appeal. The decision of the Zoning Board of Appeals to remand is not final action by the Zoning 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 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.

D. Decisions of the Zoning Board of Appeals

1. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to:

   a. Reverse any order, requirement, decision, or determination of the Codes Enforcement Officer, Planning Board or Village Review Board;

   b. Grant a Variance; or

   c. Decide in favor of the applicant on any matter which the Board is required to decide under this Ordinance.

2. The Zoning Board of Appeals shall decide all appeals within at least 30 days after hearing, unless the Board and the applicant agree to a longer time, and shall issue a written decision on all appeals.

3. 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, on all the material issues of fact, law or discretion presented, and the order, relief or denial. 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 (whichever made the decision appealed from) and the Town Council within seven days of the decision date.

4. For appeal decision located in the Flood Protection Overlay (FPO) district, 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 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 Town Council.

5. A Variance granted by the Zoning Board of Appeals shall expire if the work or change involved is not completed within two years of the date on which the Variance is granted.

6. 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. § 4353(5).

7. 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.

8. Appeals may be taken as permitted by law from any decision of the Zoning Board of Appeals to Superior Court.

5.2 Specific Procedures

5.2.1. Permits

Applications for Building Permits, Certificates of Occupancy, and Changes of Use shall be filed with the Codes Enforcement Officer. All other processes, permits or approvals required by this Ordinance for the type of development involved shall be obtained prior to the issuance of a permit under this Section 5.2.1. Each application shall state the intended use of the land and buildings. A Building Permit application must also include 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 adopted building codes.

A. Building Permit and Certificate of Occupancy

1. No building or other structure subject to the Maine Uniform Building and Energy Code adopted by the Town shall be erected, moved, added to or structurally altered without first obtaining a Building Permit. No Building Permit shall be issued except in conformity with the provisions of this Ordinance and all other applicable ordinances of the Town and any conditions imposed pursuant to those ordinances. In the Growth Mixed Use 4 (GM4) district, a Building Permit shall not be issued unless the proposed building complies with the Cook's Corner Design Standards. A Building Permit secured under the provisions of this Ordinance shall expire if the work or change is not begun within one year of the date the permit is granted, and if the work or change is not completed within two years of the date on which the permit is granted. All Building Permits heretofore issued shall be subject to the provisions of this paragraph.

2. 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. The Codes Enforcement Officer shall maintain a public record of all Building Permits issued.

3. 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 Zoning Board of Appeals. The Codes Enforcement Officer shall maintain a public record of all Certificates of Occupancy which are issued.

4. It shall be unlawful to use or occupy or permit the use or occupancy of any land, building, structure or part thereof that is created, erected, changed, converted, altered or enlarged, or to change, alter, or enlarge the use of any land, building, or structure without first obtaining a Certificate of Occupancy endorsed to the effect that the proposed use of the land, building or structure conforms with the requirements of this Ordinance.

B. Change/Expansion of Use Permit

1. Change of Use Defined

Change of Use is a change from one use to another use of any structure or portion thereof that is permitted in the base zoning district (and overlay zoning district, if applicable) where the property is located. 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 three years.

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 Development Review is required in accordance with Section 5.2.7, (Development Review). If Development Review is required, the Codes Enforcement Officer shall not issue the Change of Use Permit until the required Development Review has been conducted.

3. Departmental Review

Any Change of Use that does not require Development Review, but results in a change in the configuration of parking, traffic circulation, architecture or landscaping shall require Departmental Review by the Director and the Town Engineer within seven days of the filing of a completed application with the Codes Enforcement Officer.

5.2.2. Conditional Use Permit

Uses listed as Conditional Uses in Table 3.2 (Growth Area Permitted Use Table) or Table 3.3 (Rural Area Permitted Use Table) may be allowed upon the issuance of a Conditional Use Permit by the Planning Board as described in in this section.

A. Conditional Use Process

1. Applications for Conditional Use Permits shall be made to the Planning Board, and shall include those materials required by Appendix D - (Summary of Application Requirements) showing that the application satisfies the standards in subsection 5.2.3.B below.
2. When an application is filed, a public hearing will be scheduled using the provisions of Section 5.1.3.B (Notice Provided) as modified by subsection 3 below.
3. The Town shall send notice of public hearing to the owners of all property located within 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 ten days prior to the public hearing. If the application is for property located within the Aquifer Protection Zone, notice shall also be sent to the Brunswick-Topsham Water District.
4. Any Brunswick resident or Brunswick property owner shall have the opportunity to provide written comments for consideration by the Planning Board. Written comments must be received prior to the scheduled public hearing. If the application is for property within the Aquifer Protection Zone, the Planning Board shall review any comments made by the Brunswick-Topsham Sewer District.
5. The Planning Board may approve, approve with conditions or deny the application. Decisions of the Planning Board shall be made by written Findings of Facts and Conclusions that set forth the reasons for the decision based on all standards of subsection 5.2.3.B below 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 that outlines all conditions and requirements, copies of which shall be forwarded to the applicant and any person requesting a copy within 14 days of the public hearing.
6. A Conditional Use 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 Conditional Use Permit shall be subject to Development Review.

B. Criteria for Approval

The following Criteria shall be applied, where applicable, by the Planning Board when considering an application for Conditional Use Permit. The burden of proof of compliance with these standards rests with the applicant.

a. The proposed structure and site design comply with all standards of this Ordinance applicable to the zone district and any overlay district within which the property is located.

b. The proposed use will not create significantly more vehicle traffic by patrons, residents, or suppliers than the uses and structure within 300 feet of the proposed use or structure that currently generates the most vehicle traffic;

c. The proposed use will not operate or require deliveries earlier in the morning, or later at night, than the uses and structures within 300 feet of the proposed use or structure that currently operate earliest in the morning and latest at night.

d. The proposed use shall not create any other documented significant adverse impacts on any property within 300 feet of the lot on which the proposed use or structure would be located.

C. Time Limits and Effect of Denial

A Conditional Use Permit shall expire two years after it is approved by the Planning Board if no Certificate of Occupancy is granted for the use in accordance with Section 5.2.7.Q.5 (Conditional Use Permit Approval Expiration). If the Planning Board denies an application for a Conditional Use 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.

5.2.3. Special Permits for Unclassified and Omitted Uses

Unclassified and Omitted Uses may be allowed upon the issuance of a Special Permit by the Planning Board as described in in this section.

A. Special Permit Process

1. The process for review and decision on an application for a Special Permit shall be the same as that for a Conditional Use Permit in Section 5.2.2.A.

2. After a Special Permit has been granted, the Director 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 Table 3.2 (Growth Area Permitted Use Table) and/or Table 3.3 (Rural Area Permitted Use Table). The Council may then act to incorporate such use by an amendment to this Ordinance.

B. Criteria for Approval

The following Criteria 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 with the applicant.

1. The application shall meet the criteria for approval of a Conditional Use Permit in Section 5.2.2.B, and in addition, shall meet the following criteria:

2. The application shall further the planning goals the adopted Comprehensive Plan, including but not limited to the planning goals for the Planning Area (Appendix A - Planning Areas) in which the property is located.

3. If the application involves the construction of a new building, or the substantial expansion of an existing building, the size of the resulting building:

   a. shall not exceed the gross floor area of the largest building located by on a lot within 100 feet of the applicant's parcel by more than 10 percent; and

   b. shall not exceed the gross floor area of the largest building located by on a lot within 100 feet of the applicant's parcel by more than 12 feet.

4. If the proposed use or structure is located in a planning district where pedestrian oriented character is encouraged, the use shall generate patron or resident activity (not just employee activity) during normal business hours, and the majority of the front façade of the building shall not be located further than 70 feet from the front property line.

5. The proposed use will not generate more noise at any time of the day or night than the use within 300 feet of the proposed use or structure that currently generates the most noise at that time.

C. Review of Legally Nonconforming Special Permit Uses

The following rules shall apply to the expansion of uses that are legally non-forming in that they have never been granted a Special Permit.

1. Expansions that do not reach the threshold for Minor Development Review found in Section 5.2.7.B.2 (Development Activities Subject to Development Review) shall be reviewed by the Director under the minor modification provisions of Section 5.1.1.E and in accordance with the Special Permit review standards in Section 5.2.3.B.

2. Expansions that meet the Minor Development Review thresholds of Table (Development Activities Subject to Development Review) shall be reviewed by the Staff Review Committee in accordance with the Special Permit process and standards of this section.

3. Expansions that meet the Major Development Review thresholds of Section 5.2.7.B.2 (Development Activities Subject to Development Review) shall be reviewed by the Planning Board in accordance with the Special Permit process and standards of this section.

4. Appeals of the Director's or Staff Review Committee's decisions shall be made to the Planning Board.

D. 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 5.2.7.Q.5 (Special Permit Approval Expiration). 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.

5.2.4. Flood Hazard Development Permit Requirements

A. Flood Hazard Development Permit Required

All construction or other development 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.

