TOWN OF BRUNSWICK

ZONING ORDINANCE REWRITE COMMITTEE

85 Union Street, Brunswick, ME 04011-1583

WORK SESSION AGENDA

ROOM 206
85 UNION STREET
WEDNESDAY, DECEMBER 17, 2014
3:00 PM

1. Review and acceptance of meeting summary (12/3/14)

2. Continue review of public draft general comments/questions

3. ZORC work session meeting schedule

   January 8, 2014 (1-4pm; *ZORC Work Session;* Town Hall Room 206)
   January 15th (9am-12pm; *ZORC Work Session;* Town Hall Room 206)
   January 22nd (5:30-8:30pm; *ZORC Work Session;* Town Council Chambers)
   January 29th (3-6pm; *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.

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE MEETING

DECEMBER 3, 2014

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

MEMBERS ABSENT: Jeff Hutchinson, Codes Enforcement Officer;

CONSULTANT PRESENT: Don Elliott via ZOOM

Review and acceptance of meeting summaries:

A meeting summary was received for May 13, 2014. The Committee had no substantive changes for the minutes, just a few minor typos.

Carol Liscovitz, 11 Berry Street, asked about her question in the minutes, and Ms. Breinich replied that these were minute summaries, and not expected to be extremely detailed. The Committee decided to table this summary to try to get a little more information added about Ms. Liscovitz's question on page 2.
Catherine Ferdinand, Bowdoin College, assumed these minutes were actually meeting summaries, and the recourse would be to go back to the meeting to hear the entire question. Ms. Breinich confirmed this.
Carol Liscovitz, 11 Berry Street, did not understand that this was the case, and with that issue being dealt with, the Committee moved to accept the minutes.

Charlie Frizzle moved, Margaret Wilson seconded, approval of the May 13, 2014, meeting summaries. The motion was approved unanimously by those present.

Project update:

Ms. Breinich stated that Ms. Wilson gave a detailed overview of the project at the last meeting. They have three more meetings scheduled, and are getting through quite a bit of the comments. There are 37 pages of comments, many of which have been addressed, which may be viewed online. Tonight's handout includes just those comments that the Committee will be dealing with at this meeting.

Project schedule/next meeting date:

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 opened the meeting to people with general comments. Seeing none, he closed the comment period of the meeting.

Continue review of public draft general comments:

- **1.2.2. –** Staff has provided a response that recommends that the title remain as is, and the introductory sentence be revised to read: *"As stated in the Town Brunswick 2008 Comprehensive Plan, specific purposes of this Ordinance are to:…"* The reason for this change is to mention the Comprehensive Plan in the introductory statement. The Committee agrees.
- **1.7.2. –** waiting for staff work to be completed. Ms. Breinich mentioned that the work has been completed, but Mr. Hutchinson could not be at this meeting due to a training in Bangor. This will be discussed at a later meeting.
- **2.2 –** Discussed at last meeting, with ZORC in agreement.
- **2.2.3.E. –** ZORC agreed with the staff's response.
- **2.4.6.B. –** ZORC response given.
  Jane Millett, 10 Franklin Street, believed the last part of the sentence should be "on-site water supply and septic disposal are adequate, instead of available. The Committee agreed.
- **2.4.9.A. –** waiting for this to be discussed by the Village Review Board at their next meeting.
- **2.4.9.A.2. –** waiting for this to be discussed by the Village Review Board at their next meeting. The next part of this comment deals with the Village Review Board, who is charged with design review, not land use review. The Committee agrees with the staff's language.
- **3.1.E. and F. –** The Committee agrees.
  Jane Millett, 10 Franklin Street, said the Committee was going through these too fast, and were looking for specific examples of ambiguities and developer complaints. Ms. Millett mentioned the Cleaveland Street boarding house, a neighborhood store on Jordan Avenue, and the CEI building. Ms. Breinich asked for the specific ambiguities or developer complaints for these projects, and Ms. Millett replied that one of the issues with Cleaveland Street was whether it was a multi-family or a boarding house. Ms. Breinich responded that it did go to court based on the Planning Board's definition, and it was upheld. Although the neighbors believed it was a boarding home, the Town had a very clear definition that the Court agreed with. Ms. Breinich asked that going forward with the ordinance, if there are any developer complaints or problems, please let the Board know so they may make changes as they go through the ordinance, because unless they know what the complaints are, they are not able to address them. Ms. Wilson noted there had been comments from developers and there had not been anything in particular from the development community regarding ambiguities. Mr. Elliott replied that the job now was to get the definitions as clear as possible, but there is no zoning ordinance that doesn't require staff to interpret it, even on a daily basis. There is an appeal process if needed.
- **Footnotes 208 and 210 –** These were discussed at the last meeting and ZORC agreed with the staff's recommendation. Clarion will be providing definitions.

