TOWN OF BRUNSWICK

ZONING ORDINANCE REWRITE COMMITTEE

85 Union Street, Brunswick, ME 04011-1583

WORK SESSION AGENDA

TOWN HALL, ROOM 206
85 UNION STREET
THURSDAY, NOVEMBER 20, 2014
2:00 – 5:00 PM

1. Review and acceptance of meeting summary (11/5/14)

2. Continue review of public draft general comments/questions

3. ZORC work session meeting schedule
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)

4. 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.

Zoning Ordinance Rewrite Comments/Responses – 10/23/14; updates 10/31/14; 11/10/14; 11/18/14

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
11/6	1.6.2.A.2.b.	Non-Conforming Lots: Please explain. Long run on sentence.		Nonconforming section under complete revision by staff.	**11/12: Agreed. For ZORC review after completion of comment review.**
11/6	1.6.3.B.	Change in use determined by Planning Director with no input by or recourse to a larger elected or appointed body? Creates a very subjective and potentially conflicting decision by 1person. Does this create potential liability for the town?		See comment above.	**11/12: See above comment.**
10/23	1.6.5.B.	Typos – second sentence is incomplete or should be combined with next sentence.	Deleted duplicative text.		
10/23	1.6.7. and 1.6.9	These sections appear duplicative.	Agree. Delete 1.6.9.		
10/23	1.6.10 and 1.6.8	Duplicative of 1.6.8 on page 1-11 except that 1.6.10.B has one additional word at end of sentence.	Agree. Delete 1.6.8. Also confirm reference to 1.6.10. (first sentence). Doesn't make sense.		
10/23	1.7.2	**"Bank"** is listed in use table but no definition of Bank is provided.		Possible definition: A financial institution, with or without drive-through services, that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and other fiduciary activities.	10/29: Agreed with staff and further stated definitions must be provided for all uses. Clarion to add definitions as needed.
10/23	1.7.2	**Car wash** – use is prohibited in all GC districts. The College's wash bay in the Facilities Management Garage, which is part of Rhodes Hall, meets this definition as drafted and this use is prohibited in all GC districts. The		Disagree. Car wash as part of fleet maintenance would be considered an accessory use to college use or any other use having a fleet maintenance facility. No	10/29: Agreed with staff.

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		ability to wash the vehicle fleet is ancillary to College operations. **We recommend changing this to Accessory (A) for the GC districts.**		need to include as an accessory use in table.	
10/23	1.7.2	**Character-defining Feature** – this term was from 216.12, a definition specific to VRZ; **we recommend that the definition note "for purposes of Village Review Overlay" (as done with Contributing Resource).**	Agreed. Reference as stated.		
10/23	1.7.2	**College Facility – not listed**. Currently, this term is not defined. We want to make sure that the College understands the intent of this category and interprets its meaning in the same way that staff and Planning Board would interpret it. We assume this category would include any structure or use built or undertaken by the College unless that use is specifically included elsewhere in the Use Table in Section3.2. For example, if the College constructed an Alumni Center, a building associated with our educational mission not consisting primarily of classroom space, can we assume this meets the definition of "College Facility - not listed"?		Recommend for discussion with Clarion for clarification.	10/29: Bowdoin College requested to review permitted use table and identify what uses could be considered at some point in the future. Staff will then recommend uses as either permitted or conditional uses. "College Facility – not listed" deleted from use table. Any "not listed" college use will follow same special permit process as for any other "omitted" or "not listed" use in Town.
10/23	1.7.2	**Final Plan** – the definition is not included.		Staff to draft for inclusion in interim draft.	10/29: Agreed.
10/23	1.7.2	**Historic Structure** – this definition is qualified by "for floodplain management purposes" in the current ordinance and is used in Section 703.2.D.5 regarding Variances in the	Agree. Current definition must remain as is for compliance with NFIP 44 CFR 59.1.		10/29: Agreed.

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		NRPZ. The term is now used in Section 5.2.5.F.2.g. - *Additional Criteria for Variances in the SPO and FPO Districts*. However, there is no language in the new definition linking the term to the FPO district. The term Historic Structure is not used in the ordinance outside of the *Variance in SPO and FPO Districts* section with the exception of in the VRO, where the term is used within the definition of Contributing Resource and limited to structures within the VRO. The definition has been significantly broadened to include structures individually listed on "a Town inventory of historically significant places". It is unclear what this Town inventory would be and what criteria would be used to construct it. The definition in the current ordinance includes structures listed on local inventories if those communities have *certified* historic preservation programs. Additionally, this broad definition is inconsistent with terms used in the development standard in section 4.2.7. The Development Standard (Sec 4.2.7) uses the term "Historic Resources" (not included in the definition section) which covers "structures on the National Register of Historic Places or		For discussion by ZORC.	10/29: Staff/Clarion to develop definition of Historic Resource.

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		identified by the Comprehensive Plan as being of historical importance". This definition is narrower than the definition of Historic Structure listed in Section 1.7.2. **We recommend including the appropriate section references to the definition and narrowing the definition to be consistent with the standard.**			
10/23	1.7.2	**In-Kind Replacement** – this definition is part of the current ordinance in Section 216.12 but is omitted in the definitions of the new draft.	Agree. Insert current definition from Section 216.12.		
10/23	1.7.2	**Lot or Parcel** – While we are not familiar with the origin of this definition, included in the current ordinance, its practical application to College-owned lots could be problematic. Public ways (e.g., Maine Street, Coffin, Street, Bath Road, South Street, Federal Street, etc.) bisect College land in several locations. On tax maps, zoning maps, and deeds, the College owns individual and separate lots with ascertainable boundaries on both sides of public ways. Town staff has not interpreted this definition to suggest that individual and separate College lots on each side of a public way should be combined to become one new lot. This definition may be relevant in other circumstances, in which case **we recommend changing the word "shall" to "may" to address the issue.**		Delete last sentence in proposed definition. Definition would then read *"An area of land with ascertainable boundaries, all parts of which are owned by the same person(s) or entities."*	10/29: Agreed.

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10/23	1.7.2	**Off-Premise Advertising** – definition refers to signs and section 4.11.7 which prohibits these signs. Definition might need clarification that 'activities' does not include events. Since the definition refers specifically to a 'sign' and the term is used in the sign section of the ordinance, **we recommend including this with other sign definitions on page 1-26 (i.e., Sign, Off-Premise Advertising).**	Agree. Move to Sign definitions.		
10/23	1.7.2 1-23	**Outdoor Sales** – with inclusion of the Supplementary Use Standard in section 3.4.2.E (p. 3-29), limiting outdoor sales to no more than 4 events per year and no more than 7 consecutive days, this could prevent many vendor sales at the College. Vendors come to campus frequently to sell products or disseminate information to students, faculty and staff. These outdoor sales have little impact on the general public, have minimal or no traffic/parking impact, and take place within the course of normal campus activities. **We recommend narrowing the definition to exclude this type of activity or limiting it to outdoor sales to the general public.**		Recommend excluding GC1 District, in addition to GM6 District, restricting outdoor sales. (Sec. 3.4.2.E.)	10/29: Agreed to permit outdoor sales in GC1 and GM6 districts (Sec.3.4.2.E.)
10/23	1.7.2 1-23	**Outdoor Storage**- this definition includes boats and trucks if placed in a front, rear or side yard for more than 60 days. We need clarification if this		Discuss with Clarion in the context of definition and use.	10/29: Staff to rework outdoor storage definition/potential standards and include on