B. Application for Flood Hazard Development Permit

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

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

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

3. 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;

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

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

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

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

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

i. In Zones A1-30 and V1-30 from data contained in the "Flood Insurance Study - Town of Brunswick, Maine," as described in Section 2.4.4.B.2; or,

ii. 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;

b. Highest and lowest grades at the site adjacent to the walls of the proposed building;

c. Lowest floor, including basement; and whether or not such structures contain a basement; and,

d. Level, in the case of nonresidential structures only, to which the structure will be floodproofed;

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

9. 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;

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

a. Nonresidential structures will meet the floodproofing criteria in Section 2.4.4.D.3 (Nonresidential Structures) and other applicable standards.

b. Construction in coastal high hazard areas, Zones V1-30 will meet the criteria of Section 2.4.4.D.12 (Coastal Floodplains).

c. Engineered hydraulic openings in foundation walls will meet the standards of Section 2.4.4.D.8.a.ii.

d. Bridges will meet the standards of Section 2.4.4.D.9 (Bridges).

e. Containment walls will meet the standards of Section 2.4.4.D.10 (Containment Walls).

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

12. A statement of construction plans describing in detail how each applicable development standard in Section 2.4.4.D (Additional Requirements for the FPO District) will be met.

C. Review Standards for Flood Hazard Development Permit Applications

The Code Enforcement Officer shall:

1. 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 2.4.4.D (Additional Requirements for the FPO District) will be met;

2. 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 2.4.4.B.2. 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.

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

4. 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;

5. 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;

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

a. 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 2.4.4.D.2 (Residential Structures), Section 2.4.4.D.3 (Nonresidential Structures), Section 2.4.4.D.4 (Mobile Homes), or Section 2.4.4.D.12 (Coastal Floodplains). 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. 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 2.4.4.D.3.a. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or

c. 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 percent of the market value of the structure. Minor development also includes, but is not limited to: accessory

structures as provided in Section 2.4.4.D.6 (Accessory Structures), 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.

7. 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 Section 5.2.5 (Variances), and copies of Elevation Certificates, Floodproofing Certificates and Certificates of Compliance required under the provisions of this Ordinance.

5.2.5. Variances

A. General Variance

A Variance may be granted by the Zoning Board of Appeals for the following portions of this Ordinance.

1. Any dimensional requirement in Section 4.1 (Dimensional Standards) other than an increase in allowed density.

2. Any dimensional requirements in Section 3.4 (Supplementary Use Standards); however, a Variance cannot be granted to allow a use that is not a Permitted Use in the zone district where the property is located, or to allow a Conditional Use without a Conditional Use Permit pursuant to Section 5.2.2, or to allow an Unclassified or Omitted Use without a Special Permit pursuant to Section 5.2.3. Variances shall not be granted for establishment of uses otherwise prohibited by this Ordinance.

3. Any dimensional requirements in Section 4.1 (Dimensional Standards) specific to set-back for a single-family dwelling.

4. A change to a property containing a dwelling to make that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling (Disability Variance).

B. General Criteria for Approval

The Zoning Board of Appeals shall not grant a Variance pursuant to Sections 5.2.5.A.1 and 5.2.5.A.2 above unless it finds that all of the following criteria have been met:

1. 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:

a. That the land in question cannot yield a reasonable economic return unless a Variance is granted;

b. The need for a Variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

c. The granting of a Variance will not alter the essential character of the locality.

d. The hardship is not the result of action taken by the applicant or a prior owner.

C. Setback Variance for Single Family Dwellings

1. 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 use in this subsection means:

a. The need for a Variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

b. The granting of a Variance will not alter the essential character of the locality.

c. The hardship is not the result of action taken by the applicant or a prior owner.

d. The granting of the Variance will not substantially reduce or impair the use of abutting property.

e. The granting of the Variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

2. Under this subsection, the Zoning Board of Appeals 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 percent of a set-back requirement and may not be granted 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 the 20 percent of a set-back requirement except for the maximum setbacks from a wetland or a 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.

D. Criteria for Approval of a Disability Variance

1. The Zoning Board of Appeals shall not grant a Variance pursuant to Section 5.2.5.A.4 unless it finds that all of the following criteria have been met:

a. The Variance is necessary to make a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling.

b. The Variance only permits the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under 5 M.R.S.A. § 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.

2. The Zoning Board of Appeals 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.

E. Criteria for Approval of a Disability Variance for Vehicle Storage

1. The Zoning Board of Appeals shall not grant a Variance pursuant to Section 5.2.5.A.4 unless it finds that all of the following criteria have been met:

a. The Variance is necessary for the owner of a dwelling who resided in the dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose.

b. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle.

c. The owner shall submit proposed plans for the structure with the request for the Variance pursuant to this paragraph to the Zoning Board of Appeals.

d. The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.

e. For the purposes of this paragraph, "noncommercial vehicle" means a motor vehicle as defined in Title 29-A, section 101, subsection 42 with a gross vehicle weight of no more than 6,000 pounds bearing a disability registration plate issued pursuant to Title 29-A, section 521 and owned by the person with the permanent disability. For

purposes of this subsection, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A.

2. The Zoning Board of Appeals 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.

F. Additional Criteria for Variances in the SPO and FPO Districts

1. In addition to meeting the criteria in subsections A through E above, as applicable, an application for a Variance on property located in SPO shall meet the following additional requirements:

a. The Board shall make a positive finding for each of the following additional criteria, where applicable:

i. Will not result in unsafe or unhealthful conditions;

ii. Will not result in erosion or sedimentation;

iii. Will not result in water pollution;

iv. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat

v. Will conserve shoreland vegetation;

vi. Will conserve visual points of access to waters as viewed from public facilities;

vii. Will conserve actual points of public access to waters;

viii. Will conserve natural beauty; and

ix. Will avoid problems associated with the floodplain development and use, such as erosion, increased risk of flood damage to upstream properties or increased flood damage.

2. In addition to meeting the criteria in subsections A through E above, as applicable, an application for a Variance on property located in FPO shall meet the following additional requirements:

a. Within any designated regulatory floodway will not result in an increase in flood levels during the base flood discharge;

b. Is supported by good and sufficient cause;

c. Will not result, should a flood comparable to the base flood occur, in increased flood height, additional threats to public safety, public expense or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances;

d. Will not cause a conflict with other state, federal or local laws or ordinances; and

e. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief, and the board of appeals may impose such conditions to a Variance as it deems necessary.

f. If the Variance is for new construction, substantial improvements, or other development for the conduct of a functionally dependent use, 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, and other criteria of Section 5.2.4.C (Review Standards for Flood Hazard Development Permit Applications) and Section 2.4.4 (Flood Protection Overlay (FPO) District) are met.

g. If the Variance is for the repair, reconstruction, rehabilitation, or restoration of Historic Structures, the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure, the Variance is the minimum necessary to preserve the historic character and design of the structure, and the development meets the criteria of Section 5.2.5.B (General Criteria for Approval).

3. Any applicant who meets the criteria of Section 5.2.5.B (General Criteria for Approval) and Section 5.2.5.F (Additional Criteria for Variances in the SPO and FPO Districts) shall be notified by the Zoning Board of Appeals in writing that:

a. 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.

b. Such construction below the base flood level increases risks to life and property; and

c. 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 Town 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 Town from any claims the applicant may have against the Town 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 Zoning Board of Appeals.

5.2.6. Village Review Overlay Design Review

A. Application for Certificate of Appropriateness

Application forms for a Certificate of Appropriateness shall be made available in hard copy or online by the Department. Completed applications shall be submitted to the Department staff with the following information provided:

1. Name, address and interest in the property.

2. Location and nature of the proposed activity.

3. 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 5.2.6.C (Review Standards).

4. 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.

5. 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.

6. 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.

7. The reviewing entity may grant a waiver of submission requirements if it finds the submission of that information is not relevant to a determination.

B. Application Review Process

1. Consultation

All applicants are encouraged to consult with Department 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.

2. Determination of Completeness

Within four days of an application being submitted to the Department, 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 Activity or Major Activity application.

3. Determination of Minor/Major Activity

a. Minor Activities (Staff review) include:

i. Any alterations or additions not visible from a public right-of-way;

ii. Replacement of existing exterior siding or other materials, windows or doors which do not alter architectural or historic character;

iii. Repair, replacement or re-pointing of exterior masonry walls which do not alter architectural or historic character;

iv. Placement of sheds or other outbuildings, fences or dumpsters located in rear yards not visible from a public right-of-way;

v. Any demolitions, partial demolitions or relocations of noncontributing resources not visible from a public right-of-way.

vi. Roof-top appurtenances not visible from a public-right-of-way; and,

vii. Removal of non-historic elements concealing original architectural character-defining features.

b. Major Activities (Village Review Board-level review) include:

i. Any alterations or additions to existing structures or new construction visible from a public right-of-way;

ii. Any roof-top appurtenances visible from a public right-of-way;

iii. Exterior renovations, alterations or modifications to the structure or site not determined to be minor in nature;

iv. 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.

v. Any alterations or new placement of walks, driveways or new impervious surfaces associated with any of the above major activities.