Catherine Ferdinand, Bowdoin College, wanted clarification on the sentence about Table 3.2 having to do with special permit use, conditional use and supplemental usestandards. She would like to see the tables cleaned up and clarified. Ms. Wilson admitted she raised a number of issues. Mr. Elliott explained that the supplemental use standards were a combination of the notes brought forward from the permitted use tables used now and things that affected these uses that were buried in the definitions. After a brief discussion, a table referencing error was found, and Ms. Breinich will correct it. There were also some asterisks that didn't correspond to a supplemental use standard, or had a reference but no asterisk. Mr. Elliott said the majority of codes do not put the asterisks in because of the difficulty of keeping them up to date. The Committee agrees on the cleaner approach of eliminating the asterisks, and to reference the table of standards that tells to which districts the standards apply. This will be part of the next draft.

- **3.2 Use Table –** the recommendation by the staff that "artisan industry" be permitted only in mixed use districts and not include artist studios, such as Spindleworks; keep artist studios as a conditional use in residential districts and permitted as an accessory use to a residential use in all districts. Mr. Frizzle asked the difference in definition between an artist studio and an artist industry. Spindleworks produces and sells its art. Ms. Breinich explained that an artist industry is an industry, not a studio, a gallery or an artist. An example of what they were using for artisan industry would be a micro brewpub, Frosty's or Gelato Fiasco, where it's more of a manufacturing process. Mr. Frizzle believes this definition needs more thought. Mr. Elliott believes Ms. Breinich's intended difference is selling the product you're making on the premises, and it's limited in size. He believes the two are clearly different, according to the definitions, but the question is if that's the difference the Committee wants it to be. The definition of studio could also be revised to allow incidental sales. Ms. Breinich and Mr. Elliott will confer on this item and come back to the Committee with a recommendation for further discussion at the next meeting.
- **3.2. Use Table –** many questions on uses. ZORC cannot respond without specific questions regarding uses.
- **3.4.1.G. –** Clarion to revise definition.
- **3.4.2.A.5. and 3.4.2.C.4. –** the question was does the provision violate the fire or safety code, and it has been determined that this existing ordinance does not violate safety code, and ZORC agreed.
- **Chapter 4 – relative to Maine Street sidewalks –** a question about outdoor dining on public sidewalks. This is not regulated through the zoning ordinance, but through licensing approved by Town Council and regulated by ADA standards. Staff will direct this comment to the Town Clerk, who oversees licensing for outdoor dining on public sidewalks. They will investigate the issue of allowing for pedestrian traffic flow on public sidewalks. The Committee agrees with the staff's response.
- **4.1.2. – Dimensional standards –** ZORC agreed with the staff's response. Further review as part of interim draft.
- **4.1.2., footnote –** ZORC agreed with the staff's response.
- **Table 4.1.2. – Dimensional Standards –** This issue was discussed. The actual maximum footprint in footnote 19 for multi-family dwellings is 10,000 sq. ft. rather than 5,000 sq. ft., so this may take care of part of the problem. Ms. Breinich states they need

to verify that footnote 19 is applicable to all districts with multi-family dwellings. Mr. Frizzle said they may need another some other plan for assisted living facilities, as one specific square footage does not satisfy all of the different definitions. Mr. Elliott stated that assisted living and congregate care facilities were combined. Most codes are allowing the smaller living spaces as essentially single family homes. He said if the building is significantly bigger than what is allowed, a conditional use permit could be required. Ms. Breinich suggested expanding footnote 19 to be inclusive of assisted living and multi-family.

