



TOWN OF BRUNSWICK
ZONING ORDINANCE REWRITE
COMMITTEE
85 Union Street, Brunswick, ME 04011-1583

**MEETING
AGENDA
TOWN COUNCIL CHAMBERS
TOWN HALL
85 UNION STREET
WEDNESDAY, APRIL 9, 2014
4:45 P.M.**

1. Discuss and give guidance on key zoning ordinance topics with consultant.
 - Rural Districts
 - Open Space Development Incentives
 - Neighborhood Protection Standards
 - Downtown Form Controls/Intensity of Use
2. Next meeting date/agenda topics
3. Other business
4. Approval of meeting summaries

It is the Town's practice to allow public comment on agenda items - all are invited to attend and participate.

Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521. This meeting will be televised.

1. Rural Zone District Consolidations

Revised Menu of Rural Zone Districts is:

- RN (BCN)
- RF (Consolidates FF1 and CR1)
- RC (CR2) – Needs to be kept separate due to lot sizes)
- RP1 (CP1, southern portion or all of FF3) – Per Comp Plan and Marine Resources
- RP2 (CP2 and possibly portion of FF3) – Per Comp Plan and Marine Resources Guidance
- RP₃ (MU₅)

2. Open Space Development Incentives

Possible incentives

- No minimum lot size in Rural zones – just overall density limit
- Reduce frontage requirements
- Increased bonuses above 15% in Rural zones and 25% in Growth Zones if more than 70% of land is kept in open space
- Increased bonuses above 15% in Rural zones and 25% in Growth Zones if particular/designated types of sensitive lands are included in the open space

3. Neighborhood Protection / Transition Standards

Possible standards for non-residential and multifamily residential development in Growth Mixed Use and Growth Special Purpose zones adjacent to lots containing single-family or two-family residential structures in Residential districts.

- Reductions in height or primary building to 35 ft. within 50 ft. of residential lot line
- Reduction in height of light poles and fixtures to 20 ft. within 50 ft. of residential lot line
- Opaque fence with finished face facing residential lot and landscaping along residential lot required along residential lot line
- Parking areas and circulation drive/through lanes may not be located between primary structure and residential lot line
- Speakers prohibited between primary building and residential lot line
- Prohibition on second story windows overlooking rear yard areas

4. Downtown Form Controls/Intensity of Use

Assuming that neighborhood protection standards are in place to protect the edges of current TC1, TC2, and TC3 lands, what elements of form should be controlled within the new (consolidated) downtown district.

- Build-to lines (to keep buildings close to the street)?
 - If so, how much of the linear frontage and how many stories?
 - Primary lot only – or a reduced frontage requirement on secondary streets on corner lots?
- Minimum heights or residential densities?
- Parking to the rear of buildings?
 - If so, required alley access OR driveways from the street permitted?
- Defined building types?
- Defined building frontages?
- Defined roof shapes?
- Requirements for ground floor transparency?
 - Upper floor transparency?
- Requirements for doors opening onto the primary street frontage?
 - Do doors to internal lobbies count?
- Size or shape of windows to match general pattern on the block?
 - I.e. higher than wide?
- Cornice line or reveal lines to match neighboring properties?

**BRUNSWICK ZONING REWRITE COMMITTEE
OCTOBER 22, 2013**

MEMBERS PRESENT PLANNING BOARD: Charlie Frizzle, Margaret Wilson, and Richard Visser

STAFF PRESENT: Anna Breinich, Jeremy Doxsee, Jeff Hutchinson (4:40)

CLARION ASSOCIATES: Don Elliot via Skype

A meeting of the Brunswick Zoning Rewrite Committee was held on Tuesday, October 22, 2013 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Chariman Charlie Frizzle called the meeting to order at 4:30 P.M.