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		definition would apply to Bowdoin's boat storage and/or vehicle fleets. Outdoor storage, while defined does not appear on the Use Table for the Growth Area Base Districts. However, there is a category in the Use Table for **Vehicle sales, rental, or storage** for which there is no definition in Section 1.7.2. Footnote #267 on p. 3-8 states that Vehicle sales, rental, or storage has expanded the definition of Motor Vehicle Sales to include storage. We could not find a definition of "Motor Vehicle Sales" or "Vehicle Sales" in the current ordinance or in the new ordinance. These uses and definitions need clarification. As mentioned in Bowdoin's August 19 memo to the ZORC, the College currently stores vehicles, equipment, and boats in several CU districts. We also store boats during the winter at a private facility in MU6 (GM2) **Once there is a clear definition of use, the College would request permitting this type of storage as "A" in GC1-GC3, GM2, and "P" in GC4.**(See also Bowdoin August 19, 2014 memo to ZORC)		Possible Definition: Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, or motorcycles or other similar motorized transportation vehicles. The business establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. May want to consider renaming uses to <u>Automobile Dealership;</u> combined Motor Vehicle Sales and Vehicle Sales, Rental or Storage. Don't agree that a separate accessory use is necessary.	next agenda. Will also define "vehicle areas". **11/12: Staff reworking text for 11/20 agenda.** 10/29: Keep name as is. Definition acceptable.

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10/23	1.7.2 1-24	**Renewable Energy Generating Facility**: - typo; delete either "through" or "from" in first part of sentence.	Delete "from"		
10/23	1.7.2 1-24	**Residence Hall** – Given the new exclusion of residence halls from the definition of multi-dwelling unit, and reference to density applying to dwelling units only, it appears Residence Halls (which include any type of student housing owned by the College) would not be subject to density restrictions, but would be subject to all dimensional requirements. Please confirm if this is the correct interpretation.	Correct interpretation.	Recommend definition of dwelling unit be revised to also exclude congregate care/assisted living facilities, nursing homes and residence halls. Currently excludes recreational vehicles.	**11/5: Carry over all additional requirements from current Sec. 204.3. If college housing units meet dwelling unit definition, such units will be considered as multi-family dwellings, not residence halls.**
10/23	1.7.2 1-26/27	**Special Event** – In the current ordinance, this definition applies only to the BNAS Reuse District. With the inclusion of 'Special Event' as a Temporary Use across the zoning districts, some clarification about the intent of this regulation is needed. As drafted, this definition would apply to events held on the campus outside of the normal academic calendar: i.e. BHS graduation, Coastal Challenge soccer tournament, MSMT productions, camps/international music festival if they are 'assembly type events for 200 people or more'. Additionally, the Permitted Use Table is unclear as this use is labeled both "C" and "T" for the GC districts (p.3-		Remove Special Event definition and use. Will be working with Town Clerk to handle as a license similar to those issued for use of the Mall and Maine Street sidewalks.	**11/5: Agreed.**

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		11) but no reference is made as to what circumstances would require a Conditional Use permit. Will conditional permits apply to Special Events that do not meet the definition of temporary, i.e. events that occur regularly on a weekly, monthly, or quarterly schedule? **We recommend either clarifying this definition and/or permitting this type of use in the GC districts.**			
11/13	**2.2.**	**Growth Area Base Zone Districts Descriptions: Please explain the distinctions between the various "low-moderate-high" residential density designations and the "very limited, small –scale", "wide range of small-to-moderate scale", "very small scale", "limited range of small-to-moderate scale" and "limited range of small scale"…nonresidential uses in the various residential neighborhoods in town? These are different words of gray, used to create distinctions but what are these distinctions because they can have significant meaning for neighborhoods in-town on small lots.**		**All purpose statements and planning area descriptions are being revised by staff for inclusion in interim draft.**	
10/23	2.2.1.B 2-3	GR2 district is Town Residential in the 2008 Comp Plan – the statement that "District regulations are intended to accommodate **new low-density** residential development and maintain the character of the		All purpose statements and planning area descriptions are being revised by staff for inclusion in interim draft. ZORC discussion necessary	**11/5: All purpose statements must be consistent with Comprehensive Plan vision statements.**

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		established neighborhoods" is partially inconsistent with Comp Plan's statement that, "The focus of the development standards in the Town Residential neighborhoods should be on maintaining the single-family character of those streets that are currently predominantly single-family while allowing infill development **at reasonable high density where feasible**. New residential uses should be allowed at 3 to 24 units per acre depending on the location within the area." (2008 Comprehensive Plan p.62) The low density language may be a carry-over from the description of the planning areas in the current ordinance but it is inconsistent with the language of the Comp Plan for this area. **We recommend editing the description of Growth Residential District in section 2.2.1.B. to be consistent with the language of the 2008 Comp Plan.**		regarding inconsistency with GR2 and Comp Plan vision.	
10/23	2.2.2. A-C,F 2-4/5	Definitions are not included.		All purpose statements and planning area descriptions are being revised by staff for inclusion in interim draft.	**11/5: Agreed.**
10/23	2.2.3.A Growth Special Purpose Districts	We do not believe that Growth Special Purpose Districts were contemplated by the 2008 Comprehensive Plan. Nor does the		Although, not contemplated as worded (Special Purpose Districts), the 2008 Comp Plan does reference CU	**11/5: Rewrite purpose statements to be consistent with Comprehensive Plan Visions.**

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	2-6	Comprehensive Plan discuss "restricting" more intense land uses to the north portion of the district or Town Residential area. The Comp Plan did envision that "college related residential and non-residential uses" be included as allowed uses in the Town Residential area (p. 62 2008 Comprehensive Plan). The description of the Growth College 1 District is inconsistent with the intent of the Comp Plan. While the College does not object to Residence Halls or Dining Facilities requiring a Conditional Use permit south of Longfellow Avenue as proposed in the redrafted Zoning Ordinance, stating that these uses are restricted to the area north of Longfellow Avenue is inaccurate. This is particularly concerning given the general statement in section 3.1 (see note 22). **We recommend substituting the word "restrict" with the word "focus" in this description.**		Districts. Special Purpose Districts is for organizational purposes of more specialized districts. Town Residential Planning Area (Comp Plan) does envision college related residential and nonresidential uses to be included as allowed uses. However, that does not mean within every district. We currently do not allow college uses in every district within the Town Residential planning area. Restricting residence halls in GC1 to only north of Longfellow was a result of public input. Footnote 224 regarding residence halls needs to be further clarified by ZORC as it is conflicting with the established CU notes that will be included in the next draft. Recommend that residence halls be prohibited in GC2 and 3 with the exceptions for current CU4 and 5 applied.	**11/5: Clarion to review use table with current Sec. 204.3 restrictions for consistency with revise as needed.**
10/23	2.2.3.C 2-6	Longfellow Street should be changed to Longfellow Avenue.	Change Longfellow Street to Longfellow Avenue throughout.		