4. Minor Activity Application Review Process

a. Minor Activity applications for a Certificate of Appropriateness shall be submitted to the Department staff. 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.

b. The Village Review Board may conduct a review of a Minor Activity application at the recommendation of either the Director or Board Chair. A person with standing may appeal the decision by staff to the Village Review Board by submitting an appeal application to the Director 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 subsection 5 below.

5. Major Activity Application Review Process

a. Major Activity applications for a Certificate of Appropriateness shall be submitted to the Department staff no less than fourteen days before the date of the Village Review Board's meeting in which it will be discussed.

b. The Town shall provide notification to all owners of property 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 ten 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.

c. 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.

d. 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 ten days of the Village Review Board's determination.

e. 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.

6. Additional Processing Requirements for Relocation or Demolition Activities

In addition to the above, additional processing requirements for Major Activity applications for demolition or relocation of contributing resources, as well as

noncontributing resources visible from public right-of-way, are listed below. No Certificate of Appropriateness is required for demolition of a noncontributing resource if the proposed demolition is not visible from the public right-of-way.

a. 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. 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.

c. During the 90-day delay period, the applicant shall:

i. 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.

ii. 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.

iii. 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

iv. 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.

v. Provide post-demolition plans, including a site plan for the property specifying site improvements and a timetable for completion.

d. 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 5.2.6.B.6 (Additional Processing Requirements for Relocation or Demolition Activities).

C. Review Standards

1. General Standard

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.

2. New Construction and Additions and Alterations to Existing Structures

a. In approving applications for a Certificate of Appropriateness for new construction or additions or alterations to contributing resources, the reviewing entity shall make findings that the following standards have been satisfied:

i. Any additions or alterations shall be designed in a manner to minimize the overall effect on the historic integrity of the contributing resource.

ii. Alterations shall remain visually compatible with the existing streetscape.

iii. 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.

iv. New construction or additions shall be visually compatible with existing mass, scale and materials of the surrounding contributing resources.

v. When constructing additions, the applicant shall maintain the structural integrity of existing structures.

b. In approving applications for a Certificate of Appropriateness for new construction, additions or to commercial, multifamily, and other non-residential structures, the reviewing entity shall make findings that the following additional standards have been satisfied:

i. 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.

ii. Site plans shall identify pedestrian ways and connections from parking areas to public rights-of-way.

iii. 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.

iv. 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.

v. 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.

vi. 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.

vii. Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.

viii. No building on Maine Street shall have a horizontal expanse of more than 40 feet without a pedestrian entry.

ix. No building on Maine Street shall have more than 15 feet horizontally of windowless wall.

x. For property not located in the GM6 zoning district, all new buildings and additions on Maine Street 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.

xi. For property not located in the GM6 zoning district, If more than 50% new floor area is added to a structure, the addition shall be at least two stories high and not less than 20 feet tall at the front property line.

xii. 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.

c. 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.

3. Signs

Signs shall comply with Section 4.11 (Signs) with consideration given to the Village Review Zone Design Guidelines.

4. Demolition and Relocation

a. 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:

i. 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.

ii. 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.

iii. 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.

b. 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.

D. Expiration of Certificate of Appropriateness

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 this Ordinance or any other new information relevant to the application when considering an extension request.

5.2.7. Development Review

A. In General

1. Development review includes Subdivision and Site Plan review, and certain changes of use and other procedures as outlined in Section 5.2.7.B.2 (Development Activities Subject to Development Review).

2. All time frames for Development Review expressed in this section are maximums. The Town's staff and reviewing entities shall make every effort to conduct reviews as expeditiously as possible.

B. Applicability

1. Development Activities Not Subject to Development Review

Development Review does not apply to:

a. 1- or 2-family dwellings, and uses or structures accessory to 1- or 2-family dwellings.

b. 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.

c. 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).

d. The initial non-military re-occupancy of a building in the Brunswick Landing area existing as July 20, 2009, provided all of the following are met:

i. The new use is a permitted use in the zoning district in which it is located.

ii. 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.

iii. The usable floor area of the building is not increased by more than 2,000 square feet, within the existing building footprint.

iv. The amount of impervious surface on the project site is not increased by more than 2,000 square feet.

v. There is adequate parking available for the new use in accordance with Section 4.7 (Parking and Loading).

vi. 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.

vii. 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

5.2.1.B.1 (Change of Use Defined). All subsequent re-occupancy of buildings in the Growth Districts applied to former BNAS lands shall be subject to the Change of Use review requirements of Section 5.2.1.B (Change/Expansion of Use Permit) as applicable.

e. The Change of Use of a building in the Brunswick Landing area with less than 10,000 square feet of floor area, 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 required by Section 4.7 (Parking and Loading) by more than 20 percent, 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 20 percent, or that meets any of the review thresholds of Section 5.2.7.B.2 (Development Activities Subject to Development Review) 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.

2. Development Activities Subject to Development Review

a. The activities listed in Table 5.2.7.B shall be subject to Development Review based on the applicable thresholds.

b. Activities that do not meet the thresholds may still require additional review and/or permitting by the Codes Enforcement Officer or as required within applicable zoning overlay zones.

c. A Certificate of Appropriateness from the Village Review Board is required if the proposed development is within the Village Review Overlay Zone.

d. Thresholds for development review apply only to new or "add-on" construction, except as indicated in Section 5.2.7.C (Cumulative Development and Amendments). If development is proposed on two or more lots and the Director 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 is a single lot.

Table 5.2.7.B
Development Review Threshold Criteria

Impact Criteria	Threshold	Zoning District	Level of Review	Reviewing Authority
Construction of New Floor Area	Less than 2,000 sq. ft.	All Zoning Districts	Building Permit	Codes Enforcement Officer
	2,000 - 10,000 sq. ft.	All Zoning Districts	Minor Development Review	Staff Review Committee
	Over 10,000 sq. ft.	All Zoning Districts	Major Development Review	Planning Board
Change of Use	Less than 10,000 sq. ft.	All Zoning Districts	Change of Use Permit	Codes Enforcement Officer
	Over 10,000 sq. ft.	All Zoning Districts outside of Brunswick Landing Area	Major Development Review	Planning Board
	10,000 – 20,000 sq. ft.	GM7, GA, GI, GO Districts within Brunswick Landing	Minor Development Review	Staff Review Committee

Table 5.2.7.B
Development Review Threshold Criteria

Impact Criteria	Threshold	Zoning District	Level of Review	Reviewing Authority
	Over 20,000 sq. ft.	GM7, GA, GI, GO Districts within Brunswick Landing	Major Development Review	Planning Board
	Conversion of single or two-family residence to any other use	All Growth Residential Districts	Major Development Review	Planning Board
Net New Impervious Surface	Less than 2,000 sq. ft.	All Zoning Districts	Building Permit	Codes Enforcement Officer
	2,000 - 10,000 sq. ft.	All Zoning Districts	Minor Development Review	Staff Review Committee
	Over 10,000 sq. ft.	All Zoning Districts	Major Development Review	Planning Board
	Development Subject to Conditional Use Permit or Special Permit creating less than 5,000 sq. ft.	All Zoning Districts	Minor Development Review	Staff Review Committee
	Development Subject to Conditional use Permit or Special Permit creating 5,000 or more sq. ft.	All Zoning Districts	Major Development Review	Planning Board
Net Cumulative Total of New Floor Area and New Impervious Surface	Less than 3,000 sq. ft.	All Zoning Districts	Building Permit	Codes Enforcement Officer
	3,000 - 20,000 sq. ft.	All Zoning Districts	Minor Development Review	Staff Review Committee
	20,000 sq. ft. or more	All Zoning Districts	Major Development Review	Planning Board
Construction of Multi Family Dwelling Units that does not create a subdivision	10 units or less	All Zoning Districts	Minor Development Review	Staff Review Committee
	Over 10 units	All Zoning Districts	Major Development Review	Planning Board
Mobile Home Park development or expansion	All	All Zoning Districts	Major Development Review	Planning Board
Traffic	An activity generating more than 100 peak hour vehicle trips, based on ITE Trip Generation Manual, as amended, unless previously addressed as part of an approved plan, or upon recommendation by the	All Zoning Districts	Major Development Review	Planning Board

Table 5.2.7.B
Development Review Threshold Criteria

Impact Criteria	Threshold	Zoning District	Level of Review	Reviewing Authority
	Town Engineer.			
Development on a Road with a Level of Service of "F"	Construction of new floor area of 2,000 sq. ft. or more, creation of new impervious surface of 2,000 sq. ft. or more or cumulative total of new floor area and impervious surface of 3,000 sq. ft. or more	All Zoning Districts	Major Development Review	Planning Board
District Boundary Buffering	Any development within 200'of district boundary otherwise classified as minor	B-RU	Major Development Review	Planning Board
New Road Construction	New private or public Road proposed as part of development application	All Zoning Districts	Major Development Review	Planning Board
Subdivision	Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended	All Zoning Districts	Major Development Review	Planning Board
Mineral Extraction	Pursuant to Section 3.4.1.T	All Zoning Districts	Major Development Review	Planning Board
Hours of Operation	Commercial use with operating hours between 12am and 5am	Residential Districts	Major Development Review	Planning Board

C. Cumulative Development and Amendments

1. 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.
2. Amendments to approved plans shall be subject to the appropriate level of review.