Elect Chair and Vice Chair of Committee

MOTION BY ANNA BREINICH TO NOMINATE CHARLIE FRIZZLE TO CHAIR OF THE BRUNSWICK ZONING REWRITE COMMITTEE. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

MOTION BY CHARLIE FRIZZLE TO NOMINATE MARGARET WILSON TO VICE CHAIR OF THE BRUNSWICK ZONING REWRITE COMMITTEE. SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

Don Elliot introduced himself and discussed what he will be doing to assist in the Brunswick Zoning Ordinance rewrite.

Discuss member expectations for ordinance rewrite

Charlie Frizzle stated that this item was placed on the agenda per his request; he believes that it is important to capture the suggestions made by the Brunswick Comprehensive Plan on how the zoning ordinance should be shaped in the future. Margaret Wilson replied that in addition to the Comprehensive Plan, she would like to look at simplification of the ordinance and other impacts. Richard Visser replied that he too wanted to simplify the ordinance, cut down the number of zoning districts and clarify procedures. Anna Breinich stated that she was in agreement with what the other members have suggested and added that staff is going to strive for as much public comment and engagement as possible. Jeremy Doxsee also agreed with what the other members had suggested and stated that the focus will mostly be on the downtown area and the growth area with discussions on parking standards and providing specificity as well as flexibility within these standards. Jeremy stated that “in the community development field, it’s about wanting to make a document that can be accessible and understandable by the public and by developers/builders and that can be viewed as development friendly but also affords the protection that the community wants and desires in terms of our resources in the community, historic preservation and the character.” Jeff Hutchinson agreed that the growth district needs to be looked at for consolidation and added that overall the existing ordinance seems to work well. Jeff pointed out

that the Zoning Board of Appeals does not meet very often. Richard suggested looking at the best practices of other communities to see how they may effect and work within Brunswick. Anna stated that she agrees that the ZBA does not meet much but pointed out that there have been many zoning amendments. Charlie reminded members that another area to explore is Form Based Planning.

Members discussed how the meeting minutes should be taken and it was agreed that the minutes should reflect the main points and actions of the discussion as well as public comment.

Determine schedules for Committee Meetings and Public Engagement Meetings for first quarter (November 2013 – January 2014) with consultant

Discussion on meeting schedule. It was decided to set one more ZORC meeting prior to the December meeting with Don Elliot with subsequent meetings to be set as needed.

Tentative Meeting Schedule – Times, dates and location subject to change

- Zoning Order Rewrite Committee meeting with Clarion via Skype set for Tuesday November 12th at 4:30pm.
- ½ day open workshop on December 4th with Don Elliot to establish expectations
- Public Comment / Input for Voting Districts to be determined.

Discussion by Don Elliot on what he believes will come out of the public meeting. Don stated that he would generate an outline of the committee's goals, their priorities and leading the public on how this will be different from what they may have participated in before.

Notifications to be sent out to residents 2-3 weeks prior to the meeting.

- Meeting breakfast with the Brunswick Downtown Association on December 4th in the morning at the Brunswick Inn.
- Town Boards, Commissions, Committees, meeting thru Skype in November; Anna to poll availability
- November 12 at 7:00 for Planning Board meeting / interview with Don Elliot thru Skype
- Staff Review Committee to meet after the district meetings

Discussion of having voting district meetings the week of December 9th.

Draft list for stakeholder interviews for December 3-5

Review of the stakeholder list provided in the packet including but not limited to the development community, existing neighborhood communities, Bowdoin College, Marine Resources Committee, Downtown Master Plan Committee and BTLT.

Other Business

Adjourned

This meeting was adjourned at 5:52 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK ZONING REWRITE COMMITTEE
NOVEMBER 12, 2013**

MEMBERS PRESENT PLANNING BOARD: Charlie Frizzle, Margaret Wilson, and Richard Visser

STAFF PRESENT: Anna Breinich, Jeremy Doxsee, Jeff Hutchinson

CLARION ASSOCIATES: Don Elliot via Skype

A meeting of the Brunswick Zoning Rewrite Committee was held on Tuesday, November 12, 2013 at the Morrell Meeting Room, Curtis Memorial Library. Chairman Charlie Frizzle called the meeting to order at 4:30 P.M.