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11/13	**2.2.3.E.**	**Growth Aviation (GA) District – need to run purpose statement by Town Manager and Attorney for tax liability issues.**		**Town Manager, John Eldridge, has reviewed the purpose and has concluded that there are no tax liability issues based on wording. Entire ordinance will be reviewed by Town Attorney at a later date.**	
11/13	**2.4.6.B.**	**Limited Expansion of mobile home parks – already some of the largest in the state. Have you checked with Town Manager/Tax Assessor/School Superintendent regarding the tax implications of this provision? Should there be additional provisions when people do not pay their taxes? For landowner/owner? For tenant/owner of trailer?**		**This section exists in our current zoning ordinance and allows for limited expansion of mobile home parks up to one-third additional in land area as existing 12/1/1995. This section is not a proposed change. Tax implications are not and should not be an issue solely relative to zoning. Tax collection is a function of the Finance Department and not regulated through zoning.** **Staff questions for ZORC discussion: 1. Should the Town continue to limit expansion of existing mobile home parks if the expansion is in accordance with applicable density and dimensional standards? The Town does not limit the expansion of any other residential use, again, if in**	

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				accordance with applicable density and dimensional standards? 2. If this provision remains in the ordinance, should the date of applicability be changed to the adoption date of the revised zoning ordinance?	
10/23	2.4.9.B.1.a.i.(D) VRO District 2-53 Appendix C C-1-2	The properties currently listed in Appendix C on page C-1-2 meet the definitions in section 2.4.9.B.1.a.i. (A) – (C). The additional Category D (i.e. "deemed to be contributing resources of local and regional significance by the Town of Brunswick") implies that there may be some other criteria for amending Appendix C aside from listing or eligibility for listing on the National Register. This definition is ambiguous without some reference to the specific criteria that must be met in order for a property to be eligible and the process through which a resource would be assigned or denied such designation. **Recommend deleting this category of properties/resources or outlining clearly or incorporating by reference, the criteria and process for assigning or denying such designation.**		Since the adoption of the current VRZ standards (Section 216) last year, the contributing structures inventory has been completed. The inventory is presently used by staff for informational purposes since the listing is not incorporated into the zoning ordinance. Recommend that the inclusion of the listing be a topic of discussion for the VRB when they meet on 11/18 as well as the treatment of such structures.	**11/5: Agreed. Will receive VRB comments in December.**

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		In the Appendix C, table under section C.2 is labeled Table C.2C.1 – this appears to be a typo. The section heading for C.3 indicates that properties in the table are "Individually Listed Properties" but the table heading indicates these properties are in the Lincoln St Historic District. There is no reference to the Lincoln Street Historic District for these properties in the current ordinance. **Please clarify.**	**11/5 - Clarion to correct.**	Note: 28-30 Federal Street structures were mistakenly listed as contributing to the Federal Street Historic District. As listed in the original request for designation, both were listed as "intrusions" to the District. This error has been administratively corrected in the current zoning ordinance. The new ordinance will delete references as well. Recommend C.3, be corrected to read "Individually Listed Properties" and be further described as those properties outside of historic districts but within the VRZ.	
10/23	3.1 A-3-1	The second sentence of the introductory paragraph states, "Additional *uses of property or restrictions on the use of property may be contained* in the description of that district in Section 2.2, 2.3, and 2.4." This general disclaimer seems overly broad as drafted. While there are		Recommend GNR use and development standards be moved to Supplementary Use Standards. Reword statement to read: *Additional overlay standards regulating property use, contained in Section 2.4 may be applicable.*	**11/5: Agreed.**

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		additional specific use provisions/restrictions included in some sections within Chapter 2, one should not be able to interpret the general descriptions of the districts and overlays as suggesting specific uses or restricting uses. For example, the only additional use provisions in section 2.2 are found in section 2.2.H. **We recommend narrowing this reference to specifically site the sections where additional uses or restrictions are found.**		Reference other applicable supplementary standards in permitted use tables.	**11/5: Clarion to verify.**
11/14	**3.1.E. and F.**	**Again, Director determines use and that means it is subjective. Is there notice to neighbors? Recourse? To Whom?** **Ambiguity could and has, pit neighbor against neighbor while sorting out the interpretation. Not a good situation and we've seen a couple of those in the past 6-8 months. These are the potential conflicts we should be eliminating via our zoning ordinance. This was a big complaint of developers years ago because they could never know if something could be approved.**		**Recommend 3.1.E. and F. be replaced with "*E. Any use that is determined to be an Unclassified or Omitted Use and that is not otherwise prohibited in Table 3.2, is eligible for consideration of a Special Permit in accordance with Subsection 5.2.3. Said determination shall be made by staff."*** **The above standard is consistent with current ordinance Chapter 2, Section 1.2.** **Would be helpful to staff and ZORC to hear of specific "ambiguities" and "developer complaints" so that we may address either in customer service by staff**	

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				and/or in the ordinance.	
11/14	**Footnotes 208 and 210**	**Footnotes 208 – "conditional use" replaces "special use" and 210 reflects "current practice? But what does current ordinance require.**		**Section 701 of the current zoning ordinance outlines requirements for uses by special permit. As stated previously, conditional uses will replace those uses currently listed in district use tables as uses by special permit. As proposed, conditional uses must meet specific supplemental standards as noted in Table 3.2. such standards provide additional specificity for future determinations by the review authority. Uses by special permit will only be for those uses omitted or unclassified with a similar process as what presently exists.** **Recommend definitions be provided for terms *use, permitted; use, special permit; and use, conditional*.**	
11/14	**3.2 Use Table**	**Many questions on uses, too numerous to specify here.**		**Cannot respond without specific questions regarding uses.**	
10/23	3.2 Use Table 3-2	**Residence Hall** – Conditional Use in GC-2 is a significant issue for the College. Residence Hall is currently permitted in CU5 but defined as		See earlier response regarding Residence Hall use.	

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		having separate kitchen, etc. Footnote #224 does not address why this was changed to C for CU5. Residence Hall as a continued permitted use in CU5 is critically important as it is likely that Brunswick Apartments will be rebuilt at some point in the future. Footnote #224 also states use is now P for CU6 which is inconsistent with the use table. (Bowdoin August 19 memo to ZORC.)			
10/23	3.2 Use Table 3-4	**Urban Agriculture** – The Bowdoin Organic Garden (BOG) currently occupies about a half-acre lot on the corner of Coffin and South Streets in CU3. This garden is the only thing occupying that lot and so meets the definition of Urban Agriculture in this draft. Additionally, the College plans to expand the BOG in GC4. While that property has not been subdivided into smaller lots at this time, we would want to preserve our ability to use this property for this purpose. It is not likely the area would be used solely as a 'farm'. **We recommend changing this to a Permitted use (P) in zones GC1 and GC4.** The BOG also currently occupies a portion of the site at 52 Harpswell (GM2). We believe the BOG is		Recommend Urban Ag be listed as a permitted use in all Growth-Based Districts. Rural-Based Districts already permit farm use. Staff will revise Urban Ag Supplementary Use Standards to be consistent with Animal Control Ordinance regulating the keeping of chickens and other domesticated farm animals.	**11/5: Agreed. Delete as accessory use.** **11/5: Agreed. Staff to review and revise text accordingly.**

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		accessory to the Residence Hall use of that lot and we are assuming this would therefore not meet the definition of Urban Agriculture in this location. **If that assumption is incorrect we would request that Urban Agriculture be either P or A in GM2.** (Bowdoin August 19, 2014 memo)			
10/23	3.2 Use Table	**Office** – this use is now prohibited in GC2. Please note that several college offices are located in the proposed GC2 district, such as Rhodes Hall and Ham House. Prohibition of this use in this area would be very problematic for the College. (See August 19, 2014 memo to ZORC). The College has acquired 5 Noble Street, which is located between the College's new administration building on Maine Street and the Joshua Chamberlain Museum parking lot on Noble St. The building is across the street from the Brunswick Hotel's parking lot. The College envisions redeveloping this property for College use, most likely as an office building. The property is currently in the GR9 district (former TR5) and office space as a permitted use is still restricted to former fraternity buildings. **Given the non-residential nature of the abutting properties, the College would request the ZORC to consider**	Recommend Office be a Permitted Use in GC2 with any existing exceptions/notes attached.	GR9 already permits offices as a conditional use as is currently existing in TR5. Staff does not support office as a permitted use in this zoning district.	**11/5: Agreed.** **11/5: Agreed.**