D. Joint Meeting, Hearing, and Application

If a Development Review application includes both Subdivision and Site Plan review, the Planning Board shall consider the Subdivision and Site Plans together and hold a joint meeting or hearing. A single application may be filed, provided that it contains all necessary information for both approvals.

E. Effect of Violations on Application

No application shall be approved by the Review Authority as long as the property is in violation of any requirements of this Ordinance or of any previous conditions of approval 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 development into compliance with those requirements or conditions.

F. Restrictions on Activities During Review

1. Pending Application

An application for Development Review approval shall be considered to be pending from the submittal date of a Development Review application through the date of Final Plan application denial, approval, or conditional approval. 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 of approval;

b. The receipt of the applicant's written statement withdrawing the application submitted to the Director; or

c. The failure of the applicant to respond to requests for additional information, appear at Board hearings, or otherwise maintains the application in an active state for a period of four months or more.

2. Regulation of Activities While Application is Pending

a. While an application is pending, the following activities are prohibited and the Codes Enforcement Officer shall not issue permits for: demolition, excavation, filling, grading, removal of topsoil, and clearing of vegetation on any portion of the subject property. 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 5.2.7.F.2, the application process shall be terminated. If the applicant chooses to reapply for the same proposal or submit a new application for a different proposal, the applicant must submit a detailed plan for remediation of any adverse impacts of the prohibited activity.

b. While an application is pending, the following activities are permitted and, if necessary, the Codes Enforcement Officer may issue permits for:

i. 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, Conditional Use Permit, or Special Permit application;

ii. Activities required for the routine maintenance of existing structures or uses or to remedy a safety hazard;

iii. Activities incidental to the gathering of information needed for the pending application for Development Review (e.g., land surveying, soils testing and mapping, etc.), provided that such activities be undertaken in a manner that minimizes disruption of the site;

iv. Activities that are unrelated to the pending application, as determined by the Codes Enforcement Officer.

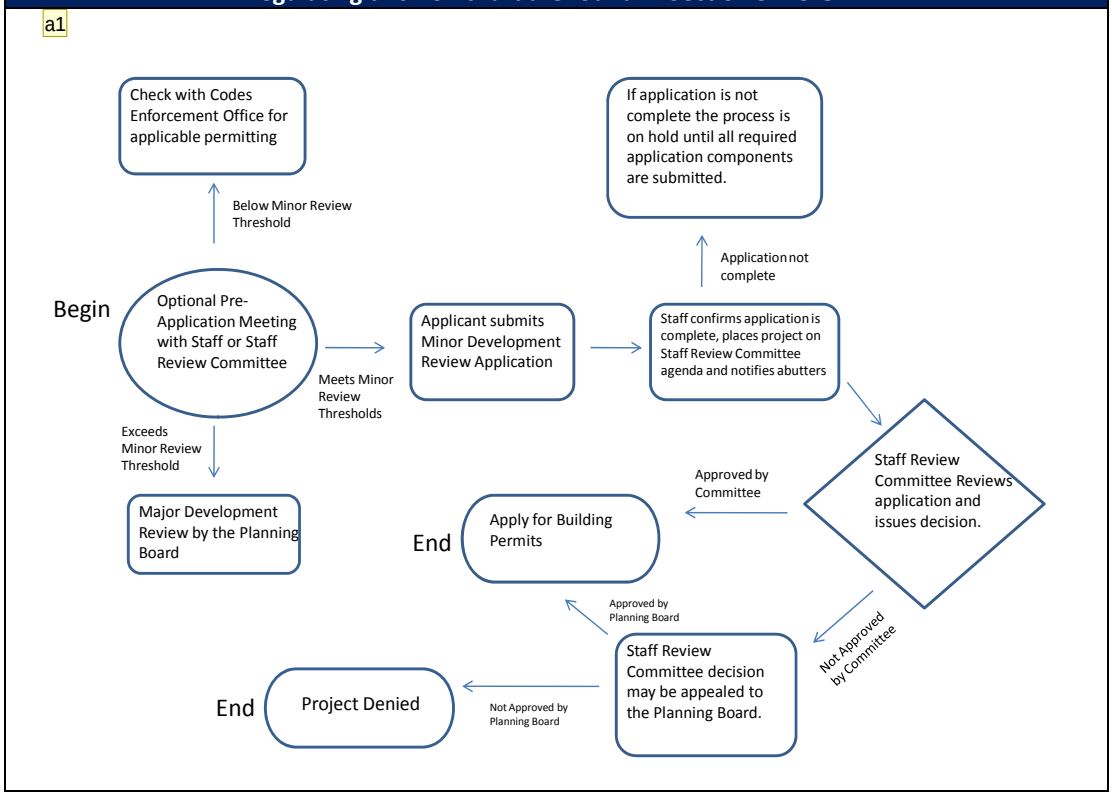
G. Minor, Major and Streamlined Major Development Review Procedures

This section outlines the review procedures for Minor Development Review, Major Development Review, and the Streamlined Major Development Review process required for Subdivision or Site Plan approval.

1. Minor Development Review Procedure

Figure 5.2.8.G.1: Minor Development Review Procedures

This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 5.2.8.G.1.



a. This section outlines the review procedures for Minor Development Review Applications, Development review shall be conducted in one step: Final Plan. In reviewing the application, the Staff Review Committee shall first determine whether or not to grant any requested submission waivers, based upon criteria set forth in Section 5.2.7.M.2 (Waiver Criteria). The Director shall make recommendations concerning any requested waiver. If a waiver request is denied, the application shall be deemed incomplete at which time the applicant may either revise or withdraw the pending application.

b. When Staff makes a preliminary determination that an application for Minor Development Review is complete, the Director shall so notify the applicant. The Director 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 10 working days prior to the Staff Review Committee meeting.

c. In issuing its decision to deny or approve the application, the Staff Review Committee shall make written findings of fact in accordance with the criteria in Section 5.2.7.O (Review Criteria). The date of plan approval, denial or conditional approval shall be the date of Staff Review Committee action.

d. The Staff Review Committee shall take public comment at its meeting for all applications under its consideration.

e. 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 within 30 days

of the date of the action. The Planning Board shall render its decision following the procedures in Section 5.2.7.N (Findings of Fact by Review Authority).

f. All references to the Staff Review Committee shall be construed to be the same as references to the Planning Board if the Planning Board conducts the Minor Development Review.

2. Major Development Review Procedures

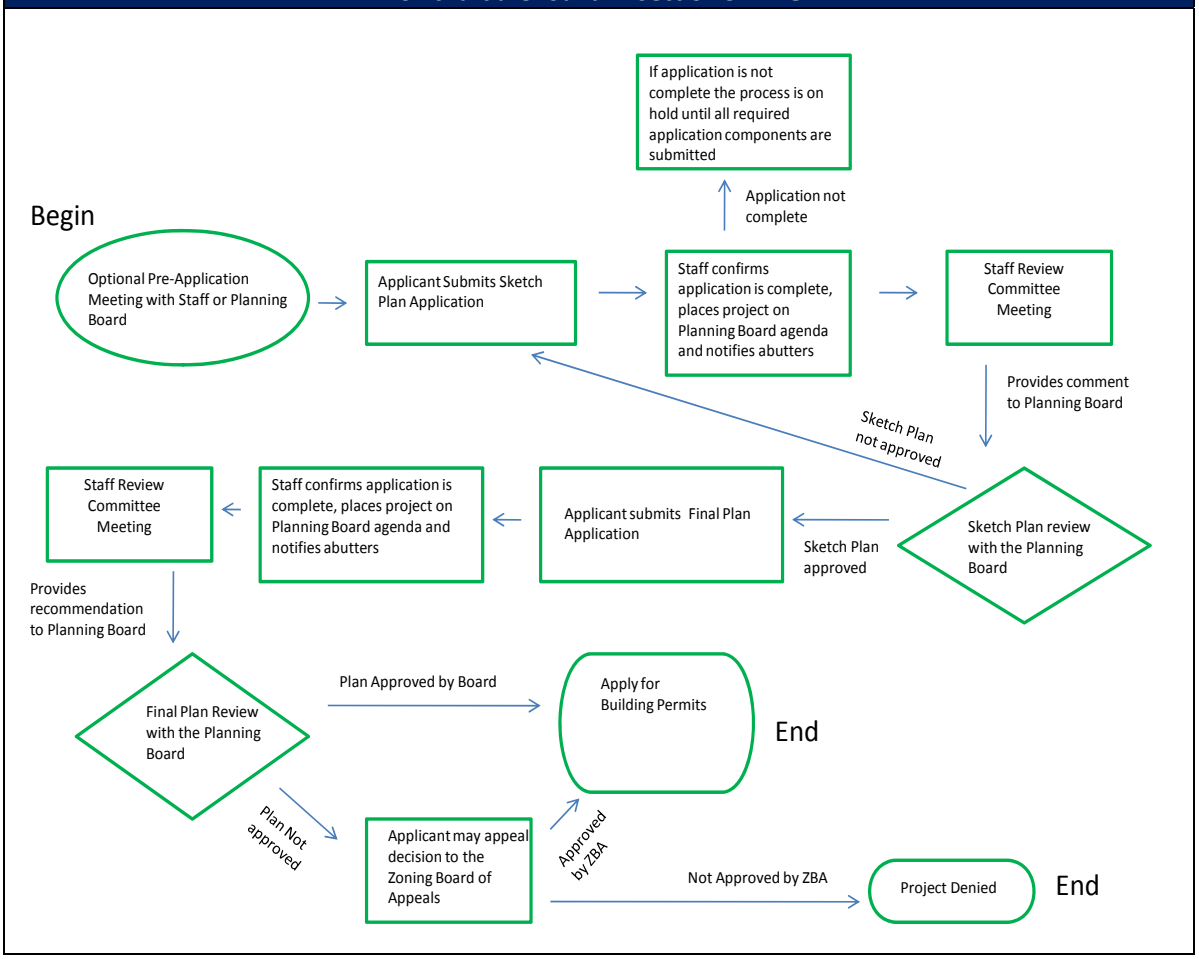
This section outlines the review procedures for Major Development Review Applications. Major Development Review shall be conducted in two steps: Sketch Plan and Final Plan. An applicant may submit a site plan application using the Streamlined Major Development Review procedure (Section 5.2.7.G.3); however, for larger projects, an applicant is strongly encouraged to use the two-step Major Development Review procedure.