Review materials for public engagements sessions.

Anna Breinich reviewed packet materials including a project summary which has been reviewed by Town staff and prepared by Clarion Associates as well as a publication by Clarion on the key tradeoffs and structures as well as examples of public friendly invites for the zoning input engagement meetings.

Don Elliot reviewed the importance of the project summary document stated that the document is used to orient people to the project. It talks about the project, who is involved, and lays out work to go.

Don Elliot reviewed the Key Tradeoffs and Structures document and stated that this document is more detailed and presumes more engagement with the process and some understanding of how zoning works. Don stated that the document reviews Form Based Planning and how this is different, Integrative Districts versus a District by District structure inconsistencies and tradeoffs, Broader versus Fine Based Code, code patterns and By Right Development versus Public Hearings on New Development. Don stated that this document may assist the public in determining the type of zoning that they want. Jeff Hutchinson asked Don to provide some examples for people to review and Don agreed. Margaret Wilson suggested that Zoning Maps be posted in the room during the meetings and to include older versions for comparisons.

Finalize December public engagement schedule – Tentative and subject to change

- 12/3 in the Morrell Meeting Room at 2:00, Developers and Designers forum
- 12/3 in the Morrell Meeting Room at 3:30 internal meeting with Don, Tom and Anna
- 12/3 in the Morrell Meeting Room at 4:30 series of Boards and Commissions meetings
- 12/3 in the Morrell Meeting Room at 6:00 joint meeting with Brunswick Master Plan Implementation Committee and the Bicycle and Pedestrian Committee
- 12/3 in the Morrell Meeting Room at 7:00 joint meeting between the Planning Board, Village Review Board and the Zoning Board of Appeals
- 12/4 in the Morrell Meeting Room at 7:30 BDA hosting breakfast forum

- 12/4 at 9:30 individual meeting with MRRA
- 12/4 at Ham House in Bowdoin College at 11:00 to meeting with Bowdoin College
- 12/4 at 12:30 with Angela Twitchell and BTLT
- 12/4 from 2:00 to 5:30 Brunswick Zoning Educational Forum at SMCC at Brunswick Landing
- 12/4 from 6:30 to 8:00 Public Input Session at Brunswick Junior High Cafeteria
- 12/9 at 5:00 Public Input Session at Brunswick Junior High Cafeteria
- 12/11 Public Input Session at MTI at 7:00

Discussion between members on invites, announcements, advertising and distribution.

Other Business

No other business.

Adjourned

This meeting was adjourned at 5:38 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK ZONING REWRITE COMMITTEE
JANUARY 7, 2014**

MEMBERS PRESENT PLANNING BOARD: Charlie Frizzle, Margaret Wilson, and Richard Visser

STAFF PRESENT: Anna Breinich, Jeremy Doxsee, Jeff Hutchinson

A meeting of the Brunswick Zoning Rewrite Committee was held on Tuesday, January 7, 2014 at the Morrell Meeting Room, Curtis Memorial Library. Chairman Charlie Frizzle called the meeting to order at 4:30 P.M.

Review summary of December 2013 public engagement sessions comments

Anna Breinich reviewed the December 2013 Public Engagement Draft Summary of Comments provided in the packet which covered stakeholder meetings and public participation meetings. Anna stated that she tried to categorize the comments into two sections: General Comments/Questions and Ordinance Format/Content with subcategories on General, Districts/Overlays Standards, Definitions and Other Sections, Natural Resource/Open Space, Development Review Related, and Public Outreach, Trends/Choices Attendee Survey. Charlie Frizzle noted that this is the first part of the process to gather information needed to assist in drafting the ordinance and noted that this list of comments is a mechanism to show that those comments have been received and have become part of consideration.

Chairman Charlie Frizzle opened the meeting to public comment.

