



TOWN OF BRUNSWICK

**ZONING ORDINANCE REWRITE
COMMITTEE**

85 Union Street, Brunswick, ME 04011-1583

**WORK SESSION
AGENDA
TOWN HALL, ROOM 206
85 UNION STREET
WEDNESDAY, NOVEMBER 12, 2014
1:00 – 4:00 PM**

1. Review and acceptance of meeting summaries (9/23/14; 10/29/14; 11/5/14)
2. Ski and Skate “Pop-Up” report
3. Public information update
4. Continue review of public draft general comments/questions
5. ZORC work session meeting schedule
 - November 20, 2014 (2-5pm; *ZORC Work Session*; Town Hall Room 206)
 - December 3, 2014 (7pm; *ZORC Work Session*; Town Council Chambers)
 - December 9, 2014 (3-6pm; *ZORC Work Session*; Town Hall Room 206)
 - December 17, 2014 (3-6pm; *ZORC Work Session*; Town Hall Room 206)
 - January 8, 2014 (2-5pm; *ZORC Work Session*; Town Hall Room 206)
6. Other business

Please note that this is a Committee work session.

The public is invited to attend with public comment allowed regarding discussion topics. 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.

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE MEETING

SEPTEMBER 23, 2014

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

Mr. Frizzle opened the workshop of the Zoning Board Rewrite Committee taking place in the Town Council Chambers at 85 Union Street, and stated that this meeting had been duly noticed. Tonight's meeting will be focused on reactions to what has been commented on or questioned in previous meetings or by email, and how the Board will begin to address these comments.

Ms. Breinich stated that much of what is talked about at this meeting will prepare for the town-wide public forum tomorrow. She had hoped to have more of an interim draft ready, but with all the comments received, it was decided to hold off on the interim draft in order to get more comments and discuss what has been received, and move forward from there in preparing an interim draft.

Discussions regarding proposed dimensional standards and uses:

Ms. Breinich stated that they have received quite a few comments regarding proposed dimensional standards and uses; some of these are just requests for text changes, but some of them are of more substance, addressing consolidations as well. Ms. Breinich would like to discuss tonight whether the dimensional standards as they are now make sense, and whether they need to be making some adjustments at the policy level. The consultant and the Committee were looking for the most conservative dimensional standards and using that standard. They also took a look at the Comprehensive Plan and made modifications based on the recommendations of the Comprehensive Plan itself, and that led to lower lot area requirements but they left densities alone.

Ms. Wilson created a chart listing dimensional standards by district and found that there were 13 different dimensional standards in the growth area in minimum lot area, maximum density, lot width, front setbacks, side setbacks, rear setbacks, impervious surface, building height (minimum and max), and building footprints. It was difficult for her to look at across districts and ask if it makes sense to have a certain minimum lot area in R districts, but have a slightly different one in other R districts, and how do they compare. Ms. Wilson realizes that the most conservative standards were used, but she would like the Committee to look at this from a practical standpoint and determine if it makes sense. Ms. Breinich and Mr. Hutchinson discussed lot sizes and density requirements

Jane Millett, 10 Franklin Street, asked questions about lot size and ability to subdivide along New Meadows, which Mr. Hutchinson and Mr. Frizzle answered. Ms. Breinich explained density and dimensional provisions of the grandfathered provision from 2002. Ms. Wilson added that the hope was that CP-1 and CP-2 would not be different.

Mr. Frizzle explained that the reason for most of the different dimensional standards is historic, but unless there is an overwhelming reason to change, he would be content to leave the minor differences alone, although it does make it difficult for staff to interpret. Jeff Hutchinson agreed that it really wasn't a problem for the Codes Office.

Ms. Breinich spoke about impervious surface, which is basically anything but green. She would like to look at what constitutes impervious, especially with the movement towards more the use of pervious materials, and wishes for a sliding scale for using more pervious materials. They have been doing this on a case-by-case basis, but she would like it codified.

Mr. Frizzle pointed out the difficulty with this idea, and the complications, especially since most of the pervious materials are comprised of some percentage of impervious material, so something on a sliding scale that recognizes the difference in those materials is appropriate, but probably hard to create. Ms. Breinich believes there are examples of scales available that they could use. Mr. Frizzle pointed out that the examples would be based on what is exists today, and there could be many more types in the future, and he's not sure how that could be factored in. Ms. Breinich touted the value of promoting the part impervious materials, because they would decrease groundwater runoff. Mr. Hutchinson and Mr. Frizzle suggested the staff could rely on engineering reports for the specific materials used.

