TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT
85 UNION STREET, SUITE 216
BRUNSWICK, ME 04011

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VILLAGE REVIEW BOARD
AGENDA
COUNCIL CHAMBERS, 85 UNION STREET
TUESDAY, DECEMBER 16, 2014; 7:15 P.M.

1. **Review Public Draft Zoning Ordinance Comments Related to the Village Review Overlay**

2. **Other Business**

3. **Staff Approvals:**
   33 Cumberland St – 3rd Floor Balcony (fire egress)
   49 Pleasant St – Signs
   6 Cumberland St – Garage doors to windows
   58 Federal St – Garage door replacement

4. **Approval of Minutes**

Village Review Board meetings are open to the public. Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. This meeting is televised.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC/VRB Consideration	ZORC/VRB Responses
12	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 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.	Agree. Current definition must remain as is for compliance with NFIP 44 CFR 59.1.		10/29: Agreed.
13			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.			

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14			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 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.		For discussion by ZORC. **For VRB: Staff recommends keeping contributing resource definition but changing term to "Contributing Historic Resource." Change reference in Section 4.2.7. to "Contributing Historic Resources."**	10/29: Staff/Clarion to develop definition of Historic Resource.
15	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.		
36 37	11/13	2.4.9.A.	In the purpose of the Village Review Overlay (VRO), clarify application of the "*The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*" to the charge of the Village Review Board (VRB). The VRB needs to balance the charge to "protect and preserve the architectural context and historical integrity of downtown neighborhoods" with its charge to avoid "stifling change or forcing modern recreations of historic styles." Reference used: http://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf		This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC. **For VRB discussion keeping in mind that the Village Review Overlay is not an historic district but a design review district with guidelines, not standards.**	For VRB

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38	11/13	2.4.9.A.2.	The VRB needs to balance its charge to "protect and preserve the architectural context and historical integrity of downtown neighborhoods" with its charge to avoid "stifling change or forcing modern recreations of historic styles."		**This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC. For VRB: same comment as above.**	For VRB
39			It is understood that the focus of the Village Review Board is to protect the "historical integrity of downtown neighborhoods." That said, Comprehensive Plan Policy Area 5 is to encourage a diversity of housing types in the designated Growth Area and facilitate the preservation and development of affordable and workforce housing." Any preference by Village Review Board for converting (or reverting) multi-family properties to single-family to restore "historical integrity" will work against this policy.		Agreed. Village Review Board is charged with design review, not land use review.	12/3: ZORC agreed.
40	10/23	2.4.9.B.1.a.i.(D) VRO District 2-53	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).		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. **For VRB discussion: should the ordinance address contributing historic resources differently? If so, all property owners must be notified and permission required to include their properties on the listing.**	11/5: Agreed. Will receive VRB comments in December.

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41			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.		Recommend that the inclusion of the listing be a topic of discussion for the VRB when they meet on 12/16 as well as the treatment of such structures. **For VRB discussion: see above comment.**	
42		Appendix C C-1-2	In the Appendix C, table under section C.2 is labeled Table C.2C.1 – this appears to be a typo.			
43			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.	
91	11/20	4.9.2.B.	For corner properties, e.g. the corner of Pleasant and Middle Streets where the UU Church was built, the design for both facades needs to enhance street orientation.		No change from existing provision Sec. 516. In this specific case, VRB and Planning Board determined that Sec. 516 was met. Further discussion by ZORC? **For VRB discussion as to whether additional standards are needed regarding facade treatment for buildings on corner lots.**	For VRB

*Date comment added to table.

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114	11/21	5.2.6.B.6.c.iii	Why is the notice of proposed demolition forwarded to Town Council?		This section relates to what constitutes "good faith" efforts in seeking an alternative to demolition of a contributing structure in the VRZ. The notice of demolition is forwarded to the Pejepscot Historical Society, Town Council and Planning Board for notification purposes only, not to initiate an appeal. FIX TYPO IN THIS SECTION.	12/3: ZORC agreed.
121	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 should align. Why wouldn't they if we want to preserve our history?	Footnote 629 incorrectly refers to Secretary of State's standards instead of Secretary of Interior standards as noted. Also incorrectly refers to VRZ design standards instead of design guidelines. Please correct.	This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC. **For VRB discussion keeping in mind that the Village Review Overlay is not an historic district but a design review district with guidelines, not standards.**	11/20: ZORC agreed. For VRB review.
122	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. **For VRB: Per earlier staff discussion with VRB.**	11/20: ZORC agreed. For VRB review.
123	11/18	5.2.6.C.4.a. & 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.		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	11/20: ZORC agreed. For VRB review.