Carol Liscovitz, 11 Berry Street, asked about assisted living being included in every zone, and Mr. Frizzle replied that because it covers the small houses, the government has required it to be included everywhere without discrimination. He states if they're going to be bigger than 10,000 sq. ft. they are going to require them to meet a conditional use permit. Ms. Liscovitz pointed out a maximum of 30,000 sq. ft., in R-1 and R-8, which Ms. Breinich believes covers an existing structure from TR-5, and asked Mr. Doxsee to check. Ms. Wilson agreed with Ms. Liscovitz, where a statute could require the living arrangement, but not something of 30,000 sq. ft. in a neighborhood where most lot sizes are 10,000 sq. ft. Ms. Breinich found the reference stating that it came from the R-4 district; with a boarding care facility, the Planning Board may, subject to special permit standards (now conditional use standards), allow a boarding care facility to exceed the 5,000 sq. ft. maximum footprint per structure standards provided that no building footprint exceeds 30,000 sq. ft. Ms. Wilson felt the note should not be in GR-2; it should not apply to R-1 and R-8, but it should apply to 3, 4, 5 and 6. Mr. Elliott was given instructions on the deletions, but in response to Ms. Breinich's question of it being an additional requirement and should it be there to begin with, replied that it could be a supplemental use standard and they could move it. Mr. Elliott agreed to move it over to a use-specific standard that applies in the GR-4 area. Mr. Frizzle stated that by combining three districts they put in a strange allowance in far more areas than currently exists. He asked why it was there in the first place, do we need it anymore and, if so, to what areas should it be restricted. This will be further researched.

- **4.7.1.B.2. – In-lieu fee structure –** Mr. Frizzle stated that impact fees are used to accumulate funds to widen roads and practices like that, but we don't use the fees to maintain those roads, and he feels this fee structure should be in the same category. Ms. Breinich mentioned that generally any kind of impact fee or rec fee is used for new, and is not used for maintenance.

  Allison Harris mentioned that this would shift the burden for maintenance to the Town in perpetuity, but if there is no basis or precedent for this, then the Committee may not want to do this. Mr. Frizzle responded that it would be inconsistent with other fees charged, which are primarily for new improvements.

  Jane Millett, 10 Franklin Street, said a situation is being created where people do not have to provide their own parking, so it then falls to the Town. Mr. Frizzle said the possible new fee agreement is included for feedback, and they would appreciate any. Mr. Elliott and the Committee discussed parking solutions and incentives. This will be discussed further at another time. Mr. Elliott also stated that he doesn't believe that this would be interpreted as an impact fee, so there are a lot fewer restrictions on how it is calculated, and whether some number could be rolled in for capitalized maintenance expenses over time.