Jane Millett, 10 Franklin Street, had a question about MU-1 and the impervious surface being 20%, but listed in the proposed ordinance as 80%. Mr. Frizzle replied that the Committee recognizes that the percentage will be less than 80%, and Ms. Breinich believed it was 50%. There was an omission of MU-1 when the ordinance went to the consultant, but that omission will be rectified. Ms. Millett asked for an explanation of how the lines were drawn for the new districts, and Ms. Breinich answered she basically combined districts, and she used parcel lines instead of dividing in the middle of a lot. Ms. Millett's district is now divided, and Mr. Frizzle suggested if her neighborhood is very similar to the next district, she suggest for the districts to be combined. Ms. Millett also asked how the comments from the meetings are to be handled, and if those comments would hold as much weight as written comments, and Ms. Wilson stated they were of equal value. Mr. Frizzle said that some time after the public forum on October 1, 2014, the Committee would be scheduling workshop sessions to begin the task of answering the public questions, comments and suggestions.

Richard Fisco, 2 Lincoln Street, says people in the downtown area don't want denser growth or infill, the people in the rural areas don't want to be restricted with their development and the Committee is getting too specific with their ordinance. Mr. Frizzle replied that the ordinance is conforming to the Comprehensive Plan adopted in 2008.

Jeff Hutchinson spoke about new lawn area, and would like to take a closer look at it, and possibly remove it from the draft ordinance, because once a house is build and a CO is issued, it is unenforceable.

Discuss responding to and incorporation of public comment:

Mr. Frizzle said one item raised at several of the meetings was the Committee's intent with respect to attributing the comments. They will be incorporating the comments as given, but they would not be attributed. Other people would like to know what their neighbors' comments are. Mr. Hutchinson doesn't need to know who made the comment; they will treat each one similarly and with no bias. Ms. Wilson understands that all of the comments are available to the public, but doesn't believe everyone sending in a comment is aware of that, and she would not like any suspicion that the comments are being edited. Mr. Doxsee sees some value putting a name with a comment.

Laura Lienert, High Street, asked when and how comments would be discussed. Mr. Frizzle said after the October 1, 2014 Public Forum, and the Committee will have to come to a consensus with an explanation, no matter how many or few comments received. The Planning Board will need to agree with their decisions, and then the Town Council

Jane Millett, 10 Franklin Street, believes all the comments should be attributed, as many people feel strongly about certain aspects of this proposed rewrite and have spoken at these meetings.

Ms. Breinich believes the Committee's responsibility is to discuss comments without regard to the writer, because she wants as much feedback as possible. She has never been asked to attribute comments in any type of process in 30+ years. The comments will be available online.

Mr. Visser would like the commenter to decide whether their comments would be attributed, but Ms. Breinich asked if they would post the comment as not attributable if they declined their name, and that could possibly raise more of an issue.

Jeff Hutchison suggested they keep the copies of comments at the Planning & Development office for public perusal.

Jeremy Doxsee said that with staff time restrictions, it is much easier receive written documents and to cut and paste comments rather than transposing large amounts of writing.

Mr. Frizzle stated that although not unanimous, the Committee members all have some level of comfort with the approach taken thus far, to not attribute comments but to maintain attribution in their records and have the records available to the public.

Ms. Wilson spoke about how the Committee would present the comments and their responses. She is suggested a free-standing appendix, as is in the Comprehensive Plan. Mr. Frizzle believed the comment also needed to have a reference back to the specific section of the ordinance the question is directed to, which, if the writer does not know, then staff or the Committee would need to add.

Ms. Breinich spoke about comments she had been receiving thus far, the format that Bowdoin created and used with their comments, which Ms. Breinich made available to the public with

Bowdoin College's Catherine Ferdinand's agreement, and possibly setting up the comments by chapter. If there are questions that staff can answer, they will take care of those comments and present them for the Committee's review, then offer feedback to Clarion for the interim draft.

A discussion about the number of meetings needed, public input, and the timing of another draft was held. There will be more public meetings after the interim draft is provided, and it is expected there will be more comments, after which the Committee will have a better idea of how much time they will need to review them. There is no real timeline on this process; if the Committee needs more time and more meetings, they will schedule them.

Jane Millett, 10 Franklin Street, would like to request another meeting with the Town Core before the next draft is prepared. She wants the ordinance to align with the historic preservation standards.

Mr. Frizzle responded that the Committee would consider scheduling another Town Core meeting some time between the first and second draft.

Mr. Doxsee believes it will take more time to go through the comments.

Richard Fisco, 2 Lincoln Street, believes this economic development leads only to prosperity for public-private partnerships, which, in turn, get tax breaks. He would like to know the name of the developer who attended an earlier ZORC meeting.

Mr. Frizzle replied that the Committee has a list of attendees.

Project schedule/next meeting date:

Next meeting: Thursday, October 9, 2014, 1:00 pm; work session to begin review of comments.

Townwide public forum at Brunswick Junior High at 6:00 pm on September 24, 2014
Public forum, SMCC at Brunswick Landing, 6:00 pm, October 1, 2014

Mr. Frizzle adjourned the meeting.