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		during this redrafting of the ordinance, including this lot in the abutting GM6 zone.			
10/23	3.2 Use Table	**Car Wash, Outdoor Sales, Special Events** – see previous notes 5, 13 and 17.		See earlier response.	
10/23	3.4.1.B.2. Supplementar y Use Standards 3-18	Typo – Longfellow Street should be Longfellow Avenue.	See earlier response.		
11/13	**3.4.1.G.**	**Do we really want to allow Adult Entertainment Establishments? Can we ban it altogether?**		**Currently permitted in Highway Commercial Districts with restrictions and is recommended to remain permitted with same restrictions in GM5 (now HC1 and 2). Discuss with Clarion.**	
11/13	**3.4.2.A.5. and 3.4.2.C.4.**	**Does this violate fire and safety code?**		**No change from existing ordinance. This provision was originally included in order to restrict changes to existing facades of single-family dwellings to accommodate accessory apartments. This restriction does not violate fire or life safety codes.**	
11/17	**4.1.2 Dimensional Standards**	**Multiple questions as follows:** **a. GR7 minimum lot size + 10,000 sf, GR8 changed from 10,000 sf to 7,500 sf. Why?**		**a. Reviewed average lot sizes in proposed districts. GR8 has smaller lot sizes on**	

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		b. Density for dwelling units – GR6=10; GR7=4; GR8=5; GM6=7. Why? **c. Density more in GR6 than GM6. Why?** **d. GR7 and GR8 dimensions are the same, but lower for GR6, for front year depth and rear yard depth. Why?**		**average and higher density than GR7.** **b. Densities within all districts questioned, with the exception of GM6, are same as current standards. No maximum density is proposed for GM6, as is presently the case.** **c. No maximum density for GM6; GR6 remains at current density of 10.** **d. No proposed changes in front or rear yard depths from existing standards.**	
11/17	**Table 4.1.2, footnote [20]**	**Please explain "250,000 sf if the structure meets one of the conditions listed in Section 4.1.4.B.9." Maximum building footprint in GM4 is 250,000sf, if meets one of …a. through g. What can go in? What are the boundaries of GM4, difficult to see on map.**		**GM4 is current Cooks Corner District and allows for a mix of higher density residential (15 dwelling units/acre) and large-scale non-residential development, including "big box" retail. Maximum building footprint is 50,000 sf unless one of conditions listed in Section 4.1.4.B.9 is met. All conditions are presently listed in the existing zoning ordinance.**	

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				No changes are proposed.	
10/23	4.1.2 Dimensional Standards 4-2/4-6	Column for MU1 is missing	MU1 has been incorporated into GM4 (Growth Area portion) and RR (Rural Area portion). Already noted to Clarion, the need to include MU1 in respective columns.		
10/23	4.1.2 Dimensional Standards 4-3/4-4	**Setbacks in GC1:** The College does not object to the inclusion of the additional setbacks associated with the trail near the Pickard fields. Those setbacks, included as Illustration 204.2A in the current ordinance, include 80 feet along the southern boundary of Longfellow Avenue (C), 125 feet along the eastern boundary of the Whittier, Bowdoin, Berry, and Brecken Streets, and Atwood Lane (B), and 125 feet along the northern boundary of Meadowbrook Road (A). Since the College now owns, and has developed the property along 'boundary D', we believe the 50 foot setback requirement is no longer necessary. The College also does not object to the prohibition on the construction of new roads connecting to Meadowbrook Road, Whittier, Berry and Bowdoin Streets, Atwood Lane and Brecken Road from GC1.	Please include all additional setbacks in interim draft. Please include prohibition in interim draft.	Agree. Boundary "D" no longer exists.	**11/5: Agreed.**
10/23	4.1.2	**Footnote #470 under Building**	Please review and revise	Agree that GC1 should not	**11/5: Agreed.**

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
	Dimensional Standards 4-5	**Footprint in GC1** refers to TC1, TC2, and TC3 in the Park Row area. The CU districts are not in the Park Row area so we are unable to understand this footnote. The inclusion of a maximum building footprint in CU1 and CU2 is a significant change so it is important to understand the origin of this proposed restriction. There is also no explanation of the additional restriction of 10,000 s.f. for a multifamily dwelling unit**. Please provide basis for suggested standards.**	as necessary. Table Footnote [17] deals with existing MU1 area, not TC Districts. Also #470 does not apply as referenced.	have a footprint restriction.	
10/23	Table 4.1.2 Dimensional Standards 4-5	Footnote #6 – this footnote is incorrect. CU7 (the district between South and Grove Streets) density is 10 units per acre. Footnote says parcels between South and Grove St will be limited to 5 units per acre. The lower density should apply to CU4 area. **Recommend correcting the footnote.**	Please review and revise. All dimensional footnotes, both Table notes and Explanatory notes, need to be reviewed and cleaned up. Will provide marked up copy after going through all comments.	Recommend keeping 5000 SF footprint max for area now CU4. Density of 4 units per acre for GC3 would be more compatible with surrounding residential districts.	**11/5: Agreed to keep 5000 SF footprint. Revise density for current CU7 area to agreed upon density of 10 units/acre.**
10/23	4.5.2. Landscaping 4-29	Footnote #536 states that the Landscaping section is derived from staff and Planning Board revisions to Chapter 5, section 518. Based on the current ordinance available on line, it appears some of the language comes from Chapter 5, Section 515.3 but the revisions to this section are extensive. The footnote references 'reorganization' but the draft contains numerous new	Please revise note to address substantive revision of standards by staff/Board.	As noted in Footnote #536, the Landscaping Section was revised earlier by staff and Planning Board. With the exception of minor reformatting by Clarion, the proposed staff/Board standards are intact as developed in 2012. The 2012 revisions provide	**11/12: Revised Chapters 4 and 5 to be posted on ZORC webpage.** **Clarion requested to revise section to provide flexibility in developing buffer areas with neighboring property owners and protection to landscaped areas.**

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		standards; for example, section 4.5.2.B. is all new. **Recommend modifying the footnote to indicate that new standards have been incorporated and explain why the new standards are included (see also next comment).**		specifics to an applicant as to what is required for consideration when developing a landscaping design/plan. Such standards provide more consistency in reviewing a proposal and predictability for the applicant. The standards were developed in consultation with the Town Arborist who is responsible for all reviews of landscaping plans.	
10/23	4.5.2.A.4 Landscaping General 4-29	Please explain Committee's intent for #4 regarding protection of planting areas from vehicular traffic and parking areas. Prescription of curbs, wheel stops, or other permanent barriers to any planting area seems excessive and could add considerable expense to a project. Additionally, curbs and barriers around planting areas, particularly near parking areas, present numerous practical issues for efficient snow removal. **Recommend deletion or modification of this standard.**		Recommended by staff since it appears that this is a general practice. For further ZORC discussion.	**11/12: See comment above.**

*Date comment added to table.