- **4.7.2.B. – Bike Parking –** Mr. Frizzle stated there is nothing the Committee can do about the examples provided in the question (along Maine Street, Post Office) because these are existing structures and are grandfathered. They have been requiring bike racks for virtually every project that they've looked at. Ms. Wilson said they can look at the sliding scale, but she thinks it should begin small, less than the bike rack per ten spaces as it is currently. Mr. Doxsee will work on this.
- **4.7.4. – Parking Alternatives –** ZORC is requesting a definition of "review authority", so it is clear who needs to review.
- **4.7.4.B.1. – Parking in lieu –** ZORC will consider fees.
- **4.9.2.B. – Corner properties –** the question dealt specifically with the Pleasant Street façade of the UU Church, which was deemed not as aesthetically pleasing and a disappointment to the questioner. Ms. Wilson asked if it would make a difference saying that new structures shall be oriented toward all adjoining public streets, but Ms. Breinich says this is unclear. Mr. Elliott said the solution lies in the Village Review Board standards, if it should be broadened. The norm would be that corner buildings would be reviewed for their presence on both streets unless there's some reason not to. Ms. Wilson asked if this could be a question for the Village Review Board to discuss as part of their requirements, and see if there's any way they could align more with what has been talked about. They have design elements that deal with Maine Street – perhaps they could think about the same for Pleasant Street. The Committee agrees with the staff's response, but requires further discussion at VRB.
- **4.10.1. and 4.10.2.C. – Neighborhood Protection Standards –** In progress.
  An audience member had a question about roof-mounted heating, air conditioning and ventilation, and whether standards were applied anywhere along the approval process by the Planning Board as far as decibels. Mr. Frizzle and Ms. Breinich answered that there is a sound ordinance in the existing ordinance and the proposed ordinance. There is a decibel range that is acceptable and is measured by a sound meter. He will talk to Jeff Hutchinson about it, as he is not present at today's meeting.
- **4.11.3.E.1. –** Banner signs are being addressed separately as part of the staff rewrite of the sign section.
- **4.11.4.H. –** Sign section being rewritten by staff as above.
- **4.12. – Performance Standards –** Clarion is working on this item, and further review will be completed by the Codes Enforcement Officer.
- **4.12.1.A.1. –** Staff recommended a text revision and the Committee agrees.
- **4.12.2., 4.12.4., 4.12.5 –** Staff recommended a text revision and the Committee agrees.
- **4.14.2. A-B. – Alternative Equivalent Compliance 4-56 –** some inconsistencies present. Mr. Elliott explained that the intent is not to have alternative equivalent compliance always go to Council unless the Committee decides that's what they want to do. Ms. Wilson believes it should be the Review Authority, and Mr. Elliott and the Committee agree. This appears in A. and B. Section B seems to end prematurely, but Mr. Elliott will fix this section. The intent is to meet all of the conditions.
- **4.8. – Outdoor Lighting** – Mr. Frizzle agrees with staff to require avoiding a "disability glare", and if something can be written into the ordinance to that effect that would be fine. Ms. Breinich will work with Mr. Hutchinson on a definition for "disability glare". There was a discussion and an audience question about neighborhood lighting, since one and two family homes were exempted in the ordinance. The Committee would like them

to follow lighting standards but not have to go through Development Review. Mr. Elliott likened lighting to a sign code – not everything is going to be reviewed, but the applicant is still responsible for meeting the standards and, if not, it becomes an enforcement issue. Mr. Elliott suggested rather than exempting one and two family homes, to write the lighting standards so they are not triggered by Development Review. They are just general standards that apply to everyone. At the property line between owners, a light level is needed, rather than a "disability glare" or a "nuisance glare". Reference to one and two family homes will be deleted, and light level will be added in.

- **5.1.1. –** Staff is recommending that it would be appropriate for Town Council to be added to the list as a Review and Decision Maker, as this was just an oversight, and the Committee agrees.
- **5.1.1.A.2. a and b –** Staff recommendation is to insert a new section reference, and the Committee agrees.
- **5.1.1.A.2. –** the question asked if issuing a building permit requires approval of the Planning Board, and the Committee answered that it does not. The Committee decided to leave this section and language as is.
- **5.1.1.D. –** This is the same process as the existing one, and the staff recommended leaving it alone. The Committee agrees.
- **5.1.1.E.1. a. and b. –** the question is unclear, but has to do with the powers and duties for the Director of Planning and Development and the Codes Enforcement Officer. No changes are proposed from the existing ordinance. Ms. Wilson did notice a clause that needs to be deleted; otherwise, the Committee will not change this section.
- **5.1.4. –** The Committee is in agreement with the Planning Board's request that the determination of completeness of application be delegated to the staff prior to review by any board or committee.
- **5.1.9.D. –** the question asks if another section needs to be added to deal with an appeal process, but the appeal process is already stated in a previous section. The Committee agrees with staff that another section does not need to be added.
- **5.2.6.B.6.c.iii –** this question about why the Town Council is forwarded notices for proposed demolition, and Mr. Frizzle stated that it is for information purposes only, and it is forwarded to a list of other entities. The Committee will not change this action.
- **5.2.2. – Conditional Use Permit, footnote 616**
- **5.2.2.I.3. – Notice to property owners based on tax records**
- **5.2.3.C. – Review of Legally Non-Conforming Special Permit Uses**
- **5.2.5.D.1.b. – Disability variance**
- **5.2.5.E.2. – Disability variance**

  ZORC agreed with staff recommendations on the above sections.

