

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE MEETING

NOVEMBER 12, 2014

MEMBERS PRESENT ZONING ORDINANCE REWRITE COMMITTEE: Charlie Frizzle, Chair; Margaret Wilson, Vice Chair; Richard Visser, and Anna Breinich, Director of Planning and Development, and Jeff Hutchinson, Codes Officer; and Jeremy Doxsee, Town Planner

CONSULTANT PRESENT: Don Elliott via ZOOM

Review and acceptance of meeting summaries:

Meeting summaries were received for September 23, 2014 and October 29, 2014.

Margaret Wilson moved, Jeff Hutchinson seconded, approval of the September 23, 2014 meeting summary. The motion was approved unanimously by those present.

Jeff Hutchinson moved, Richard Visser seconded, approval of the October 29, 2014 meeting summary. The motion was approved unanimously by those present.

Ski and Skate “Pop-Up” Report:

Mr. Frizzle reported on the Ski & Skate Sale “Pop-Up” zoning information kiosk that he and Jeremy Doxsee set up at the Recreation Center at Brunswick Landing on Sunday. Maps and other materials were set up, and people came by their booth on the way to the Ski & Skate Sale, but interest was light. Ms. Wilson’s document showing each district and the zoning changes was well received. Mr. Frizzle believed this endeavor was worthwhile, even though the amount of traffic was relatively small.

Public Information Update:

Ms. Breinich presented a 2-page project update with background on how the Committee got to where they are, the work that’s been completed to date, and with answers to common questions. Ms. Breinich would like to provide this update every other month, and would like feedback from the Committee. It is available on the website and at meetings.

Ms. Breinich also would like to ask some of the stakeholders in town (MRRA, Curtis Memorial Library, BDA, People Plus, etc.) if they would put a link to our zoning ordinance rewrite on their web sites to get more visibility for the rewrite process. Other suggestions were MidCoast Hospital, Bowdoin and Merrymeeting Board of Realtors.

Public Comment:

Richard Fisco, 2 Lincoln Street, asked when sections with “*To be inserted*” will be completed for public to view, and was told that they were being worked on, and probably would be completed after the public comments were addressed. He asked about a glossary of acronyms, which has been completed, and Ms. Breinich will make sure it’s available online. He pointed out that a lot of meetings were in the afternoon, and he doesn’t consider them public meetings due to the time held. He believes if there are public attending, they should identify themselves, and that the draft should be looked at by regional lawyers. He states he is having trouble viewing the meetings.

Mr. Frizzle responded that legal review will be part of the process when the document is more complete, and he will attempt to have speakers identify themselves when commenting.

Mr. Frizzle asked if there were any more public comments; hearing none; he closed the public comment portion of the meeting.

Continue review of public draft general comments:

- Jeff Hutchinson is working on signs and nonconformance, and he’s reviewed some concerns from last meeting about vehicle sales and storage. He has added and revised definitions, and that will be ready for next week.
- **Page 17, Landscaping** – Section 5 is what was given to Mr. Elliott after the Planning Board had revised it; it is not what is in the current ordinance now. Ms. Breinich suggested they revise the footnote to address substantive revision of standards by staff/Board. The revised chapters 4 and 5 are located on the Planning Board website, and they will also be added to the ZORC website.
- **4.5.2. Landscaping** – this comment deals with new language for landscaping in which there is responsibility for vehicular damage. The college feels that would be a burden. Mr. Frizzle stated that most of the damage they are concerned about with that language is commercial, principally large parking lots with islands, and the repairs of landscaping, if damaged, need to be dealt with up front. He’s not sure they need to be that prescriptive in the non-commercial areas, except with screening issues and Cook’s Corner Design standards. Ms. Breinich would like parking lot landscaping moved into the same chapter as landscaping to diminish repetition. Mr. Elliott agreed, and also said they encouraged workable alternative ideas by the applicant.
Catherine Ferdinand, Bowdoin College, understands the intent of the language, but said the college’s concern is with protecting all of their plantings with permanent barriers. Jeff Hutchinson believed they could use language distinguishing buffers from general plantings, where general plantings would be protected by vehicular traffic wherever feasible, and where landscaping required for buffering shall be protected or maintained.
Carol Liscovitz, 11 Berry Street, asked the Committee to look at the landscape in the site plan as a valuable and sustainable part of the environment, rather than just mandate a replacement plan, although that is a start.

Ms. Breinich would like to see protection around landscaped areas stay; it could be minimal, but something to help contain the plantings themselves. Ms. Wilson likes Mr. Hutchinson's idea of distinguishing between plantings and buffers. Mr. Doxsee added that they didn't have to prescribe how the landscaping is protected; they could just use language stating that it needs to be maintained and healthy in accordance with the approved site plan, which leaves it up to the landowner. Ms. Wilson and Ms. Breinich believed the buffered areas needed a higher standard. In response to a question by Jane Millett, Mr. Hutchinson replied that unless a complaint was received, staff would not be visiting these sites for compliance, so he likes Mr. Doxsee's suggestion of leaving it to the landowner how this compliance is achieved. He also mentioned there are a number of temporary and inexpensive structures to protect landscaping. Mr. Frizzle asked staff to craft language for this section, including comments that have been made today.