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10/23	4.5.2.C.3-4 Buffers 4-30	These standards are overly prescriptive and inconsistent with the intent of 4.5.2.C.1 which allows for some flexibility in accomplishing smooth transitions within a site plan. It is unclear where the provisions of #3 and #4 regarding year-round visual screens would be applicable. Requiring visual screening between properties does not always meet the wishes of abutters. For example, Bowdoin worked with neighbors of 52 Harpswell Road to determine appropriate screening along the property lines. Some neighbors wanted to view the Bowdoin Organic Garden, while others requested fencing. In addition, the requirement for evergreen trees, four to eight feet in height in section 4.5.2.C.3, is inconsistent with the Landscaping standards for parking areas in section 4.7.3.B.c. **Recommend either eliminating provisions in sections 4.5.2.C.2- 4 or qualifying the provisions in some way so as not to preempt creative solutions to buffering where appropriate.**		The intent is to provide consistency and predictability in what is required as screening materials. However, as raised in this comment, at times it is highly appropriate to work with neighboring property owners to develop acceptable buffering/screening. Recommend Clarion to address language that would provide for such situations.	**11/12: Agreed.** **Clarion to combine both sections. Include staff prepared chart of planting materials with acceptable plant size. Also reference alternative equivalent compliance section as option.**
		Note on screening: screening is defined in section 1.7.2 but there are references in the draft ordinance to	Please clean up discrepancies between Sections 4.7.3 (Parking	Agree. Recommend	**11/12: Clarion to remove**

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
		"opaque screen" (4.7.3.B.c) and "opaque fence" (4.10.2.C). "Opaque" is new terminology in the ordinance and it would be helpful to have a better understanding of what meets the definition of an opaque barrier. **Recommend adding a definition of "opaque screen" and "opaque fence" and include examples of what constitutes each type of opaque barrier.**	Lot Landscaping), 4.5.2 (Landscaping) and 4.13.2 (Landscape Maintenance). Recommend that ALL landscaping requirements be in section 4.5.2.	requesting Clarion for examples/images of acceptable screening/buffering. For ZORC discussion: if using opacity as a measure, should we reference percent opacity? Not finding many examples or definitions. A definition of opacity is as follows: *The screening effectiveness of a bufferyard or fence expressed as the percentage of vision that the screen blocks.* Recommend requesting further advice from Clarion.	**"opaque" and replace with "solid/completely blocking from view."**
10/23	4.5.2.E 4.13.2.A-B 4-30 4-54	These sections appear to be two separate and somewhat duplicative sets of standards for Landscape Maintenance. Section 4.5.2.E.2. does not appear to be a standard, but rather required demonstration of fiscal capacity. **Recommend this section be incorporated into section 5.1.7.** **Recommend consolidation of standards or reference to relevant sections so that applicants can easily understand which standards apply.**		Agree. Recommend deleting maintenance section and incorporating each subsection in related standards section. Further ZORC discussion needed regarding Section 4.5.2.E.2.	**11/12: Clarion: Keep Section 4.13 and refer in each section where applicable. Include lighting in 4.13.** **11/12: Agreed. Move to section 5.1.7. Fiscal Responsibility.**
10/23	4.6.2.B.2 Common	Footnote #545 indicates this section was revised from Chapter 5, Section		Recommend further discussion with Clarion.	**11/12: Delete requirement for maintenance agreement**

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
	Driveways 4-34	513.7. Section 513 only has two sections. The requirement for a recorded maintenance agreement for a common driveway on adjoining lots should not apply when the adjoining lots are owned by the same person or entity (4.6.2.B.2). **Recommend exempting common driveways on adjoining lots owned by the same person or entity from the requirements of section 4.6.2.B.2.**		Agree that maintenance agreement should not be required if properties in same ownership. However, should there be some type of assurance that would apply if properties are no longer owned by same entity? Footnote states Section 513.7 is from Town staff and Planning Board revisions to Chapter 5, not current ordinance.	**for common driveways. Instead require legally binding access/easement agreement to insure lot access in perpetuity.**
10/23	4.6.4 Access for Persons with Disabilities 4-34	As drafted this standard would require compliance with ADA "in a manner compatible with Brunswick's historic architecture". Not all architecture in Brunswick is historic. Note: Footnote 547 references Ch.5 (520). The section on Access for Persons with Disabilities in the current ordinance is section 518. Section 411.18 (Review standards)of the current ordinance references the compatibility with historic structures and refers to the sections of the ordinance relating to historic structures (i.e. Village Review Zone, Preservation of Historic Structures standards, etc.). Without this cross reference, the standard is too broadly applied.		Recommend Sec. 4.6.4 is revised to read, "Developments shall comply with the American with Disabilities Act (ADA) standards" as a general standard. Recommended Specific Standards are: "If the development is located within the VRO, is a property listed on the National Register of Historic Places or located within a National Register Historic District, ADA compliance shall be compatible with Brunswick's historic architecture." **~~"When required, plans shall indicate the location and~~**	**11/12: Agreed.** **11/12: Requested deletion as is considered duplicative.**

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		Recommend qualifying the statement in Section 4.6.4 by adding "where applicable" to the sentence.		~~**type of access for persons with disabilities to parking areas, entrances and exits."**~~	
10/23	4.7.3.A.4 -5 Design and Construction of Parking Areas 4-39	Item #5 is duplicative of the second sentence in #4. **Recommend deleting second sentence of #4**	Agreed.		
10/23	4.7.4 Parking Alternatives 4-41	**Sections A.2 and B.2:** The Shared Parking and Off-Site and Satellite Parking provisions require that parking be within 600 feet walking distance of the uses served, unless shuttle service is provided. Bowdon has several parking facilities that have allowed the College to move parking outside the core of the campus. A requirement to maintain a shuttle service may not be feasible and may be counterproductive to the goal of reducing traffic congestion. **We recommend deletion of this shuttle service requirement. (Bowdoin August 19, 2014 memo)**		Discuss with Clarion to increase walking distance for campus-type facilities and include definition of campus or include GC districts and GM6 in exemptions, and/or increase walking distance to 750 feet. Is shuttle service realistic?	**11/12: To Clarion, revise section to exclude shuttle service requirement. Refer to Section 4.14.2 to allow for alternative equivalent compliance. In under single ownership, treat multi-structure campuses as one site in terms of providing parking. Keep 600 ft. as maximum distance for locating off-site and shared parking. Include definition of campus facility.**
11/17	**4.7.4. Parking Alternatives**	**Review Authority – who is it? Making decisions for functioning of downtown?**		**Review Authority is determined by size of development; either Staff Review Committee or Planning Board. Parking alternatives are included as options for an applicant to achieve off-street parking requirements. Presently allow for reduced parking if**	

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				applicant can provide evidence for such a reduction (e.g. less workforce)	
11/17	**4.7.4.B.1. Parking in Lieu**	**Lots of issues with this: fees too small to make a difference; new parking solutions must be near the locations of those that paid the fees; reduced spaces available for downtown use, in the meantime. Requires yet another study.**		**No fees have been established and, if this specific provision remains in the ordinance, a fee would be established based on costs associated with providing on-site parking per space. See 11/12 ZORC recommendations to consultant above.**	
10/23	4.10.1 4.10.2.C Neighborhood Protection Standards 4-45	As drafted, these protection standards would apply to College development located on land that abuts or is across the street from a GR district lot with an existing dwelling. The wording of 4.10.1.A. suggests that the neighborhood protection standards would not apply to residential uses. Please note that Residence Hall is included with Residential Uses in the Use Table (Table 3.2). We believe, based on the discussions during ZORC meetings, the intent of the Committee is to have Neighborhood Protection standards apply to Group Living Residential Uses. **Please clarify.** The College is not opposed to the concept of the Neighborhood Protection Standards. The		Agree with basic recommendation. However, we also need to ensure that existing setbacks from residential neighborhoods as well as to include Harpswell Place neighborhood, be included. As per ZORC discussions, Neighborhood Protection Standards would appear to apply to all Group Living Residential Uses. Need to confirm.	**11/12: Further discussion needed upon receipt of additional information regarding existing setbacks from Residence Halls to existing neighboring residential uses.** **11/12: Delete last phrase of 4.10.2.D., beginning at "unless…"** **11/12: Reference applicability of noise standards, also in application checklist/criteria.** **11/12: For additional**