a. Sketch Plan

The Planning Board shall review the sketch plan and provide direction to the applicant in accordance with all pertinent provisions of this Ordinance. After completing its review of the application, the Planning Board shall vote to deny, approve, or approve the application with conditions. The date of Sketch Plan approval, denial or conditional approval shall be the date that the Planning Board takes action on the application.

Figure 5.2.7.G.2: Major Development Review Procedures

This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 5.2.7.G.2



b. Final Plan

i. Once the Planning Board votes to determine that a Final Plan application is complete, the Board shall review the application. After completing its review of the application, the Planning Board shall vote to deny, approve or approve the application with conditions. The date of Final Plan approval, denial, or approval with conditions shall be the date that the Planning Board votes on a Final Plan application.

ii. If an application for Major Development Review is denied, the Planning Board's decision may be appealed in accordance with Section 5.1.9..

c. Public Hearings

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 of impervious coverage.

i. When a public hearing is to be conducted, the Director shall prepare a notice of the date, time and place of the hearing with a brief description of the application and its location.

ii. 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.

iii. 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. Public Comment

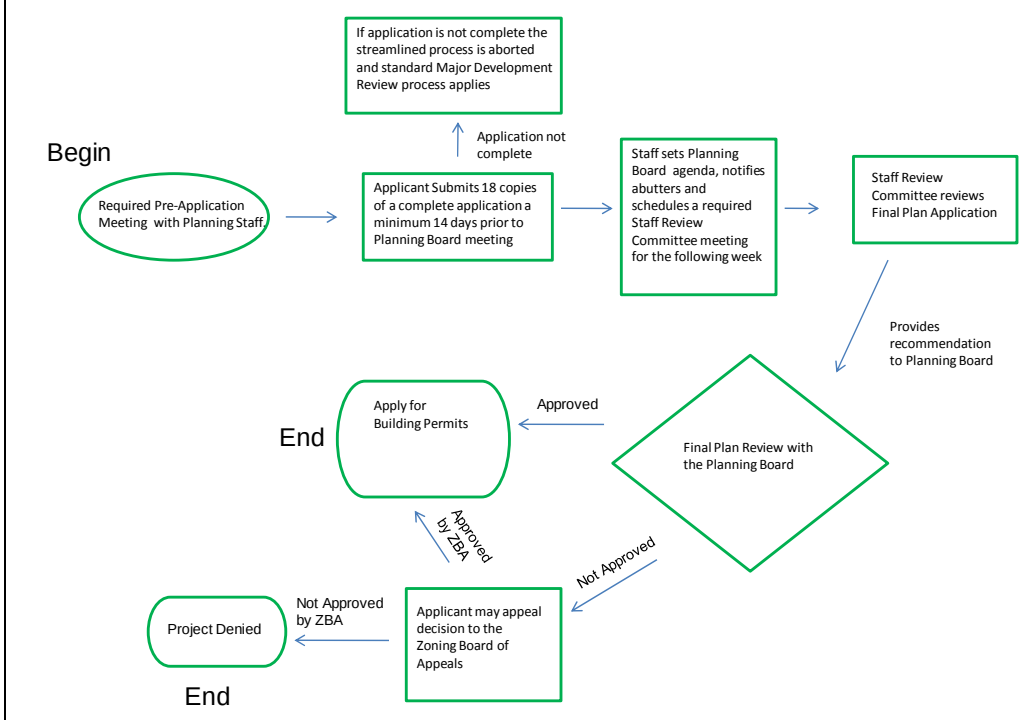
The Planning Board shall take public comment at its meetings for all development review applications under its consideration.

3. Streamlined Major Development Review Procedures

The following outlines the review procedure for Streamlined Major Development Review. Development review shall be conducted in one step: Final Plan.

Figure 5.2.7.G.3: Streamlined Major Development Review Procedures

This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 5.2.7.G.3



a. For a proposed development to qualify for Streamlined Major Development Review it must be within the Town's designated Growth Area as defined by the Comprehensive Plan.

b. The applicant shall meet with Department staff prior to submitting an application.

c. Applicant shall follow the Major Development Review Procedures in Section 5.2.7.G.2 except that no Sketch Plan is required.

d. If application is not complete at Staff's determination of completeness under Section 5.2.7.K.2 (Determination by Staff of Completeness of Application) the streamlined process is terminated and the standard Major Development Review process applies.

H. Common Development Plan

The Planning Board may designate and approve a development proposal 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, or a proposal for multiple new buildings or structures on multiple lots. Application requirements are summarized in Appendix D - .

1. Criteria for Designation as a Common Development Plan

In considering a development proposal to be designated as a Common Development plan, the Planning Board shall find that all of the following criteria are met:

a. All buildings and structures shall be part of, and consistent with, a common pattern of development. 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; and

d. There shall be an overall design theme or treatment of site improvements including lighting, signs, paving, site furniture, and landscaping.

2. Designation Approval Process

A Common Development plan designation shall be optional and voluntary, except in the case of village center type development as defined in the Cook's Corner Design Standards. If designated, all applicable zoning dimensional standards shall be established for the development by the Planning Board as part of the Major Development Review process and shall be consistent with the Comprehensive Plan, as amended. 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 in Appendix D: Submission Requirements.

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 any applications for development

d. 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.

3. Post-Designation

a. 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.

b. The approved dimensional standards for the Common Development Plan shall remain in effect unless and until such time that the Development Review approval expires per Section 5.2.7.Q (Expiration of Development Review Approval).

c. 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 and the Town of Brunswick Comprehensive Plan.

d. 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. Development Review Time Requirements

Table 5.2.7.I details the required time limits for Development Review applications. All time limits are expressed in calendar days. In cases where the date prescribed in this Table is a legal holiday, all deadlines shall apply to the previous working day.

Table 5.2.7.I: Development Review Time Requirements

Timing	Minor Development Review (Staff Review Committee)	Standard Major Development Review (Planning Board)	Streamlined Major Development Review (Planning Board)
21 days prior to Review Authority Meeting		Deadline for filing application for Planning Board consideration	No less than 21 days prior to Planning Board consideration, applicant shall meet with Department staff to discuss application.
10 days prior to Review Authority meeting	Deadline for filing application for Staff Review Committee consideration. Staff confirms that application is complete and all owners of property within a 200 ft. radius of the proposed development are notified. The applicant supplies 18 copies of all application materials.	Staff confirms that application is complete and all owners of property within a 200 ft. radius of the proposed development are notified. The applicant supplies 18 copies of all application materials.	Deadline for filing application for Planning Board consideration.[1] Staff confirms that application is complete and all owners of property within a 200 ft. radius of the proposed development are notified. The applicant supplies 18 copies of all application materials.