- **4.5.2. C. 3-4** – Mr. Frizzle said with moving parking lot landscaping into general landscaping, the possible inconsistency will be taken care of. The Committee will then check the language for consistency and clarity. A question about required tree height will be clarified. Mr. Elliott gave the Committee some options with regard to language and requirements. The Committee discussed having a chart of native plants/trees with size requirements as an appendix. Ms. Breinich asked Clarion to address language that would provide for types of situations where a buffer requested may be a fence or other acceptable alternative. Mr. Elliott suggested they wanted a section of landscaping telling applicants what to use for staff to agree to the plan, then offers the alternative to bring forward something that does as good or a better job. In answer to a question of opacity, Mr. Elliott suggested that since it only occurs in the code twice, to change it to a solid screen or a screen that completely blocks the view. The Committee agreed.
- **4.5.2. E. – Standards for Landscape Maintenance** – occurs in 2 different sections of the zoning ordinance. Mr. Elliott would prefer to have it occur once and cross-reference it, adding it to the lighting and maintenance sections. The Committee agrees.
- **4.5.2. E. 2. – Financial Security** – The Committee agreed with Don's suggestion to leave this under landscaping and fiscal security and cross-reference. Mr. Frizzle suggested not limiting this financial security to maintenance and landscaping, but rather apply it to all the infrastructure in a development.
- **4.6.2. B. – Common Driveways** – Mr. Frizzle is questioning the Town's interest in a maintenance agreement for common driveways in a private development, and administrative problems caused when properties change hands. Mr. Elliott said that the ordinance could require something recorded in the property records saying if these two lots come into separate ownership, the Town may require you to leave it as it may. Someone needs to be responsible for the access, and sometimes banks require it for financing. Mr. Hutchinson said beyond the fact of the Town's need for legal access, he agrees with Mr. Frizzle. He believes the easements should be incorporated into each of the deeds. The Committee agrees to reword this section for legal access only in the common driveway section; the private road section is fine.
- **4.6.4. - Access for Persons with Disabilities** – Ms. Breinich has proposed a redraft, which Mr. Frizzle read. After discussion, the Committee agreed with the proposal as written, without the second paragraph.
- **4.7.4. – Parking alternatives** – shuttles were required for shared parking over 600 feet from site. Mr. Frizzle doesn't believe the idea of a shuttle is practical. Mr. Elliott said

GC districts could be exempted and a variance could be applied for if needed. Ms. Breinich mentioned it was not only the GC districts; SMCC would like to use a shuttle service in lieu of parking for a wedding center in a rural area. Mr. Frizzle is okay with the idea of setting a 600-ft limit, but also adjust the language to allow consideration of alternatives or extenuating circumstances for flexibility. Mr. Elliott believes it's already dealt with in 4.14, so it just needs to be referenced. The Committee agreed to delete the shuttle language. Mr. Elliott suggested wording that multi-building complexes under single or related ownership may bring in a request to be treated as one parcel for purposes of parking, and let them manage it internally. The Committee agreed on language along those lines. Ms. Liscovitz asked the Committee to keep in mind that there is a population attending Bowdoin events that is not between 18 and 21. Mr. Fisco asked a question about shuttles and parking lots, which the Committee answered. Ms. Millett asked a question about parking fees, which Mr. Frizzle answered. Mr. Fisco mentioned that premium parking is often used by proprietors or employees.

- **4.10.1. – Neighborhood Protection Standards** – the college assumed that the neighbors wanted these standards applied to residence halls, but as drafted it appeared that neighborhood protection standards would not apply to group residences. Mr. Frizzle said it was their intent that the standards should apply to residence halls or group living. Ms. Liscovitz had comments about 4.10.2. D. and would like shielding from view kept for all installations. Mr. Elliott said this was reasonable. Ms. Wilson said she differentiated between solar array panels and other noise-producing structures. Jeff Hutchinson is questioning adding noise standards to this section, and getting more information from applicants at the Planning Board process for devices that are going to be installed on the roof, so their architects can design conforming structures. Mr. Frizzle has no problem expanding this by saying that roof-mounted structures shall meet the noise limitations as referenced in 4.12. Mr. Hutchinson felt that discussing it at the Staff Review process would be helpful. Ms. Breinich also suggested similar setbacks apply to Harpswell Place as they are for Longfellow for residence halls, but Catherine Ferdinand of Bowdoin College said they would have an issue with making the setbacks larger than they are currently. Ms. Breinich's concern was being equitable to property owners. Ms. Wilson felt she needed more information about the neighborhood protections, like a chart that shows comparisons in this area, and what the options are. The Committee decided to get more information. The other issue in this section is the question of a fence being needed. It was discussed with Mr. Elliott, who will study this issue. Ms. Wilson believes they need to be clearer in this issue.
- A request from Carol Liscovitz that CU-2 remain the same was noted.
- **4.14 – Administrative adjustment** – Ms. Breinich has responded to the general question here that it's intended that administrative adjustments can occur at any level of review, from building permit up to Planning Board Major Development Review, and the Committee feels that this is appropriate; it is restricted to 10% and very specific about how much leeway one is allowed to give without getting a variance. Mr. Hutchinson thinks this would be very helpful. Alternative compliance was discussed and who would be the reviewing authority. It was decided by the Committee to move it up one level for review, and administrative adjustment will also apply to building permit approval.
- This marks the end of the Bowdoin comments. Comments from the general public will be reviewed next, and they are organized by section of the ordinance.

A question was asked by an audience member whether the Community Facility Impact Analysis language in 5.5.8.3 needs to be out. Ms. Breinich told Mr. Elliott they would like it out.

Mr. Visser stated there were copies of the acronyms at the front table for anyone interested.

Project schedule/next meeting date:

November 20, 2014, 2:00 pm – Town Hall, Room 206

December 3, 2014, 7:00 pm - Town Hall, Council Chambers

December 9, 2014, 3:00 pm – Town Hall, Room 206

December 17, 2014, 3:00 pm – Town Hall, Room 206

January 8, 2014, 2:00 pm – Town Hall, Room 206

Mr. Frizzle adjourned the meeting.

Attest

Debra Blum
Recording Secretary