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		applicability as drafted may be problematic for areas of GC1 and GC4. For example, the existing CU2 is one lot. If the College were to locate some development in the center of this lot, would we be required by 4.10.2.C to fence the entire perimeter of the lot along GR2, GR3, and GR5, where there are abutting residences? Similarly, the properties in GC4 are currently two lots, one of which is 114 acres. This lot abuts GR5 and GR3 along its western boundary. We do not believe the intent of the protection standard would be to require fencing along an entire lot line if the development was not located near that lot line. Additionally, the requirement in 4.10.2.C. for an 'opaque fence' may be overly prescriptive. Please see comment #8 regarding buffers. A buffer would be appropriate but an abutter may or may not prefer some alternative screening to a fence. The standard should allow some flexibility to meet the buffering requirement. **Recommend revision of Section 4.10.2.C. so that buffering of development be limited to those shared lot lines impacted by the development footprint. Also recommend broadening the buffering option by substituting "screen" or "buffer" for "fence" and**			**discussion after Clarion responds to large lot buffering question.**

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		adding definition of "opaque" relative to these terms.			
11/17	**4.12. Performance Standards**	**Noise, Smoke and Particulate Matter; Dust and Fumes; Odors; Vibrations: All from our current zoning ordinance except Vibrations. And, how did we tell the FRA that the MLF did NOT violate ANY of our Town Ordinances?**		**Unrelated to the draft zoning ordinance. MLF is exempt from local zoning.**	
10/23	4.14.1 Administrative Adjustment 4-55	This section is a little vague as to what point in the development review process an applicant would request an administrative adjustment. Is the intent to grant, based on review thresholds, all reviewing authorities this power? **Recommend clarification of procedures in this section.**		Confirm that intent is to allow for administrative adjustments at any review authority (staff, Staff Review Committee, Planning Board) during development review process. Staff recommends that Sec. 4.14.1.B. (Applicability) clearly state "as part of development review process." Additional questions. Should admin adjustment also apply to building permit approvals? Should the Ordinance provide for both admin adjustments and alternative compliance?	**11/12: Agreed.** **11/12: Admin adjustment should apply to building permit approvals.** **11/12: Ordinance should provide for both admin adjustments and alternative equivalent compliance. Revise to require alternative equivalent compliance decisions be made by one review authority higher than original review entity.**
10/23	4.14.2 A-B Alternative Equivalent Compliance 4-56	There is inconsistency between paragraphs A and B. Paragraph A states "the Staff Review Committee may grant" and Paragraph B states that a request for alternative equivalent compliance shall be approved only if the Town Council finds..." Additionally, section 4.12.2.B. is		Agree with inconsistency present. Further discussion with Clarion needed per comment above.	

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		incomplete. We understand this section is under review and discussion but as drafted, it is unclear what reviewing authority would grant this provision. Would Town Council approve requests for alternate equivalent compliance for standards other than those in sections 4.5, 4.6, and 4.7? **Recommend clarification of procedures in this section.**			
11/17	**5.1.1.A.2.a and 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".**		**Same process as presently exists.** **Section 402.2 is current ordinance reference. Insert new section reference.**	
10/23	5.1.D.1. Staff Review Committee 5-2	**We recommend changing reference to BNAS Reuse District to the appropriate new zoning districts (i.e. GR1, GM7, GA, GI, GO, GN etc.)**	Agreed.		
10/23	5.1.5.A.3 Community Facility Impact Analysis 5-4	Please clarify the intent of the new language in section 5.1.5.A.3 regarding the Community Facility Impact Analysis and the optional assessment of impact on traffic systems to adjacent towns. As drafted, development of a certain size within the GC districts could trigger a traffic analysis of adjacent towns. **We would recommend**	This section was removed by staff/Planning Board in 2010 during the Chapter 5 rewrite. Not sure why this is back in?		

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
		deleting this provision or narrowing its applicability. (Bowdoin August 19, 2014 memo)			
10/23	5.1.1.B.2. Zoning Board of Appeals A-5-1	As drafted, this section reads that the ZBA has power "to hear applications for Conditional Use Permits and Special Permits". This is in conflict with the process described in section 5.2.2.A.1.and 5.2.3.A.1 which states that applications for Conditional Use Permits/Special Use Permits shall go to the Planning Board. (p. 5-12). (Bowdoin August 19, 2014 memo)	Agreed. Planning Board reviews and approves Conditional Use and Special Permits. Delete from ZBA Powers and Duties and move to Planning Board Powers and Duties.		
11/17	**5.1.1.D.**	**Staff Review Committee – no Planning Board members, etc. "shall exercise all of the powers exercised by the Planning Board…to grant waivers, and the power to approve, approve with conditions or deny applications for Site Plan approval." Et al.**		**Same process as existing.**	
11/17	**5.1.1.E.1.a. and b.**	**Director of Planning and Development and Codes Enforcement Officer**		**Unsure of question. This section outlines powers and duties for both. No changes proposed from that which is existing.**	
10/23	5.1.6.B.2 Fees Required 5-5	**We recommend the next to last sentence in the paragraph be moved to the end of the paragraph.**	Agreed.		
11/18	**5.2.2 Conditional Use Permit, footnote 616**	**New procedure**		**Yes. New review and approval procedure for uses listed as conditional uses in use table, so long as additional criteria are met. Currently handled as Special**	

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
				Permits.	
10/23	5.2.2.C Conditional Use Permit 5-13	Since Conditional Use permits do not apply to unclassified or omitted uses, **we recommend the last sentence in this section be amended to say "no application by the applicant or related entity for the same conditional use for the same parcel…"**	Agreed.		
11/18	**5.2.2.I.3**	**Notice to owners with 200', based on tax records. Should go to specific owner OR current resident (in case of new owner not on tax rolls as of April 1.)**		**Every 2-3 months, ownership data is updated through Assessing Department. This data is used consistently for abutter notifications.**	
11/18	**5.2.3.C.**	**Review of Legally Non-Conforming Special Permit Uses, removes Town Council ratification and grants authority to Director or Staff Review Committee. Not answerable to the taxpayers of Brunswick.**		**To be consistent with other Special Permits, it is recommended that approval process include Town Council ratification.**	
11/18	**5.2.5.D.1.b.**	**Disability variance – concern about several of these requirements.**		**Based on State law.**	
11/18	**5.2.5.E.2**	**Disability variance – may be required to tear down a garage, etc. if person with disability no longer lives in the dwelling?"**		**ZBA may impose such a condition on the original variance. Present in existing zoning ordinance.**	
11/18	**5.2.6.C. Review Standards**	**Footnote 629 – "the relationship between the Secretary of State's (should be Interior) standards for historic preservation and the VRB review standards as they relate to historic properties is under continuing discussion." Why? They**	**Footnote 629 incorrectly refers to Secretary of State's standards instead of Secretary of Interior standards as noted. Also incorrectly**	**This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC.**	