Table 5.2.7.I: Development Review Time Requirements			
Timing	**Minor Development Review (Staff Review Committee)**	**Standard Major Development Review (Planning Board)**	**Streamlined Major Development Review (Planning Board)**
7 days prior to Review Authority meeting	The application shall be brought before the Staff Review Committee for comments and recommendation.	The application shall be brought before the Staff Review Committee for comments and recommendation. If a Public Hearing is required, the first of two required notices shall appear in a newspaper of general circulation no less than 7 days prior to the hearing.	The application shall be brought before the Staff Review Committee for comments and recommendation. If a Public Hearing is required, the first of two required notices shall appear in a newspaper of general circulation no less than 7 days prior to the hearing.
No less than 3 days prior to Review Authority meeting	The Director shall issue preliminary Findings of Fact based on Section 5.2.7.O and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed, or hand delivered to the Staff Review Committee and the applicant.	The Director shall issue preliminary Findings of Fact based on Section 5.2.7.O and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed, or hand delivered to the Planning Board and the applicant.	The Director shall issue preliminary Findings of Fact based on Section 5.2.7.O and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed or hand delivered to the Planning Board and the applicant.
7 Days or less after decision by Review Authority	The Staff Review Committee shall transmit its written decision and Findings of Fact to the applicant.		
30 Days or less after decision by Review Authority if Public Hearing held, or 60 days or less if no public hearing held		The Planning Board shall transmit its written decision and Findings of Fact to the applicant.	The Planning Board shall transmit its written decision and Findings of Fact to the applicant.
No more than 30 days after application is deemed complete by the Review Authority	The Review Authority shall consider an application unless postponement is requested or agreed to by applicant.		
NOTES: 1. If application lacks any required submittal materials, the streamlined process shall be terminated and the application shall revert back to the Major Development Review process.			

J. Submission Requirements

The submission requirements contained in Appendix D - shall apply to all Minor Development, Major Development, and Streamlined Major Development Review applications, unless a waiver is granted. Proposed development applications shall be submitted to the Director. For each item listed in Appendix D the applicant shall either submit the requested information or request a waiver from the information requirement, pursuant to Section 5.2.7.M (Waiver Provisions).

K. Town Processing of Development Review Applications

1. Receipt

Upon receipt of an application, the Town shall provide the applicant a dated receipt.

2. Determination by Staff of Completeness of Application

Within five working days of receiving an application, the Director shall make a determination whether the application is complete. If the application was for a Streamlined Major Development Review and the application is incomplete, the streamlined review process is terminated and the application is treated as an application for Major Development Review. If an item is missing from the application and no applicable waiver request has been submitted, the Director shall notify the applicant in writing that the application is considered incomplete and request the additional required information. The applicant shall submit the additional information and the procedure in this paragraph shall be repeated until the application is complete.

3. Required Notification

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 and specific location. The Town shall mail notifications via first class mail no less than 10 days prior to a scheduled review for which it is required.

L. Review Process: General Provisions

1. Additional Studies

The Review Authority may undertake or require the applicant to undertake any study that it reasonably deems essential to ensure that the development can satisfy the Review Criteria set forth in Section 5.2.7.O (Review Criteria). The reasonable cost of any such study shall be paid by the applicant.

2. 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 or Streamlined Major Development Review application.

3. Peer Review

Peer Review is a professional evaluation conducted by a consultant of the Review Authority to assist in determining whether an application submission satisfies the Review Criteria set forth in Section 5.2.7.O (Review Criteria). The Review Authority may, by majority vote, select a consultant to perform a peer review for the Review Authority 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 Review Authority reserves the right to deny any application due to a lack of information necessary to deem the proposal in compliance with Section 5.2.7.O (Review Criteria).

4. 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 this 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 that the standards in this Ordinance 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 Department shall oversee work of the consultant.

M. Waiver Provisions

1. Authority to Grant Waivers

The Review Authority may waive requirements of the Development Review Process or Review Criteria set forth in this Section 5.2.7. The Director of shall make recommendations in writing to the Review Authority concerning any requested waiver.

2. Waiver Criteria

The Review Authority may grant waivers prior to taking action upon the Final Plan, in accordance with the following:

a. The waiver shall be consistent with the Review Criteria in Section 5.2.7.O and the goals of the applicable Planning Area, as described in Appendix A - Planning Areas.

b. A waiver may be granted if the requested information or submission requirement(s) is found by the Review Authority to be either not relevant to the application or not necessary to determine compliance with the Review Criteria of Section 5.2.7.O.

N. Findings of Fact by Review Authority

1. The Review Authority may approve, deny, or approve with conditions an application for Development Review after it has reviewed the Review Criteria in Section 5.2.7.O.

2. Findings of Fact shall be made in writing and shall be sufficient to apprise the applicant and any interested party of the basis for the decision. The Findings of Fact shall include the following:

a. A report prepared by the Director evaluating the application proposal based upon the Review Criteria in Section 5.2.7.O.

b. Any supporting documentation, including, as appropriate Staff Review Committee and/or staff review and recommendation, and Village Review Board Development Review;

c. Any conditions of approval imposed by the Review Authority.

O. Review Criteria

The Review Authority may approve a Development Review application only after determining that the application:

1. Complies with all requirements and conditions of approval of any prior development permits or approvals;

2. Complies with any applicable standards in Chapter 2 -(Zoning Districts), Chapter 3 - (Property Use Standards), and Chapter 4 - (Property Development Standards);

3. Complies with all other applicable standards in this Ordinance, Town ordinances, and State and federal laws; and

4. Is consistent with the Comprehensive Plan.

P. Post Approval Provisions

1. Plan Approval Does Not Equal Acceptance

The approval by the Review Authority 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, recreation facilities, or other open space shown on such plan. The Review Authority shall require the Plan to contain notes to this effect. The Review Authority 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.

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. No building permits associated with a Subdivision shall be issued until applicant provides proof of recording. Any deeds issued after the granting of Subdivision approval must reference the plan and any conditions imposed upon it. If the applicant fails to record the Subdivision plan within 60 days after Subdivision approval by the Planning Board, the approval shall expire.

3. Phasing of Development

If an applicant wishes to phase the development of a Site Plan or Subdivision, the approved plans shall reflect the intended phasing plan. The Review Authority shall review the phasing proposal as an integral part of the plan submittal. The applicant shall establish that all phased infrastructure shall be functional for the specific phase under development, independent of future phases. The Review Authority may accept, as part of a phasing plan, temporary structures, such as turnarounds, that may be required to permit infrastructure 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.

4. Submission of digital data

Digital data produced for any approved subdivision shall be submitted to the Town in DWG file format prior to issuance of the first certificate of occupancy for a development. Such digital submission shall include: development 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 inch = 50 feet and a vertical scale of 1 inch = five feet, 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: North American Vertical Datum of 1988 (NAVD 1988). 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.

5. Subdivision Lot Sales Prohibited

The sale of lots of a proposed or amended Subdivision is prohibited until the Final Plan or amended Final Plan has been approved by the Planning Board and has been duly recorded by the applicant in the Cumberland County Registry of Deeds.

6. Vesting

a. Applications for Development Review approval shall be reviewed under the ordinance provisions in effect at the time a full application per submission requirements contained in Appendix D: Submission Requirements is submitted to the Director.

b. Development approvals shall be fully vested from the date the application is determined to be complete by the Review Authority 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 adopted amendments to this Ordinance.

c. In any partially completed phased development, if the commencement of any phase is delayed by three years, the Review Authority may declare the development approval expired as to all uncompleted phases, upon 60 days written notice to the property owner/applicant. The owner may request an extension of the phasing plan at any time, which shall be granted if the property owner/applicant shows good cause for the delay and the Review Authority determines that continuing the development as approved is consistent with this Ordinance as amended.

Q. Expiration of Development Review Approval

1. General

a. The expiration of plan approval date for any Development Review, Conditional Use Permit, and Special Permit applications shall be based upon the date the Review Authority voted to approve the application.

b. Where construction and/or completion of improvements, or fulfillment of conditions required in an approved plan, has not occurred within the time limits stated below, a Site Plan, Subdivision, Conditional Use Permit, or Special Permit approval shall expire.

c. The applicant may, at any time before the date of expiration, make a written request to the Review Authority for a time extension. This request shall explain the reasons why the improvements or fulfillment of conditions have not been completed and indicate how the applicant expects to complete the development if the Review Authority grants a time extension.

d. The Review Authority may consider any amendments to this Ordinance affecting the development since first approved when considering a request to extend any approval.

2. Site Plan Approval Expiration

Except when otherwise stipulated in an approved phasing plan, Site Plan approval shall expire three years from date of approval, unless the applicant has submitted a written request for an approval extension. The Review Authority may extend the expiration of an approved Site Plan.

3. Subdivision Approval Expiration

a. The Subdivision approval shall expire five years from date of approval, unless either the Town Engineer certifies that construction of all approved infrastructure throughout the Subdivision has been completed, the applicant submits an extension request, or the Town Manager executes the terms of the performance guarantee to complete all approved infrastructure.

b. Expiration of Subdivision approval shall not affect the validity of any lot that has been properly subdivided and legally conveyed to another owner.

4. Conditional Use Permit Approval Expiration

A Conditional Use Permit shall expire three years after it is approved by the Planning Board according to the approval provisions in Section 5.2.2.A (Conditional Use Process) unless a Certificate of Occupancy has been granted for the approved use before that date.

5. Special Permit Approval Expiration

A Special Permit shall expire three years after it is approved by the Planning Board according to the approval provisions in Section 5.2.3.A (Special Permit Process) unless a Certificate of Occupancy has been granted for the approved use before that date.