Attest

Debra Blum
Recording Secretary

**BRUNSWICK ZONING REWRITE COMMITTEE
OCTOBER 29, 2014**

MEMBERS PRESENT ZONING ORDINANCE REWRITE COMMITTEE: Charlie Frizzle, Chair; Margaret Wilson, Vice Chair; Richard Visser, Anna Breinich, Jeremy Doxide, and Jeff Hutchinson

DON ELLIOT OF CLARION ASSOCIATES JOINED VIA ZOOM

The Zoning Ordinance Rewrite Committee held a work session Wednesday, October 29, 2014 at Town Council Chambers, 85 Union Street.

Mr. Frizzle opened the meeting to the public for comments; seeing none, he closed the meeting to public comments.

Administrative Items:

Review and acceptance of Zoning Ordinance Rewrite Committee meeting summaries:

- August 7, 2014 Public Draft Introduction meeting with Staff Review Committee
- August 19, 2014 Public Draft Introduction meeting with MRRA, Bowdoin College, B/T Water District, and Brunswick Sewer District
- October 1, 2014 Zoning Ordinance Town wide Public Forum
- October 9, 2014 Zoning Ordinance Rewrite Committee Public Work Session

MOTION BY MARGARET WILSON TO APPROVE MINUTES OF THE ZONING ORDINANCE REWRITE COMMITTEE MEETINGS HELD AUGUST 7, 2014, AUGUST 19, 2014, OCTOBER 1, 2014, AND OCTOBER 9, 2014, SECONDED BY JEFF HUTCHINSON. VOTE WAS UNANIMOUS.

Consultant contract extension update:

The contract extension was presented to the Town Council a few weeks ago, and they asked for additional information. The extension has been authorized by Town Manager John Eldridge, and the contract has been signed by Clarion and the Town Manager. This extends the contract with Clarion until June 2015.

Scheduling of joint workshops with Village Review Board and Town Council:

Ms. Breinich said the Village Review Board would like to postpone their joint workshop with ZORC until after they have their own work session, sometime after November 18, 2014. Nothing has been scheduled with the Town Council to date.

Next ZORC work sessions:

- November 12, 2014
- December 3, 2014

Reviewing the Zoning Ordinance Correlation with Key Actions of the 2008 Comprehensive Plan:

Ms. Wilson has developed an extensive document that goes through the Comprehensive Plan, highlighting those key action items that have some relationship with the zoning ordinance, and then indicates what has been done with the zoning ordinance rewrite to address those key actions in the Comprehensive Plan. After discussion, it was decided to insert the Comprehensive Plan's Vision statement into this document. Ms. Wilson explained that most of the relevant changes came from the Land Use section of the Comprehensive Plan, and she explained that the importance of this document was to know what the Comprehensive Plan says.

Jane Millett, 10 Franklin Street, said livability is not defined; the denser growth in the downtown area encroaches upon people who would like to keep their neighborhood the same.

Carol Liscovitz, 11 Berry Street, asked if the draft zoning ordinance was not increasing density to the extent that the Comprehensive Plan was suggesting, and this was affirmed by the Board.

A discussion was held about lot sizes and density.

Catherine Ferdinand, Bowdoin College, asked if particular section of the ordinance concerning the area around Bowdoin, was located in the proposed draft. After discussion, it was decided the Committee would try to find where this specific language was located. The general intention of the language is to be more lenient with growth inside campus, and more buffering required as growth encroached on the neighborhood.

Jane Millett, 10 Franklin Street, asked if the standard was not in the ordinance, then who makes sure it is met? Ms. Wilson replied that no one would; that is the reason they need to make sure it is included. Mr. Frizzle added that there were also Neighborhood Protection Standards that dealt with this issue.

Carol Liscovitz, 11 Berry Street, would like examples included with concepts, because once the ordinance is accepted, any push against building standards by neighborhoods are uphill battles.

Ms. Wilson agreed with Ms. Liscovitz, and Ms. Breinich asked Don Elliot to obtain examples of neighborhood protection with regard to a college area, and images of density to include in the zoning ordinance, in order to show residents the difference between the current ordinance and the proposed ordinance. Ms. Wilson also talked about having a discussion on Neighborhood Protection Standards, and whether the Board is satisfied the way they are now, or do they need to be more specific?

The Board agreed to release Ms. Wilson's document to the public as a draft with the inclusion of the Comprehensive Plan's vision statement.

Ms. Breinich let the Committee know that they now had a list of acronyms to add to the proposed zoning ordinance. Mr. Elliot explained the best way to add this and check for

accuracy, as terms may change. **Alison Harris** suggested adding abbreviations of administrative titles, and to possibly change the title to glossary. Ms. Breinich found that the abbreviated title was defined in the definitions.