  Carol Liscovitz, 11 Berry Street, had a question about 5.2.2. and Conditional Use permits, and Ms. Wilson said the Committee needed to review all conditional uses regarding compatibility and appropriateness with the permitted uses in the Use Table.
- **5.2.6.C. – Review Standards**
- **5.2.6.C.2.b. viii. and xii**
- **5.2.6.C.4.a. and b.**

  ZORC agreed with the staff's response for the above sections. They will be discussed by the VRB at their 12/16 meeting.

- **Table 5.2.7. B. – Review Authority –** as the Committee gets additional feedback, this item will be discussed at other times. Ms. Wilson thought that some of the larger and more substantive items for discussion rise to the level of general notice to the public and should be brought up to the agenda level after the general comments are dealt with.
- **5.3.2.B. –** the question deals with the Code Enforcement Officer and if an appeal can be taken to the Zoning Board of Appeals if the CEO declines to take action on a complaint. Mr. Frizzle asked Ms. Breinich to clarify the staff's answer, and Ms. Breinich stated that if someone disagrees with the CEO's decision, they may complain to the Councilors, the Director of Planning and Development, or the Town Manager, but it becomes a personnel matter. There is no appeal process. Mr. Elliott explained that this is standard throughout the country. There is no citizen right to force the city to enforce the zoning ordinance in a particular way.

Other business:

Ms. Breinich stated the next meeting is December 9, 2014.

Mr. Frizzle adjourned the meeting.

Attest

Debra Blum
Recording Secretary

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
	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 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.**		**Discuss with Clarion in the context of definition and use.**	**10/29: Staff to rework outdoor storage definition/potential standards and include on next agenda. Will also define "vehicle areas".** **11/20: Staff reworking text for 12/9 agenda.**
20			**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)**		**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 Automobile Dealership; combined Motor Vehicle Sales and Vehicle Sales, Rental or Storage.**	**10/29: Keep name as is. Definition acceptable.**
21			**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)**		**Don't agree that a separate accessory use is necessary.**	**12/9: Keep first sentence of existing "outdoor storage" definition and delete remaining sentences. Prohibit outdoor storage, including watercraft, within setback in all GR Districts. Clarion/staff to develop definition and standards for "outdoor display area."**
22						