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		should align. Why wouldn't they if we want to preserve our history?	**refers to VRZ design standards instead of design guidelines. Please correct.**		
11/18	**5.2.6.C.2.b. viii. and xii.**	**Do these conform to historic or VRB standards?**		**This section is from existing zoning ordinance, the newly rewritten Section 216. Per comment above to Clarion, the town's VRZ has design guidelines, not standards. The zoning ordinance standards are required and enforceable, not the design guidelines. It is anticipated that the VRZ Design Guidelines will be updated for consistency with the rewritten zoning ordinance upon adoption.**	
11/18	**5.2.6.C.4.a. and b. Demolition and Relocation**	**a. Violated with Town Hall and Rec Center demolitions as both are on Appendix C in this document as Contributing Structures (28 and 30 Federal Street). Whole section is self-contradictory.** **b. "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"**		**For a.:** **As noted previously, the inclusion of 28 and 30 Federal structures in the listing of Contributing Structures was made in error. The original application for the National Register of Historic Places designation of the Federal Street Historic District listed both properties as "intrusions" to the proposed district, not contributing. The correction has been made**	

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				administratively in the current ordinance. The VRB will be reviewing this section and offering additional recommendations to ZORC.	
11/18	**Table 5.2.7.B. Review Authority**	**Tables for Development Review Authority Threshold Criteria. Reviewing Authorities – have they, in some cases, been changed and taken away from Planning Board (appointed body) to staff? I thought Planning Board got their authority from the Council and were assigned certain responsibilities? Why are they being reassigned?**		**The Threshold Criteria listed in the cited table attempts to better define review authority responsibility. For the most part what is included in the table is presently included as statements in Chapter 4 of the existing zoning ordinance. The table simplifies content and incorporates those changes previously solely applicable to BNAS.** **The Planning Board, as charged by the Town Council makes recommendations to the Council regarding land use ordinances as will be the case with the zoning ordinance rewrite. The draft proposal provides for an increase size and units "triggering" Planning Board as is the case with all site plans located in Brunswick Landing. As originally**	

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				drafted by the staff and Planning Board, it is recommended that those thresholds presently in place for Brunswick Landing be consistently utilized throughout Brunswick. Having "tested" the standards over the past few years, it appears that they work well for both the applicant and the Town.	
10/23	5.2.8.B.1 Revisions to Approved Development Permits 5-44	Recommend making the language in section 5.2.8.B.1. (Minor Modifications) consistent with wording of section 5.1.1.E.1.b. on page 5-3 by adding "Conditional Use Permit, or Special Permit or related materials".	Agreed.		

*Date comment added to table.

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE MEETING

NOVEMBER 5, 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 Jeremy Doxsee, Town Planner

MEMBERS ABSENT: Jeff Hutchinson, Codes Officer;

CONSULTANT PRESENT: Don Eliott from Clarion via ZOOM

Mr. Frizzle opened the work session of the Zoning Board Rewrite Committee taking place in Town Hall's second floor conference room at 85 Union Street. Today's meeting will begin with administrative matters then continue with reviewing public comments and questions about the proposed draft ordinance.

Mr. Frizzle opened the meeting to public comments.

Richard Fisco, 2 Lincoln Street, objects to the meeting due to the time of day and believes it is not legal.

Mr. Frizzle closed the meeting to public comments.

Mr. Frizzle stated that this meeting meets all the town's requirements for a public meeting and has been posted as such.

Review and acceptance of meeting summaries:

A meeting summary was received for October 29, 2014, and Mr. Frizzle will table the acceptance until the next meeting so the Committee can review the summary.

Update regarding document *"Zoning Ordinance Correlation With Key Actions of the 2008 Comprehensive Plan":*

Ms. Breinich has a revision in response to the Committee's last review of the draft comparison entitled "*How the July 2014 Public Draft Brunswick Zoning Ordinance Implements the Town's 2008 Comprehensive Plan.* The Committee had agreed to have the introduction and vision statement included in the document itself, word for word from the Comprehensive Plan, so it now opens with the intro and the vision, then continues with the same information that was provided last meeting. Ms. Breinich asked the Town Planner, Jeremy Doxsee, to work on the land use area and maps, to make it easier to locate specific areas, and it will be available next week if he does not bring it today. Ms. Breinich did some minor editing, and there may be some formatting changes around the maps. The Committee discussed some changes, and Ms. Breinich

will institute those and post the document. Mr. Frizzle noted that as the maps and other clarifying material become available, it will be amended.

Continue review of public draft general comments/questions:

Ms. Breinich mentioned that since they did not get through the volume of questions and comments at last meeting, they should stop at page 16.

- **1.7.2. Page 124, Residence hall** – exclusion of residence hall from the definition of multi-dwelling unit. Ms. Breinich's response is that the college's interpretation is correct, and she is recommending that the definition of dwelling unit be revised also to exclude. Mr. Eliott agrees with Ms. Breinich's recommendation that these type of facilities, if excluded, would be regulated by a density standard that isn't designed to apply to facilities like that. Mr. Frizzle mentioned that Ms. Breinich is excluding this definition from dwelling unit, when multi-family dwelling unit presently excludes much of what she is talking about, including residence halls. He's unsure of the need to add this. Ms. Breinich replied that based on last week's discussion, they would be moving multi-family to a subcategory of dwelling unit, multi-family, putting the exclusion language there and take it out of multi-family. Mr. Frizzle, Ms. Ferdinand of Bowdoin College, and Mr. Eliott agreed with this action. If it's not a dwelling unit, then it's also not a multi-family dwelling unit.
  Carol Liscovitz, 11 Berry Street, asked about a comment from Clarion about the definition of a dwelling unit with regards specifically to CU-5 and apartments, and would there be a higher density of students allowed in the future than allowed now because the definition had changed.

  Mr. Eliott replied that it is limited because of density and occupancy codes. Ms. Breinich said they are not changing it; it would be a conditional use. Ms. Ferdinand said the college would like all of the college-owned residential facilities to be treated the same as residence halls. The restrictions on what they could put at the Brunswick Apartments site would still have to meet the dimensional standards and the occupancy codes. They are seeing a demand for apartment-style housing, and would like to still be considered a residence hall. Mr. Frizzle did not see a change in how they are treating it now as long as they are willing to accept that residence hall is a different definition than boarding home, but Ms. Liscovitz believed it was a significant change for that area and a significant increase in the amount of occupants. Mr. Frizzle stated that a residence hall would be a conditional use, for whatever conditions the Board would set, and the college would bring a proposal to them. Ms. Breinich read the section of the ordinance being discussed, and the additional requirements for residence halls in the CU-5 district that the Committee agreed to bring forward to the proposed draft. She said Bowdoin may name their facility a residence hall, but under the ordinance the Town would treat it as a dwelling unit. Mr. Frizzle said that the currently existing restrictions in CU-5 would be brought forward in the new draft. Mr. Eliott stated that they needed to carry over the language and restrictions to the definition of dwelling unit, multi-family, because residence hall is not allowed in CU-5.
- **1.7.2. Special Event –** Ms. Breinich is proposing that the Committee work with the Town Clerk's office to handle special events as a license, similar to those already issued for use

of the Mall and the Maine Street sidewalks, and remove special events from the table. Mr. Frizzle suggested they provide guidelines for the amount of people allowed, as he attends an annual meeting of approximately 250 people, and which should not require a license. Ms. Breinich said she would start working with the clerk's office later this month on definitions and usage. It will be removed from the zoning ordinance and under the Town's authority. The Committee agreed with this plan.

