

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 Elliott 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 start at page 16.

- **1.7.2. Page 124, Residence hall** – confusion regarding 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 aggregate care and nursing home facilities. Mr. Elliott agrees with Ms. Breinich’s recommendation that these type of facilities, unless 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. Elliott 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. Elliott 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. Elliott 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 number 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. Elliott 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. Elliott 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. Elliott 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 have 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. Elliott 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. Elliott 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 it 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. Elliott 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