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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**
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**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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.**	**11/5: Agreed. Will receive VRB comments in December.**
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.**	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
42 **43**		**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.** **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.**	
47	**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.**	**11/20: ZORC agreed. Clarion to provide definitions. 12/3: Further discussion by ZORC. Reference Section 5.2.2.B. for Conditional Use Criteria. Clarion to review use table to eliminate any supplemental use standards references for permitted uses. Eliminate use of "*" in Table 3.2.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
48	**11/20**	**3.2 Use Table**	**Concur that "Artisan" needs to be permitted in GR6 to accommodate Spindleworks and other small businesses that might go into properties such as the soon-to-be closed consignment shop on Union Street between Cumberland and Dunning Streets.**		**Recommend "artisan industry" be permitted only in mixed use districts and not included artist studios, such as "Spindleworks." Keep artist studios as a conditional use in residential districts and permitted as an accessory use to a residential use in all districts.**	**12/3: Staff requested to rework existing artisan industry definition to exclude less intensive "studio-type uses." After further review, staff recommends "artisan industry" be permitted in all mixed use districts. Revise definition to exclude square footage and number of employees limitation. Dimensional standards and parking requirements will limit size as is the case with any other use. 12/9: ZORC voted to keep size and employee limitations in definition. Studio-based retail sales shall be allowed in districts permitting retail use by right or by conditional use permit.**
50 **51**	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 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.)**		**See earlier response regarding Residence Hall use.**	
	12/15	**3.4 Supplementary Use Standards**	**Request made to keep all neighborhood protections contained in existing Section 204.3 (CU Districts).**		**Staff recommends reviewing all of Section 204.3 in present neighborhood context and include those still applicable in proposed Section 3.4 as supplementary use standards. It is also recommended that in a map of existing CU Districts in included as an appendix with geographic reference made to such standards. Setbacks will be confirmed upon receipt of existing residence hall setbacks from Bowdoin.**	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
64 65 66 67 68	**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?** **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?**		**a. Reviewed average lot sizes in proposed districts. GR8 has smaller lot sizes on 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.**	**11/20: ZORC agreed. Further review as part of interim draft.**
71 72	**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.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
75	**11/21**	**Table 4.1.2. Dimensional Standards**	**Assisted/Congregate Living Facility is a permitted use in the GR zones but some of the dimensional standards are not adequate for this use. As an example, the Thornton Oaks assisted living facility is 40 ft. tall and has a footprint of about 58,000 sq.ft. The proposed building height is 35 ft. and it appears the maximum footprint would only be 5,000 sq.ft. (footnote #18 allows a 30,000 sq.ft. footprint but only for buildings that constitute a community living arrangement…" but not typical assisted living facilities.) Suggestion – Increase height to 40 ft. and footprint to 30,000 sq.ft. for Assisted/Congregate Living Facility in GR zones.**		**Further discussion needed with Clarion and ZORC. The maximum footprint in GR districts of 5,000 sf (7,500 – GR6) may be problematic for other permitted nonresidential uses as well as multi-family dwellings.**	**12/3: Staff further recommends only allowing for the increased footprint in what is presently the R4 District, as is an existing "note" to that district. Handle as a supplement use standard and not by footprint.**
76	**12/12**	**Table 4.1.2. Dimensional Standards**	**Staff Comment: Review uses in the context of footprint limitations to determine ability to actually site uses in the district.**		**See comment above. Question: Should we allow permitted uses with larger footprints or height by conditional use permit?**	**12/3: ZORC requested verification of applicability for footnote (19) for districts permitted multi-family residential uses. Disagreed with allowing a 10%-15% increase in footprint and height by right since can already do so through the use of administrative adjustment standards. Recommended anything over 10,000 square feet in footprint would require a conditional use permit.**

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/15	**Table 4.1.3. Dimensional Standards for Rural Base Districts**	**Proposed maximum impervious area in RP1 is 25% which must have got carried over from FF3 in consolidation. It used to be the lesser of 35%or 10,890 sq.ft. in CP1. There are many small lots in CP1 that need the "floor" of 10, 890 sq.ft. (1/4 acre) to accomplish reasonable expansions considering all gravel, decks, roads and buildings are deemed impervious. This was studied by the Coastal Protection Zone Committee. (The "floor" of 21, 780 sq.ft. was carried over in the consolidation to create RP2. Suggestion - Leave the requirement the same as it was in the CP1. The lesser of 10,890 sq.ft. or 35%.**		**This needed revision was already noted by ZORC, in addition to the need to maintaining existing CP1 lot area (20,000 sq.ft. for residential uses, 4 acres for nonresidential uses) for proposed RP1. Staff recommends these changes.**	
11/21	**4.1.4.A. Calculation of Net Site Area**	**I am in receipt of a letter from the Department of Island Fisheries and Wildlife to Planning Staff regarding Deer Wintering Areas. This letter indicates the state provided data to towns relative to Deer Wintering Areas for general planning purposes and was "not meant to be used for regulatory purposes" and the boundary surveys "may have occurred decades ago." Suggestion – Given the essence of the letter, these Deer Wintering Areas should not be part of the ordinance and certainly not part of the formula to determine Net Site Area.**		**Staff recommends leaving language as is. Only references "high or moderate value" deer wintering areas being subtracted from the parcel in calculating net site area per IF&W. Presently Brunswick does not have any high or moderate value deer wintering areas but should that change, an amendment to the zoning ordinance would not be necessary.**	