- **2.2.1. B, p. 2-3 –** GR-2 district is town residential in the 2008 Comprehensive Plan. The statement that district regulations are intended to accommodate new low density residential development – does this, in fact, track the Comprehensive Plan? Mr. Frizzle commented that the descriptions should very closely follow what the Comprehensive Plan says. He would not like to make individual decisions or exceptions that stray from the Comprehensive Plan. The Committee agreed, and the same decision applied to the next comment: **2.2.2. A, C and F**.
- **2.2.2. 3, A -** Growth and Special Permit District – Ms. Wilson thought this was just an organizational technique, and Ms. Breinich agreed.
  Catherine Ferdinand, Bowdoin College, stated the college did not have an objection to what's in the chart, they are just concerned that the prose does not accurately reflect what is in the use table. The college is not asking for certain uses to be allowed, but a conditional use permit if their proposal is accepted, and not an absolute prohibition.
  Carol Liscovitz, 11 Berry Street, questioned the new language of the conditional use permit.
  Mr. Frizzle explained that it is a draft, and questions and comments are welcomed. Mr. Eliott said the intention was not to water down the ordinance, but to make it more clear. Ms. Wilson asked to postpone that discussion because her comments were clear and the Committee will work through that discussion, and Ms. Liscovitz agreed. Ms. Wilson suggested the Committee read this section carefully to make sure it agrees with the Comprehensive Plan.
  Ms. Breinich presented the last recommendation in this section (2.2.2. 3, A), a question about residence halls not being restricted within the Comprehensive Plan; a request to substitute the word "*restrict*" with the word "*focused*" in this description. Restricting residence halls in GC-1 to north of Longfellow is a direct result of public input, and that footnote 224 regarding residence hall needs to be further clarified by ZORC, as it is conflicting with the established CU notes that will be included in the next draft. Staff recommendation was that residence halls be prohibited in GC-2 and GC-3, with the exceptions that are already in place for current CU-4 and CU-5 areas. Mr. Frizzle agreed with the concept, as long as it's clear that CU-4 and CU-5 would be exceptions to that complete restriction, because the rest of GC-2 and GC-3 are all north of Bath Road and, from a long-term planning standpoint, he doesn't believe it's wise to allow residence halls north of Bath Road, considering the safety concerns with pedestrian and vehicular traffic. Mr. Eliott will make sure the use tables and conditions are accurate, and mentioned that the restrictions should be put in the supplementary use tables rather than the footnotes, which at some point will be removed. The Committee was in agreement.
- Contributing structures inventory has been completed – Ms. Breinich mentioned this would be a topic of discussion at the Village Review Board meeting this month before it comes back before ZORC. Mr. Frizzle wants to make sure that the Committee's discussions with VRB deal with the recommendation that the college is making; either

deleting the category of properties/resources or outlining clearly how you add or delete a structure from that category. Mr. Eliott asked how the Committee would like that information to appear in the document, and Mr. Frizzle and Ms, Breinich said either in an appendix or make reference to whatever document provides that guidance.

- Table in Appendix C is incorrectly titled – Ms. Breinich told the consultant it was a typo.
- **3.1 p. a-3-1 –** changed to read only section 2.4; neither 2.2 nor 2.3 has any description of uses. The Committee is in agreement with this change.
  Richard Fisco, 2 Lincoln Street, asked a question about the lettering and numbering system used, which Mr. Frizzle and Ms.Breinich answered. Mr. Eliott will check the document for extra decimal points.
- **3.2 – Use Table –** Residence halls in GC-2
  Catherine Ferdinand, Bowdoin College, wants to be clear that college ownership of student housing in CU-5 is going to need some definition that allows it to be a permitted use provided it has a kitchen, etc. Mr. Frizzle said that the current definition in CU-5, along with all of the restrictions will be carried over in its entirety to the new proposed ordinance. It will be carried over as an exception to the general rule in GC-2, that residence halls will not be allowed. Mr. Eliott suggested adding a sentence to the ordinance stating that ownership does not make a dwelling a residence hall to make the college more comfortable, but Ms. Breinich would like to review further and make sure whatever the Committee does is consistent.
- **Urban Agriculture -** Mr. Frizzle agrees with Ms. Breinich's recommendation that urban agriculture be listed as a permitted use in all growth-based districts. It will be taken out of accessory and be a permitted use. The Committee agrees, and Ms. Breinich will revise the urban agriculture supplementary use standards to be consistent with the animal control ordinance.
- **3.2. – Use Table, Office –** Staff recommendation was that office be a permitted use in GC-2. The Committee agrees to correct the oversight. Staff does not support office as a permitted use for the 5 Noble Street property zoning district. GR-9 already permits the offices as a conditional use. Right now it's a special permit, and Ms. Breinich suggests it should remain as a conditional permit. The Committee agrees.
- **Car Wash –** this question by Bowdoin referred to washing their utility vehicles, and this question was addressed previously in this meeting.
- **Dimensional Use Standards –** The Committee is aware that MU-1 is missing from the table, and it will be added in to the header.
- **Setbacks in GC-1 –** The Committee is in agreement that all of the setbacks that currently exist in various documents that were negotiated and agreed to are going to be carried over to the supplementary use standards in the new ordinance. Ms. Breinich said that Boundary D was being asked about, but is no longer exists. A few questions about setbacks and boundaries were asked by audience members and answered by Mr. Frizzle. Ms. Breinich stated that the last part of the comment on setbacks was regarding the prohibition on construction of new roads, and the Committee agreed that the prohibition would carry forward into the new draft ordinance.
- **Footnote #470 under Building Footprint in GC-1 –** Ms. Breinich explained this needed to be reviewed and revised. The Table reference is in the wrong place, and there are other footnotes on that page that appear to be in the wrong place. The staff

recommendation for ZORC is that GC-1 should not have a footprint restriction, as it wasn't there before. Mr. Eliott will fix this.

- **Footnote #6 –** incorrect. Needs to be reviewed and revised. Staff recommendation for ZORC consideration is keeping the 5,000 sq. ft. footprint maximum for the area now as CU-4 to be consistent with what's in the neighborhood, and keeping the density at 4 units per acre for GC-3 would be more compatible with the surrounding residential districts. **Catherine Ferdinand, Bowdoin College,** argued that keeping it at 5 would be as logical as reducing it to 4 units. The Committee agrees on the following: the density for CU-7 will remain within the supplementary use standards as any other additional requirements – 10 units per acre; GC-3 – 5 units, as it is currently; and keeping the 5,000 sq.ft. footprint.

Mr. Frizzle stated they have gone through all the comments ready for this meeting, and will begin again at next week's meeting with section 4.5.2., footnote #536.

Mr. Frizzle opened the meeting to public comments, since some attendees were late. Seeing no one from the public wanting to speak, he closed the public comments section of the meeting.

Project schedule/next meeting date:

November 12, 2014, 1:00 pm – Town Hall, Room 206
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

Ms. Breinich was asked when the Committee would be looking at specific districts, and she replied that after going through the general comments, they would have a better idea, and it would be noticed on the agenda.

Mr. Frizzle adjourned the meeting.

Attest

Debra Blum
Recording Secretary

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 Eliott 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. Eliott 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. Eliott 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. Eliott 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. Eliott 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. Eliott 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. Eliott 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. Eliott 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. Eliott 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. Eliott 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. Eliott 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. Eliott 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. Eliott, 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. Eliott 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