Review general comments on public draft:

Ms. Breinich mentioned that comments were received from Bowdoin College in an easy to use matrix that included location, section, and comment. Ms. Breinich then added three columns; one for an easy to tackle comment with recommendation to staff and follow up, one with staff recommendations, which was requested by ZORC, for ZORC consideration through a discussion like today, and a column for the actual ZORC response, which will be filled in as they work through the items. There are 23 pages, but it is not just college-related. As they continue working through the ordinance, Ms. Breinich will continue adding text in order to cover all comments received.

Dustin Slocum, property owner in Brunswick, asked if the Board could tell him what has changed in the TC-1 district downtown and Bath Road. The Board will give him a copy of the dimensional changes to that district, and explained that very little had changed in those districts. More uses are permitted in the proposed draft ordinance, and minimum lot sizes have been reduced along Bath Road. Ms. Breinich explained that they combined districts so that Bath Road and outer Pleasant Street are the same district, and they took the most conservative standards between the ordinance and the proposed draft ordinance.

Mr. Frizzle explained the steps he'd like to take to address the comments. The staff recommendations requiring clarity and follow up are generally typos, duplicative language, etc., and generally do not need discussion, but they will stop and discuss if necessary. The Committee worked through comments without voting, unless there was a significant policy issue. The items discussed were concentrated on the ZORC response column:

- Section 1.7.2. definitions; Ms. Wilson proposed as a policy issue that all uses be defined, so Mr. Elliot will add definitions for bank, hospital, and vehicle sales, rental and service
- Section 1.7.2 car wash -decided the use was part of fleet maintenance and doesn't need to be listed even as accessory; college facility- Don explained that these were structures associated with the operation of a college, and they would never be able to list them all. After a lengthy discussion, this item will be researched by Ms. Breinich and will be brought back for further review. Ms. Breinich requested Ms. Ferdinand to identify all potential uses for the College before further staff review. The committee will expand and list the definition of college uses to the best of their ability, giving the college as much flexibility as possible, but anything not defined will go through the Special Permit process.
- Page 1 – character-defining feature; this needs to be defined for historic district and historic integrity to align with the Village Review Zone standards, need a definition of historic structure to be consistent with the Secretary of the Interior's standards, and a definition of historic resources needs to be provided by the consultant.
- Lot/parcel definition – an area of land with ascertainable boundaries, all parts of which are owned by the same person, persons, or entities; a lot or parcel shall include both

sections of a lot separated by a public or private way if under the same ownership. The committee is proposing taking out the second sentence.

- Outdoor sales – staff’s recommendation was excluding GC-1 district in addition to GM-6 district restricting outdoor sales. They are permitting outdoor sales in these districts, and it will be rewritten to reflect the inclusion. A discussion about large retail stores using impervious surface for extra retail space was held, and Mr. Elliot replied that language could be added for a time limit or by defining the use categories.
- Outdoor storage – staff is questioning whether the definition is adequate. A discussion was held about possible concerns with storage in the setback area, and clarifying the language. Mr. Elliot warned about any changes made now; this is a very sensitive topic, and he predicts they would receive a lot of feedback whether they restrict or liberalize this section. Mr. Hutchinson will prepare a draft proposal for this item which ZORC will consider in the future. Catherine Ferdinand, Bowdoin College, had specific questions about storing crew gear at their property on Federal Street, of particular concern being GC-4, and this discussion brought questions about the definitions of parking, vehicles and storage. The proposed ordinance disallows storage in most zones, which is a change. Ms. Breinich read the next paragraph of the proposed ordinance, 1.7.2., addresses the vehicle sales and storage, but there is no definition for it. Ms. Breinich has proposed a definition, and the committee may want to consider renaming this use to avoid the confusion with an automobile dealership. Mr. Frizzle told Mr. Elliot what they wanted to achieve, which was allowing vehicle storage for a primary or secondary use, for example, by Bowdoin College, and Mr. Elliot responded that they could separate outdoor storage from the vehicle component. A discussion ensued with audience members about parking vs. storage, which Mr. Hutchinson and Ms. Breinich will look at for further review.

It was determined by the committee that they would probably need more time or more meetings to go over all of the questions, suggestions and comments. They have not even touched on the big policy questions. Mr. Elliot suggested that on questions where Clarion was going to make a change, or questions Mr. Hutchinson and Ms. Breinich think they’ve taken care of, to move those into review rather than into discussion, to narrow down the right-hand column.

Review ZORC meeting schedule:

The meeting schedule was discussed, and a mid-afternoon to early evening starting time was thought to give more citizens a chance to attend.

- Meeting for next week; time and day to be determined.
- Meeting November 12, 2014, from 1:00 – 4:00 pm as previously scheduled, then try to move the meetings to the late-afternoon, early evening time.

Attest

Debra Blum
Recording Secretary