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124			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"		"intrusions" to the proposed district, not contributing. The correction has been made administratively in the current ordinance. The VRB will be reviewing this section and offering additional recommendations to ZORC. **For VRB: based on project review experience relative to the new ordinance standards for demolition, staff recommends further clarification of what is meant by "more appropriate and compatible."**	

*Date comment added to table.

VILLAGE REVIEW BOARD
AUGUST 19, 2014

MEMBERS PRESENT: Chair Emily Swan, Vice Chair Brooks Stoddard, Laura Lienert Connie Lundquist, Gary Massanek and Karen Topp

STAFF PRESENT: Anna Breinich

A meeting of the Village Review Board was held on Tuesday, august 19, 2014 at the Municipal Meeting Facility at 85 Union Street, Council Chambers. Chair Emily Swan called the meeting to order at 7:15 P.M.

Case # VRB 14-028 – 153 Park Row – The Board will review and take action regarding a Certificate of Appropriateness for an after-the-fact changing an existing double-hung window to a door opening, located at 153 Park Row (Map U13, Lot 176).

Anna Breinich introduced the application and said that during a routine inspection for an electrical permit, it became obvious that there were structural changes that were made without a Building Permit or Certificate of Appropriateness (COA). Per the Town Zoning Ordinance, an applicant is still required to go through the process COA process. Anna pointed out that she has added condition number 2 for consideration as the trim that is there now is not the same size as the doorway. Anna noted that the Codes Inspection Officer has stated that the steps are not in compliant with building codes; the contractor has been made aware of this and will need to be adding another step to the landing. Emily Swan asked if the applicant will need to come back for review of the stairway and Anna replied that they can add a condition if they choose to.

The applicant, Richard Nemrow, said that he was surprised that this violation came out as it has and noted that there is a lot of work being done inside the building. Mr. Nemrow said that the flower shop needed a second entrance and they chose this window location; he was unaware that he needed to apply for a COA for this change. Mr. Nemrow said that during construction, they found out that this had been a door location. Mr. Nemrow said that the door is not being used by the public and said that he has also removed the propane tanks that were in the area as well. Connie Lundquist asked if there were any approved stairway plans and Anna replied that she did not have any at this time as she was made aware of the stairway violation that morning and noted that there was also no building permit taken out on this change. Mr. Nemrow said that he did not understand the stairway violation and Anna read Carl Adams email dated 8/19/14.

Chair Emily Swan noted that there were no members of the public at the meeting.

MOTION BY KAREN TOPP THAT THE CERTIFICATE OF APPROPRIATENESS APPLICATION IS DEEMED COMPLETE. SECONDED BY BROOKS STODDARD, APPROVED UNANIMOUSLY.

MOTION BY GARY MASSANEK THAT THE BOARD APPROVES THE CERTIFICATE OF APPROPRIATENESS FOR THE AFTER THE FACT REPLACEMENT OF A WINDOW WITH A NEW DOOR AT 153 PARK ROW WITH THE FOLLOWING CONDITIONS:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, a members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification, shall require further review and approval in accordance with the Brunswick Zoning Ordinance.

2. That the trim work above the doorway be replaced with one fitting the size of the new entryway, compatible with the remaining door trim.

3. That the existing landing/steps be replaced to meet building code requirements, consistent with design guidelines to the satisfaction of the Director of Planning and Development.

SECONDED BY LAURA LIENERT, APPROVED UNANIMOUSLY.

Public Draft Zoning Ordinance Discussion

Anna Breinich reviewed the upcoming public meeting schedule for the Zoning Ordinance rewrite. Anna said that they are still in the information gathering phase of the rewrite and if they find that they are getting a lot of changes then they will have another draft created.

Laura Lienert and Connie Lundquist reviewed their suggested changes/additions. Discussions among members on the CLG Certification.

Other Business

- Emily Swan read an invitation to the Unitarian Universalists Church for their dedication.

Staff Approvals:

35 Union St – Shed
44 Pleasant St – Chicken Coop
167 Park Row – Signage (Plaque/Eaton,Peabody)
153 Park Row – Signage (Days Antiques)
44 Pleasant St – Exterior Modifications
153 Park Row – Signage (Pauline's Bloomers)

Approval of Minutes

No minutes were approved at this meeting.

Adjourn
This meeting was adjourned at 8:13.

Attest:

Tonya Jenusaitis
Recording Secretary