TOWN OF BRUNSWICK

ZONING ORDINANCE REWRITE COMMITTEE

85 Union Street, Brunswick, ME 04011-1583

MEETING AGENDA

TOWN COUNCIL CHAMBERS
TOWN HALL
85 UNION STREET
TUESDAY, MAY 13, 2014
4:00 P.M.

1. Discuss and give guidance on zoning ordinance topics with consultant.

- College use districting/transitional standards
- Potential creation of an inner Pleasant Street corridor district

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.

Bowdoin

May 8, 2014
Zoning Ordinance Rewrite Committee
Department of Planning & Development
85 Union Street
Brunswick, ME 04011

Dear Committee Members:

We have taken some time to review the potential Neighborhood Protection/Transition Standards discussed by the ZORC at its April 9, 2014 meeting. These included standards for non-residential and multifamily residential development in the Growth Mixed Use and Growth Special Purpose zones adjacent to lots containing single-family or two-family residential structures in Residential districts.

The College offers the following comments for the committee's consideration:

- **Reductions in height or primary building to 35 ft. within 50 ft. of residential lot line**

  While this proposed standard could have some negative impact to CU/TC, the most significant concern for the College is the reduction in allowed building height this standard would impose in CU3. CU3 provides a gateway to the campus core from the east off Harpswell Road. The "L"-shaped geometry of the CU3 district presents challenges and reducing the allowable height standard, currently 45 feet, by 10 feet within a new buffer along portions of the district boundary would reduce the College's ability to fully utilize this prime area for suitable infill development.

- **Parking areas and circulation drive/through lanes may not be located between primary structure and residential lot line**

  Parking areas: This buffering standard as drafted would create non-conformities in CU3, CU5 and MU3. Additionally, this standard may have the unintended consequence of forcing the location of parking areas for redevelopment in certain Growth Mixed Use and Growth Special Purpose zones to the street frontage of lots. For example, MU3 is bounded on all sides by residential lots in Residential districts – any redevelopment of that site would require that the parking lot be located in front of the structure along Harpswell Road. CU5 is also bounded by residential districts or streets and redevelopment of the vacant lot at the corner of Harpswell Road and College Street would be similarly impacted. A requirement that would force the location of parking lots to the street front would create a severe transition to abutting residential areas and a

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potential undesirable streetscape. Additionally, locating parking lots in the front of buildings is inconsistent with the current ordinance standards for Mixed Use districts listed in Section 512.3 A.2. We would encourage the ZORC to consider alternative strategies for buffering residences from the adverse impacts of adjacency to parking areas.

Circulation drive/through lanes: "circulation drive/through lanes" are currently not defined in the ordinance. There are definitions of 'drive-through' and 'driveway' but the intent of this standard is unclear without a more specific description as to what type of lane would be prohibited between a college structure and a residential lot line.

- **Speakers prohibited between primary building and residential lot line**

  While the committee's discussion about this standard was limited to speakers associated with drive up businesses, we wanted to point out that the College's permanently mounted speakers at the lacrosse field in CU2 would not meet this standard as drafted. The speakers are located between the Farley Field House and technically, the residential lots in R2 to the south and the residential lots in R7 to the west. The residential boundaries are a considerable distance from the speaker locations and the impact to neighbors is addressed by the ordinance section governing noise. Currently residential lots form the boundaries of CU2 in all directions. This standard for the location of speakers could not be met in CU2.

- **Prohibition on second story windows overlooking rear yard areas**

  We believe this restriction would be overly burdensome and unnecessary.

Thank you for the opportunity to comment on these concepts for potential neighborhood protection standards. We would be happy to provide the committee with any additional information should there be questions regarding any of the above.

Sincerely,

Catherine W. Ferdinand

Catherine W. Ferdinand
Project Assistant

Cc: S. Catherine Longley
Anna Breinich
Jeremy Doxsee
Don Elliot

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From: Carol Liscovitz [mailto:ctlisco@gmail.com]
Sent: Tuesday, February 18, 2014 7:44 AM
To: Anna Breinich
Cc: delliott@clarionassociates.com
Subject: Historic background for Zone R8

Hi Anna ~

Attached is a letter, explaining the considerations that were taken in 1996/97 during the rewriting of the existing zoning ordinance, as requested by Don Elliott during the Zoning Rewrite Public Input Session For College Use District Abutters on Tuesday, February 4th, 2014. He requested that all correspondence go through your office.

I hope you find this information helpful. Should you have any questions please do not hesitate to contact me.

Sincerely ~

Carol

From: Carol Liscovitz [mailto:ctlisco@gmail.com]
Sent: Tuesday, February 18, 2014 10:05 AM
To: Steve Walker
Cc: Anna Breinich
Subject: Historic background for Zone R8

Hi Steve ~

I am forwarding to you for your records the letter I sent Don Elliott of Clarion Associates, via Anna Breinich at the Planning Office, this morning. As per Mr. Elliott's request, I documented the negotiations and considerations that took place between the town, Bowdoin College and the neighbors of the R1, R2, and R8 zones back in 1996/97 during the rewrite of Brunswick's current zoning ordinance.

If you have any questions, please do not hesitate to call me.