Jane Millett, Town Councilor, stated that the meetings in December were clustered and busy. She stated that the Comprehensive Plan was based on the theme of the Great American Neighborhood and asked how the rewrite will intertwine with other things that are going on in Town. Charlie Frizzle pointed out that they are still in the public input process and feels that once they have a draft, the committee will begin to receive more input. Mr. Frizzle stated that all Committees and Boards within the town have been invited to the meetings or targeted meetings. Margaret Wilson replied that schools are a policy issue but not part of what they are talking about and although many policy issue comments have been made, the Ordinance will not address all of these. Margaret summarized some of the neighborhood issues that were discussed as part of the Comprehensive Plan creation and stated that you can't require any kind of status in places as it may be good for some and not others. Anna Breinich discussed zone use; civic and municipal uses within districts.

Discussion on how to handle some comments and Charlie Frizzle replied that Don Elliot, of Clarion Associates, conducted a very through walk through of the town and stated that he would rather wait until he has a chance to review all the comments before deciding how to reply. Anna Breinich replied that Don will be back in Brunswick on January 21st and would rather discuss this with him then. Jane Millett expressed that it is really important to invite residents to the meetings.

Anna Breinich reviewed the map provided in the packet focused on the area around Bowdoin College and stated that what they have proposed is that the abutters of the college have a special

meeting to address their concerns and stated that this way it is just the abutting property owners and have identified roughly 100 property owners that they intend to invite to discuss their concerns, what they want to see moving forward and talk about consolidation of these districts. Anna stated that this is an example of how they want to handle this. Discussion on similarly organized neighborhoods within the Town and how to have more involvement without becoming micro managed. Curt Neufeld, of Sitalines, replied that public outreach is very important. Mr. Neufeld discussed Harpswell's creation of Conservation Subdivisions, the issues with the negation of Brunswick's Subdivisions after five years and his concerns with the Cook's Corner Design Plan, specifically the Medical Overlay Zone application.

John Bliss, resident of Bath, stated that he believes that zoning is in response to the automobile and how we have integrated our lives from walkability to the automobile; how we deal with the downtown aspects and differences. Mr. Bliss suggested that someone compile a biography of the literature pertaining to the conflict between automobiles and walking pedestrians.

David Schall, retired physician, discussed the Medical Overlay Zone on Baribeau and the hardship in the marketability of the vacant office spaces. Mr. Schall stated that they need to look at what is practicable and appropriate for the neighborhood in terms of utilizing the facilities that currently exist or are being developed. Margaret Wilson replied that this is why they are having these meetings early on because they want to know about areas that are not working and where the ordinance no longer works. Discussion on the multiple zones within the ordinance and the desire to consolidate.

Jane Millett stated that it is important that Brunswick protects their character. Margaret Wilson asked what the essential character is and how does this get accomplished in the different neighborhoods and fit into the details of the code. Anna Breinich noted that a lot of discussion on character within the Town is within the Comprehensive Plan.

Discuss January 21-22 targeted public engagement schedule

Members discussed the focus of the upcoming Zoning meetings, notification methods and draft outline by Don Elliot to be forthcoming.

Tentative meetings on January 21st and 22nd with times and locations to be determined.

Adjourned

This meeting was adjourned at 5:46 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK ZONING REWRITE COMMITTEE
JANUARY 22, 2014**

MEMBERS PRESENT PLANNING BOARD: Charlie Frizzle, Margaret Wilson, and Richard Visser

STAFF PRESENT: Anna Breinich, Jeff Hutchinson and Don Elliot of Clarion Associates

CLARION ASSOCIATES: Don Elliot

A meeting of the Brunswick Zoning Rewrite Committee was held on Wednesday, January 22, 2014 at the Morrell Meeting Room, Curtis Memorial Library. Chairman Charlie Frizzle called the meeting to order at 3:30 P.M.

Review Annotated Outline with consultant

Don Elliot introduced the outline, provided a brief history and reviewed the annotated outline via a PowerPoint presentation. Discussion among members on buffering, and objectivity.