R. Site Plan and Subdivision Reapproval Process

If a Subdivision or Site Plan expires without the applicant submitting a written request for an approval extension to the Review Authority, the applicant may request reapproval as follows:

1. The applicant shall submit an application and eight copies of the approved plan to the Director along with a cover letter addressing why the improvements/development have not been completed and giving a time schedule for to complete the development if reapproved.

2. The Review Authority may reapprove the original approval, reapprove the original approval with additional conditions or deny the reapproval. The Director shall provide the applicant with a decision in the form of Findings of Fact within seven days of action by the Review Authority.

3. A Site Plan reapproval shall expire three years after the date of reapproval. A Subdivision reapproval shall expire five years after the date of reapproval.

4. The Review Authority shall consider any amendments to this Ordinance affecting the development since first approved when considering a request for reapproval.

5.2.8. Revisions to Approved Development Permits

No changes, erasures, modifications, or revisions shall be made to any Final Plan after approval has been given by the Review Authority and endorsed in writing on the Final Plan, except in accordance with this Section.

A. General

1. An application to revise a previously approved Site Plan or Subdivision shall follow the procedure required for Minor Development Review unless the revision is found not to require Site Plan approval pursuant to Section 5.2.1.B (Change/Expansion of Use Permit) or is deemed to be a minor modification. If the Director determines that the scope of the revisions will either increase the scale of a minor development to that of a major development or will be the functional equivalent of creating another major development, the procedure for Major Development Review shall be followed. Any amendment to a Subdivision plan, with the exception of minor modifications that qualify under subsection B below, shall be subject to Major Development Review by the Planning Board.

2. 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 Review Authority to make a determination as to whether or not the revisions meet the standards of this Ordinance. A plan revision shall not be approved unless the applicant is in full compliance with all relevant terms and conditions

of the previously approved plan, other than those terms and conditions sought to be amended.

3. With the exception of Minor Modifications (see subsection B below), if zoning standards have been amended since the approval of an original Site Plan or Subdivision Plan, the applicant's revisions shall comply with all such amendments. The Review Authority may, as a condition of approval of a revised Site Plan, require modifications to the original Site Plan in order to comply with such zoning amendments, 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.

B. Minor Modifications

1. Minor Modifications to approved Site Plans, Subdivisions, and Special Permits may be granted by the Director, in consultation with the Town Planner, Codes Enforcement Officer, and the Public Works Director, within 30 days after submittal. The Director may deem a plan modification to be a minor modification on finding that the modification:

a. Does not materially alter the layout or scale of the development or its impact on its surroundings; and

b. Does not increase the number of lots or dwelling units; and

c. Does not violate provisions of any Town ordinance; and

d. Does not reduce the effectiveness of the approved landscaping, screening or buffering of the site; and

e. Does not significantly alter on-site vehicular circulation; and

f. Does not significantly alter drainage patterns.

2. The procedure for processing requests for Minor Modifications shall be as follows:

a. The applicant shall submit five copies of the plan showing the proposed revisions and shall pay the established fee.

b. Within ten days, the Director shall determine if the application constitutes a minor modification as defined in subsection 1 above.

c. If the application is a minor modification, written notification of the proposed modification shall be provided to all owners of adjoining property at least ten days prior to a decision being rendered by the Director.

d. If the application is found not to be a minor modification, the applicant’s request shall be forwarded to the Review Authority for consideration.

5.2.9. Ordinance Text or Map Amendment

Amendments to the text of this Ordinance or to the Zoning Map may be initiated in accordance with the Brunswick Town Charter. The following procedures shall be followed:

A. 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.

B. 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. § 4352.9, and where applicable, § 4352.10.

C. 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.

D. 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.

E. Notwithstanding the provisions of A above, the Planning Board may initiate the amendment process by recommending an Ordinance amendment without prior referral from the Town Council.

5.3 Violations, Enforcement, and Penalties

5.3.1. Violations

The following are violations of this Ordinance if conducted without the permits or approvals required by this Ordinance or in violation of any of the terms, conditions, or standards applicable to the activity established by this Ordinance or by any official or reviewing entity based on authority granted in this Ordinance, unless this Ordinance provides an exemption for the activity or activity is permitted pursuant to Section 1.6 (Nonconformities).

A. The disturbance of any land within the Town;

B. The division or redivision of any land within the Town into lots for sale;

C. The construction, expansion, or modification of any structure within the Town;

D. The use of any land or structure within the Town;

E. The operation or maintenance of any land or structure within the Town.

5.3.2. Enforcement

A. General

1. 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.

2. 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:

a. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

b. A clear and unequivocal declaration that the property is in violation of a cited State and local law, regulation, or ordinance;

c. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

d. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

e. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

3. The Codes Enforcement Officer may inspect all necessary parts of any premises regulated by this Ordinance during normal working hours.

B. 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 five 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.

C. 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.

D. After the Fact Reductions

1. The Codes Enforcement Officer may issue a certificate reducing minimum yard depth requirements to validate the site of mislocated 1- and 2-family residential structures and related accessory structures that are not otherwise legally sited and which were in existence on May 7, 1997, provided that:

a. 1. The use of the property is and will remain as a single or two family dwelling,

b. 2. The reduction will not be more than ten (10) feet, and

c. 3. The encroachment is the result of the inadvertent misplacement of a structure.

2. If a reduction is approved, the Codes Enforcement Officer shall provide the applicant with a signed instrument in recordable form indicating the minimum yard depth 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.

5.3.3. 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 A - 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.

A.1 Growth Areas

A.1.1. Town Core

To be inserted

A.1.2. Town Residential

To be inserted

A.1.3. Town Extended Residential

To be inserted

A.1.4. Cook's Corner Commercial Hub

To be inserted

A.1.5. Cook's Corner Extended Area

To be inserted

A.1.6. BNAS Reuse

To be inserted

A.1.7. Commercial Connectors

To be inserted

A.1.8. Exit 28-Mixed Use Development Area

To be inserted

A.1.9. Industrial Areas

To be inserted

A.2 Rural Areas

A.2.1. Farm and Forest Conservation Areas

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. Rural Farming and Forest Planning Areas include the following zoning districts: RF.

A.2.2. Coastal Protection Planning Areas

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 multifamily 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. 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.

The Rural Coastal Protection Planning Area includes the following zoning districts: RP1 and RP2.

A.2.3. Route One Mixed Use Area

To be inserted

Appendix B - Street Standards

This Appendix outlines street standards necessary for dedication to the Town, and also provides guidelines for the development of private roads.

B.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 4.6.1.A (Development of New Streets).

Table B.1.A: 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 B.1.B: Intersection Standards for Roads Proposed for Dedication

	Collector Commercial	Local	Minor
1. Minimum/ Maximum Angle	90 degree	90 degree	90 degree
Maximum Grade within 100 feet of Centerline Intersection	3%	3%	3%
Minimum Curb Radius	30 feet	30 feet	25 feet
Minimum Property Line Radius	20 feet	20 feet	20 feet
Minimum Centerline Distance Between Intersections, Same Side of Street	300 feet	250 feet	250 feet
Minimum Centerline Distance Between Intersections, Opposite Side of Street	150 feet	150 feet	150 feet
Minimum Tangent Length from Intersection Centerlines	50 feet	50 feet	50 feet

B.1.1. Sight Distances

The minimum 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)

B.1.2. 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.

B.2 Private 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 4.6.1.A (Development of New Streets). All private streets shall comply with Section 4.6.1.A.

Table B.2: 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 sight distance for vertical and horizontal curves	100 feet	75 feet	75 feet
Sidewalks	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

B.3 Brunswick Landing Street Standards

Public and private streets in the Brunswick Landing area shall conform to the provisions of the Section 4.6.1.A (Development of New Streets) and Appendix B.1 (Public Dedication Roadway Standards) and Appendix B.2 (Private Street Standards) except as provided for in this section. Where the provisions of this section differ from the provisions of Section 4.6.1.A or Appendix B.1, the standards of this section shall apply.

B.3.1. 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 4.6.1.A, Appendix B.1, 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.

B.3.2. On-Street Parking

The design of public and private streets in the BM7 district located on the former BNAS lands 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.

B.3.3. Standards for Public Streets

In the Brunswick Landing area, certain standards for streets for public dedication are as follows. The provisions of Table B.1.A (Road Standards for Town Dedication) shall apply to all standards not addressed in the following table:

Table B.3.3: Brunswick Landing Area Public Street Standards

Standard		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
Minimum Pavement Width, Uncurbed	no on-street parking	26 feet	22 feet	20 feet
	on-street parking on one side of the street	32 feet	28 feet	24 feet
	on-street parking on both sides of the street	40 feet	34 feet	30 feet
Minimum Centerline Radius (see Note 1)		200 feet	140 feet	100 feet
Minimum Shoulder Width (Uncurbed)		2 feet	2 feet	2 feet
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 if the design of the turn conforms to the standards for an intersection and the turn is part of a street network.				