77

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/15	**4.2.7. Historic Resources**	**A request is being made to create an Historic Overlay District over the former BNAS property as recommended in the Recreation, Trails, Open Space Management Plan for the Town's Public Benefit Conveyances. The creation of an overlay would be one way of ensuring that protocols contained in the Programmatic Agreement protocols, signed 9/27/2010, between the US Navy and the Maine Historic Preservation Commission would be met.**		**Staff agrees with the need to ensure the agreed upon protocols are met for all public benefit conveyances covered by the signed Programmatic Agreement but does not agree that an overlay must be created in order to do so. The Recreation, Trails, Open Space Management Plan recommendation regarding the overlay states that the creation of an Historic Overlay District be considered, not required. The purpose of such a District would be for the protection of archeological and historic resources only on the BNAS Public Benefit Conveyances. MHPC does have mapping of archeological sites/those areas sensitive to archeological resources. It is Staff's recommendation that Section 4.2.7. Historic Resources require consultations with MPHC in areas throughout Brunswick, not just the BNAS areas, having the potential for archeological resources, as part of the development review process for previously undevelop parcels. Staff is consulting with MHPC for specific language used in other areas. Staff also recommends that the definition of "Historic Resource" be expanded to include archeological resources.**	
12/15	**Tables 4.1.4.C.5. and 6., Dimensional Standards for Open Space Development**	**Table 4.1.4.C.5. (growth area) shows minimum lot width in open space development of 60 ft. but side yard of 15 ft. This leaves too little width for a dwelling. The next table (rural area) shows a 10 ft. side yard for an open space development in the rural areas. <u>Suggestion - Change width of side yard to 10 ft.</u>**		**Presently side yard setbacks for open space development within growth areas either reflect those existing on the same street or as approved by the Planning Board. Staff agrees with commenter that 15 ft. side setback is too wide for a 60 ft. minimum lot width. Recommend side setback be reduced to 10 ft. for all open space development in growth areas.**	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
	12/15	**4.5.2.B.1. Street Trees**	**Street trees are located in esplanades between the road and the sidewalk. Since not all roads require sidewalks (Sec. 4.6.1.D.), this section needs to reflect that street trees are not always required. Also, they aren't really necessary in the rural areas. Street trees work best in a residential subdivision if they are located along the side lot lines near the street so as to not interfere with driveway location. An example is a lot that is 130 ft. wide and would have a tree at each end and one in the middle. Thus 65 foot spacing which works well. This example can be seen on Tamarack Drive. <u>Suggestion - Growth zone only requirement for streets with sidewalks. No required spacing of street trees. Let the lot dictate ultimate appropriate spacing.</u>**		**See attached related recommendations from Town Arborist, Peter Baecher, for ZORC discussion.**	
85	**11/20**	**4.7.1.B.2**	**It will be important to consider one-time and long-term costs of parking when determining the "in lieu" fee structure. One-time payments could go toward the purchase of sites for parking, or the construction of parking decks, garages, or lots. But there also will be a need for annual payments to cover maintenance and operation of parking structures or rental fees for parking owned by the private sector.**		**Draft ordinance includes a provision to assess a one-time in-lieu-fee as an alternative to meeting on-site parking requirements based on a cost per parking space yet to be determined. An annual maintenance fee has not been considered and needs to be further discussed by ZORC with Clarion.**	**12/3: For further discussion by ZORC and consider the inclusion of maintenance fees.**
86	**11/20**	**4.7.2.B.**	**Does this apply only to bicycle parking within parking lots? We need designated, secure bicycle parking in other locations – along Maine Street, at the Post Office, Library. I realize some is already well-provided (Curtis Library, for instance) but I find myself hitching my bicycle to lamp posts or railings too often.**		**This provision would apply to new development with parking lots of 10 or more parking spaces. A sliding scale for bicycle parking is being developed by staff as an alternative to the fixed number presently in the draft. Recommend further discussion by ZORC regarding requiring bicycling parking for small-scale non-residential development review proposals.**	**12/3: Staff requested to develop a sliding scale for bicycle parking for any project requiring development review.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
90	**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.**	**11/20: ZORC agreed. Also wants to consider long-term maintenance fees.**
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**
92	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.		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 discussion after Clarion responds to large lot buffering question.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
93			The College is not opposed to the concept of the Neighborhood Protection Standards. The 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.			
94			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 adding definition of "opaque" relative to these terms.			