Discussion on zoning district and consolidation; Don's goal is to bring the number of districts down to 30. Charlie Frizzle pointed out that MU1 was missing from the list. Margaret Wilson pointed out the inconsistency between the outline and presentation regarding RC; RC should combine CR1 and CR2. Margret discussed the basis for combination behind the

Comprehensive Plan. Jeff asked if any consideration had been given to combining CR1 and CR2 in the Farm and Forest Zones. Anna Breinich replied that there are areas of CR1 and CR2 that are more developed then Farm and Forest and that they will need to take a closer look at.

Margaret Wilson pointed out that the Use Tables are almost identical. Charlie Frizzle discussed his feelings towards the elimination of the Medical Overlay and stated that provisions need to be made for hospitals as their impact will be greater. Don replied that Hospitals can be placed as a *use* within a zone. Per request by Soxna Dice, Planning Board member, Don discussed the difference on when you want to use a Use or overlay. Soxna stated that an outsider may have a difficult time reading the ordinance with all the acronyms. Don agreed and discussed possible alternatives such as the use of an additional letter or number.

In reference to Chapter five of the ordinance, Charlie Frizzle stated that determination of completeness for the Planning Board should be a staff function.

Discuss public comments received during January public engagement events to date and provided by email since last meeting including an offer for free assistance

This item was removed as comment was taken during the presentation.

Next meeting date/agenda topics

- 1/23 workshop with the sewer district, 7:00pm
- 2/4 College Use abutters meeting, 7:00pm
- 2/18 next ZORC meeting, time to be determined

Other Business

Adjourned

This meeting was adjourned at 5:14 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary

**BRUNSWICK ZONING REWRITE COMMITTEE
MARCH 4, 2014**

MEMBERS PRESENT PLANNING BOARD: Charlie Frizzle, Margaret Wilson, and Richard Visser

STAFF PRESENT: Anna Breinich, Jeremy Doxsee and Jeff Hutchinson

CLARION ASSOCIATES: Don Elliot

A meeting of the Brunswick Zoning Rewrite Committee was held on Tuesday, March 4, 2014 at the McLellan Building, 85 Union Street. Chairman Charlie Frizzle called the meeting to order at 4:30 P.M.

Discuss and give guidance on key zoning ordinance topics with consultant

Charlie Frizzle reviewed the email by Anna Breinich, dated March 3, 2014 regarding discussion topics for the meeting and as summarized below.

- **GM1 (MU2)**

Charlie Frizzle stated that this is the proposed Growth Mixed 1 Zone / currently the Mixed Use 2 Zone and outlined the border and uses. Margaret Wilson added that this includes the Amtrak layover facility. Anna Breinich asked if TR5 is appropriate where it cuts off now, if they should keep MU2 as is and stated that they will need to review the uses in TR5 along the MU2 border. Don Elliot replied that they will need to remap the southern edge and asked if there were any other areas that that they need to be aware of other than the rail shed? Jeff Hutchinson and Charlie both replied that there were none. Anna pointed out that the layover facility is Federally Exempt and suggested that in terms of uses, they make them broader and not as specific; they should not be having to issue so many Special Permits. Margaret Wilson stated that MU2 provides a good buffer between the residential and commercial neighborhoods and that it is much less restrictive. Anna added that they will need to look at dimensions. Jeremy Doxsee pointed out that industrial uses abut residential neighborhoods and asked if they should have a setback. Don replied that once they review the residential impact they can review setbacks if needed.
- **GM3 (MU4)**

Charlie Frizzle reviewed the MU4 borders. Don Elliot asked if this was a simple name change. Margaret Wilson stated that the Comprehensive Plan speaks about this zone quite a bit as it is one of the few areas in Brunswick that has not been developed, but noted that she does not see any movement towards development. Anna Breinich asked if they should change River Road from the river back and the southwest side to keep them as MU4. Charlie replied that residential is allowable and did not see a need to make any change; Margaret and Richard Visser agreed. Jeff Hutchinson replied that the property that abuts 295 is pretty much un-buildable and probably will not be developed because of the flood zone. Anna pointed out that the MDOT is still in the area as though they were still thinking of placing an exit there. Anna stated that they will need to review the uses

in this zone as most are by Special Permit. Decision to review the density table in the Comprehensive Plan, dimensions and to reduce minimum lot size and height.