Best regards ~

Carol

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February 17, 2014

Clarion Associates
c/o Department of Planning and Development
28 Federal Street
Brunswick, Maine 04011

Attn: Don Elliott

Re: 2014 Brunswick Zoning Ordinance Rewrite

Dear Mr. Elliott,

On behalf of the homeowners of the R8 Zone, we would like to express our appreciation for the opportunity to voice our concerns regarding Clarion Associates' proposals for the rewrite of our zone. At the February 4th, 2014 *Zoning Rewrite Public Input Session for College Use District Abutters* meeting held at the Curtis Memorial Library, I gave a brief history as to the events and negotiations that led up to the language that was adopted for Brunswick's current zoning ordinance specific to these zones. I thought it would be helpful to document and expand upon that information and express again our concerns about the zoning changes proposed for our neighborhood.

In 1996, the Town of Brunswick was in the midst of rewriting their current ordinance to reflect the newly adopted Comprehensive Plan. At that time, the neighborhoods of Longfellow Avenue, College Park (Whittier, Berry and Bowdoin Streets) and Meadowbrook Road were concerned about the possible unfettered expansion of Bowdoin College and the potential negative impact that type of expansion could have on the quality of life and future property values of these neighborhoods. As valued as the College is to the town of Brunswick, so are the quaint neighborhoods that surround it's campus and add to the quality of life experienced by its students and the Bowdoin Community as a whole.

As a concerned citizen, I spent the next year attending the zoning ordinance meetings. During that year I became thoroughly familiar with the details and decisions that went into the process. With all parties at the table, we worked through the intricacies of the *Use Tables*, *Dimensional and Density Table* and *Additional Requirements* sections of the ordinance specific to our zones. With careful and thoughtful deliberations, compromises were considered and goals for each party were reached for Zones R1, R2, R8 and CU2 and CU5.

The specifics of that compromise are as follows:

Table 203.1/204.1 Use Table:

> Permitted use for the college zone was of greatest concern. The CU2 Zone contained residence halls on the back end of the zone that was not adjacent to any of the surrounding residential zones. Therefore, in compiling the permitted uses for the CU2 zone, *Dwellings, 3 or More Units* and *Residence Halls* were designated as "Special Permit required" in consideration of the existing structures but were deemed inappropriate as permitted uses going forward.
>
> R1 and R8 uses were restricted to *Dwellings, Single and Two Family*, though R8 contains only single-family homes.

With regard to Clarion Associates' current proposal, as written in *Annotated Outline for a New Zoning Ordinance The Town of Brunswick, Maine,* we take exception to the proposal "consolidating Zones R1 and R8." Though, as you stated in the meeting, the Use Table shows identical "Permitted Uses", we feel the zones themselves are very different with regard to density of traffic. Longfellow Avenue is a connector road linking two arterial roads, Maine Street and Harpswell Street. Longfellow Avenue is wider and has sidewalks on both sides to accommodate pedestrians. The College Park neighborhood has <u>no</u> sidewalks to accommodate pedestrians and consists of narrower, dead end roads, which cannot absorb higher density traffic. Therefore, any future higher density development that may be approved in the proposed consolidated zone GR_2 would negatively affect the safety of the residents and pedestrians who walk the streets of Whittier, Berry and Bowdoin Streets. Higher density would generate more traffic on these roads that have no sidewalks and are considerably narrower in nature.

204.2 Dimensional And Density Table:

> Within this table special consideration with regard to minimum setbacks for the CU2 Zone are designated for those boundaries that abut the R1, R2, and R8 Zones. These considerations are listed and described in Section 204.3 Additional Requirements on page 21 of the current Zoning Ordinance. I have transcribed those sections below. The italicized paragraphs that follow each section document the background history as to how they were derived.

204.3 Additional Requirements:

> **A) Minimum Setback Requirements in the CU2 District**. There are additional setback requirements in the CU2 Zone based upon distances from specific zoning district boundaries as depicted on the map on this page. No new structure (including parking facility) may be constructed within 125 feet

from Boundaries A and B, 80 feet from Boundary C, and 50 feet from Boundary D.

These restrictive requirements were deemed necessary to preserve the wooded trail that runs along the boundaries and connects to the Brunswick Town Commons. The importance and value of the preservation of this trail was recognized for both the college and the community.

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

As part of this preservation goal, restrictions were placed on tree cutting within the 125-foot setback to ensure compliance of retaining the wooded density and nature of the trail.

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

This restriction was established to prevent connectivity between these higher impact/density zones and the adjacent residential zones. The potential for use of these residential zones as access points for activities occurring at the college use zones would be detrimental to the safety and well being of the residents of these zones. It was also established that any new construction occurring in these zones should not occur at the detriment of the quality of life in the adjacent residential zones and therefore access from these areas shall not be permitted.

To reiterate, the language within the current zoning ordinance with regard to these specific zones was composed through delicate negotiations and compromises between all parties involved. With that understanding, investments in our homes and community were made.

As an architect and former member of the Brunswick Planning Board for 12 years, I am acutely aware of what is involved with the application process. I have spent a significant amount of time on both sides of the table and recognize the challenges an

ordinance can present. With that said, the language that was developed in our current zoning ordinance with regard to residential zones R1, R2, R8 and CU2 and CU5 is anything but vague and was composed in such a way to be clear to future applicants as to what is appropriate development in these areas.

Again, we appreciate the opportunity to present to you the history behind the current zoning ordinance. We are confident that this information will be helpful as the process moves forward in development of the new zoning ordinance for the Town of Brunswick. Please feel free to contact me if you have any questions.

With regards ~

Carol Liscovitz
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CC: Anna Breinich, Director of Planning and Development