B.3.4. Standards for Private Streets

The standards for private streets as set forth in Table B.2 (Private Street Standards) shall guide the design and layout of private local streets, minor streets, and lanes in the Brunswick Landing area. Notwithstanding the provisions of Section B.2 (Private Street Standards), the Planning Board may approve private commercial or collector streets in the Brunswick Landing area. The design and layout of private commercial or collector streets shall be guided by the appropriate standards for the same type of public street.

Appendix C - Contributing Historic Structures

The following tables list contributing historic structures identified in accordance with the National Register of Historic Places that are located within each of the historic districts making up the Village Review Overlay (VRO) District, as well as other individual contributing historic structures within the VRO District.

C.1 Federal Street Historic District

Table C.1: Contributing Historic Structures - Federal Street Historic District

	Street Address			Street Address	
U07-50	1	Federal St	O08-94	80	Federal St
U07-51	3	Federal St	O08-93	82	Federal St
U13-130	4	Federal St	O08-90	83	Federal St
U07-52	5	Federal St	O08-92	86	Federal St
U13-129	6	Federal St	O08-91	88	Federal St
U07-53	7	Federal St	U08-104	3	Bath Rd
U07-54	9	Federal St	U08-105	5	Bath Rd
U13-128	8&10	Federal St	U08-106	7	Bath Rd
U07-55	11	Federal St	U08-107	9	Bath Rd
U13-140	12/14	Federal St	U08-108	15	Bath Rd
U07-56	13	Federal St	U08-100	8	Cleaveland St
U07-57	17	Federal St	U08-112	9	Cleaveland St
U13-152	20	Federal St	U08-99	10	Cleaveland St
U07-60	25	Federal St	U08-98	12	Cleaveland St
U13-150	28	Federal St	U08-113	15	Cleaveland St
U07-62	29	Federal St	U08-97	16	Cleaveland St
U13-149	30	Federal St	U08-114	17	Cleaveland St
U07-63	31	Federal St	U08-96	18	Cleaveland St
U13-172	32	Federal St	U08-95	22	Cleaveland St
U08-16	33	Federal St	U13-202	4	Green St
U13-171	34	Federal St	U13-201	6	Green St
U13-170	36	Federal St	U16-23	216	Maine St
U13-169	38	Federal St	U16-43	217	Maine St
U13-168	40	Federal St	U16-41	218	Maine St
U13-180	42	Federal St	U16-42	226	Maine St
O08-35	43	Federal St	U13-176	153	Park Row
O08-68	45	Federal St	U13-175	155/157	Park Row
U13-179	46	Federal St	U13-177	159	Park Row
U13-199	52	Federal St	U13-186	163	Park Row
O08-69	53	Federal St	U13-187	165	Park Row
U13-197A	54	Federal St	U13-188	167	Park Row
U13-197	56	Federal St	U13-189	169	Park Row
U13-196	58	Federal St	U13-190	173	Park Row
O08-78	59	Federal St	U13-192	179	Park Row
U13-195	60	Federal St	O08-109	181	Park Row
O08-83A	61	Federal St	O08-110	183	Park Row
U13-194	62	Federal St	O08-185	185	Park Row
O08-84	63	Federal St	U13-184	8	School St
U13-193	64	Federal St	U13-165	11	School St
O08-86	69	Federal St	U13-166	13	School St
O08-118	70	Federal St	U13-183	14	School St

Table C.1: Contributing Historic Structures - Federal Street Historic District					
	Street Address			Street Address	
O08-87	71	Federal St	U13-167	15	School St
O08-117	72	Federal St	U13-182	16	School St
O08-116	74	Federal St	U13-181	18	School St
O08-88	75	Federal St	O08-34	22	School St
O08-89	79	Federal St			

C.2 Lincoln Street Historic District

Table C.2C.1: Contributing Historic Structures - Lincoln Street Historic District					
	Street Address			Street Address	
U13-16	2	Lincoln St	U13-12	14/16	Lincoln St
U13-24	3/5	Lincoln St	U13-28	15	Lincoln St
U13-15	4/6	Lincoln St	U13-29	17	Lincoln St
U13-25	7	Lincoln St	U13-10	18	Lincoln St
U13-14	8	Lincoln St	U13-30	19	Lincoln St
U13-13	10	Lincoln St	U13-9	20	Lincoln St
U13-26	11	Lincoln St	U13-8	22	Lincoln St
U13-27	13	Lincoln St			

C.3 Individually Listed Properties

Table C-3: Contributing Historic Structures - Lincoln Street Historic District					
	Street Address			Street Address	
U13-185	207	Maine St	U14-104	2/4	Oak St
U13-105	27	Pleasant St			

Appendix D - Summary of Application Requirements

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
General	Application form and fee	X	X	X	X	X
	Name of development	X	X	X	X	X
	Existing zoning district and overlay designations	X	X	X	X	X
	Location map	X	X	X	X	X
	Names of current owner(s) of subject parcel and abutting parcels		X	X	X	X
	Names of engineer and surveyor; and professional registration numbers of those who prepared the plan		X	X	X	X
	Location of features, natural and artificial, such as water bodies, wetlands, streams, important habitats, vegetation, railroads, ditches and buildings	X	X	X	X	X
	Documentation of Right, Title and Interest	X	X	X	X	X
	Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which common areas will be owned, maintained, and protected		X	X	X	X
	Draft performance guarantee or conditional agreement		X	X	X	?
Survey, Topography, & Existing Conditions	Scale, date, north point, and area	X	X	X	X	X
	A survey submitted by a professional surveyor with a current license by the State of Maine Board of Licensure for Professional Surveyors		X	X	X	X
	Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property identified as existing or proposed		X	X	X	
	Existing easements associated with the development	X	X	X	X	X
	Location of existing utilities; water, sewer, electrical lines, and profiles of underground facilities		X	X	X	
Survey, Topography, & Existing Conditions	Existing location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability		X	X	X	
	Topography with contour intervals of not more than 2 feet		X	X	X	
	A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists		X	X	X	
	Existing locations of sidewalks	X	X	X	X	
	A delineation of wetlands, floodplains, important habitats, and other environmentally sensitive areas		X	X	X	
	Approximate locations of dedicated public open space, areas protected by conservation easements and recreation areas	X	X	X	X	
Infrastructure	Name, location, width of paving and rights-of-way, profile, cross-		X	X	X	

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
- Proposed	section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1" equals 5', with all evaluations referred to in U.S.G.S. datum					
	Proposed easements associated with the development		X	X	X	X
	Kind, location, profile and cross-section of all proposed drainage facilities, both within and connections to the proposed development, and a storm-water management plan in accordance with Section _____		X	X	X	
	Location of proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of private wells.		X	X	X	
	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		X	X	X	
	Proposed locations, widths and profiles of sidewalks		X	X	X	
	Locations and dimensions of proposed vehicular and bicycle parking areas, including proposed shared parking arrangement if applicable.		X	X	X	X
Infrastructure - Proposed	Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization		X	X	X	
	Storm water management plan for the proposed project prepared by a professional engineer		X	X	X	
	The size and proposed location of water supply and sewage disposal systems		X	X	X	
	Where a septic system is to be used, evidence of soil suitability		X	X	X	X
	A statement from the General Manager of the Brunswick Sewer District as to conditions under which the Sewer District will provide public sewer and approval of the proposed sanitary sewer infrastructure		X	X	X	X
	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		X	X	X	X
	A statement from the General Manager of the Brunswick-Topsham Water District as to conditions under which public water will be provided and approval of the proposed water distribution infrastructure		X	X	X	X
Proposed Development Plan	Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site		X	X	X	
	Reference to special conditions stipulated by the Review Authority		X	X	X	X
	Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation. Dedicated public open specs, areas protected by conservation easements, and existing and		X	X	X	

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
	proposed open spaces or recreation areas and potential connectivity to adjoining open space.					
	When applicable, a table indicating the maximum number of lots permitted based upon the applicable dimensional requirements, the number of lots proposed, and the number of lots permitted to be further subdivided.	X	X	X	X	X
	Building envelopes showing acceptable locations for principal and accessory structures, setbacks and impervious coverage		X	X	X	
Proposed Development Plan	Disclosure of any required permits or, if a permit has already been granted, a copy of that permit		X	X	X	X
	A statement from the General Manager of the Brunswick-Topsham Water District regarding the proposed development if located within an Aquifer Protection Zone		X	X	X	X
	A plan of all new construction, expansion and/or redevelopment of existing facilities, including type, size, footprint, floor layout, setback, elevation of first floor slab, storage and loading areas		X	X	X	X
	An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, signage and other features as may be required by specific design standards		X	X	X	
	A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems		X	X	X	
	A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, locations and purpose and type of vegetation		X	X	X	X
	Number of lots if a subdivision	X	X	X	X	X
	Plan showing all 10" trees to be removed as a result of the development proposal		X	X	X	
	All applicable materials necessary for the Review Authority to review the proposal in accordance with the criteria of Chapter 5.		X	X	X	X
	Any additional studies required by the Review Authority		X	X	X	X