- **GO (R-PO and MUZO)**

Don Elliot pointed out that this zone comes from the former Naval Base and stated that it is not usual to create Medical Use as a zone. Don stated that the question is, do they want to allow offices or residential as well. Anna Breinich replied that recently, MRRA has moved R-PO into mixed use. Charlie Frizzle and Margaret Wilson both agreed that mixed use is a good idea. Don to add residential in to see what it will look like. Anna pointed out that whatever they wind up with will include CP2 as well.

- **I-1 area**

Charlie Frizzle clarified that this is for the potential retirement of I-1. Anna Breinich said that after reviewing the uses, there are hardly any industrial uses, but the area does allow for residential. Anna stated that the way things are developing, this area is moving more towards residential. Margaret Wilson reviewed the dimensions and stated that they would need to be looked at. Don Elliot stated that they would like to place it in a mixed use zone and agrees that I-1 can be retired. Jeff Hutchinson asked if they should consider extending the zone to Water Street at the river. Anna stated that she did not see a problem with that and Jeff noted that it would be a lot easier to track. Charlie agreed that this would make sense.

- **FF3**

Charlie Frizzle asked if they should replace Farm and Forest 3 (FF3) with Coastal Protection 1 or 2. Margaret Wilson stated that the Comprehensive Plan states that they should try to. Anna Breinich asked about minimum lot size and Charlie suggested that staff create a table to compare where it is and where it would fit best. Anna noted that she would be meeting with the Marine Resources Committee on 3/5/14 and will discuss this with them as well.

- **BCN**

Don Elliot asked if BCN could land outside the growth area as CP-1. Anna replied that they need to keep it within the growth area because BCN is mostly Pitch Pine Trees / Conservation Area, but suggested that there could be other areas with a stricter zone. Margaret Wilson replied that maybe they need a Growth Area Conservation Zone. Catherine Ferdinand, on behalf of Bowdoin College, stated that the college intends to bring water lines down Perimeter Road and asked how that will fit. Anna replied that there shouldn't be any problem because Perimeter Road is a private right-of-way. Jeff Hutchinson stated that they will need to make sure that the language in the ordinance is clear that utilities are allowed in private right-of-ways.

- **CR1 and FF1**

Anna Breinich asked if CR1 and FF1 should be combined. Margaret Wilson replied that the Comprehensive Plan also suggests combining these two zones. Anna replied that she would try to combine CR1 and FF1 which would discontinue the current CR1. Jeff Hutchinson asked if CR2 could become Farm and Forestry and Charlie Frizzle replied that CR2 is far from Farm and Forestry and that it has a much different character. Anna replied that they will need to look at this further.

- **CP1 Density**

Jeff Hutchinson asked about possibly revising the density of CP1 to 4 ½ acres. Anna Breinich replied that she would like to see it simplified. Charlie Frizzle replied that he

didn't feel that ½ an acre would make much of a difference. Carol Livisay asked if the ½ acre has to do with marine issues. Jeff replied that marine issues would not effect this as it was only for residential uses. Jeff suggested asking Marine Resources their thoughts.

Next meeting date/agenda topics

- Next meeting tentatively 3/24/14 at 4:30
- TR-Inner Pleasant Street remain in TR1 or become something else
- CU District and smaller MU District
- Anna to provide Don with the revised Base Master Plan
- Realignment of the Rural District
- Meeting with Marine Resources follow-up

Approval of meeting summaries

No minutes were approved at this meeting.

Adjourned

This meeting was adjourned at 5:55 P.M.

Attest

Tonya D. Jenusaitis
Recording Secretary