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
95	**11/20**	**4.11.3.E.1**	**Does 8' minimum height apply to banners and "Open" flags? It seems that some currently are lower than that and impede pedestrian traffic.**		**Banner signs are being addressed separately as part of the staff rewrite of this section.**	**12/3: Waiting for staff rewrite.**
96	**11/20**	**4.11.4.H.**	**Can sandwich signs be confined to specific locations on the sidewalk – curbside or near buildings?**		**Under consideration as part of staff rewrite of sign section.**	**12/3: Waiting for staff rewrite.**
97	**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.**	**11/20: Clarion to combine 2. and 3. Delete second sentence of 4.12.1.A.1. Further review to be completed by Codes Enforcement Officer.**
98	**11/21**	**4.12.1.A.1.**	**Trains are not listed as exempt under noise. Is that because they are regulated by the federal government?**		**Correct. Per discussion at 11/20 ZORC work session, staff recommends the following text revision to Section 4.12.1. Operation of Uses and Development. "Unless otherwise preempted by federal or state law, the following standards shall apply to all development activities and uses regulated by this Ordinance, and shall be enforced by the Codes Enforcement Officer."**	**12/3: ZORC agreed.**
99	**11/21**	**4.12.2 (smoke); 4.12.4 (odors); 4.12.5 (vibrations)**	**Is train activity governed by the Zoning Ordinance, or is it regulated by the federal government or some other authority?**		**Train activity is preempted from local zoning. Regulated under applicable state and federal laws. See proposed revised text above.**	**12/3: ZORC agreed.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
101	**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 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.**		**Agree with inconsistency present. Further discussion with Clarion needed per comment above.**	**12/3: Replace "Staff Review Committee" with "Review Authority." Clearly state that Review Authority approves requests for alternative equivalent compliance. Add "ands" at the end of subsections B.1. and B.2.**
102	**11/21**	**4.8 Outdoor Lighting**	**When looking at photometrics for a site, light trespass into a public right-of-way should be okay. This would allow commercial sites to illuminate their entrances for safety without some convoluted lighting design.**		**Staff/Planning Board draft requires avoiding "disability glare" so as not to be a nuisance to motorists. Staff does not recommend this change.**	**12/3: Under 4.8.1. Applicability, delete A. and renumber B. to A. Review Clarion outdoor lighting examples, attached.**
103	**11/21**	**5.1.1**	**Add Town Council to list of "Reviewers and Decisions Makers" if it is to retain authority to establish zoning policy through the adoption of a Zoning Ordinance and subsequent amendments to the code and the maps, review and to approve Special Permits, and serve as "court of last resort" for appeals to ZBA decisions.**		**As this section now includes former Section 108, addressing zoning text and map amendments, it would be appropriate for Town Council Membership and those powers and duties directly related to zoning amendments and plan/permit approvals. For ZORC discussion.**	**12/3: ZORC agreed. Clarion to revise section to include Town Council membership and zoning-related powers and duties.**

*Date comment added to table.

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106	**11/21**	**5.1.1.A.2**	**It appears that the Planning Board has no authority other than to review projects. Does issuing a Building Permit not require approval of the Planning Board for projects they review?**		**Building Permits are reviewed and approved by the Codes Enforcement Officer. Recommend that power and duties for Planning Board, Village Review Board, Staff Review Committee reference both review and action responsibilities. Existing provisions taken from the current zoning ordinance do not clearly state both.**	**12/3: ZORC requested to leave language as is. No change.**
110	**11/21**	**5.1.4.**	**Delegating determination of application completeness to staff prior to review by any board or committee makes sense. The current two-step vote (completeness, then approval) does not.**		**Per Planning Board request determination of completeness would be delegated to staff. Further recommend first sentence in Section 5.2.7.G.2.b.i. (Final Plan procedure) be revised to refer to staff determination of completeness instead of by Planning Board.**	**12/3: ZORC agreed.**
113	**11/21**	**5.1.9.D.**	**Do we need a section "E" to define how citizens can appeal decisions of the Zoning Board of Appeals to the Town Council, or is the ZBA decision final?**		**Appeal process already stated in 5.1.9.D.8., "Appeals may be taken as permitted by law from any decision of the Zoning Board of Appeals to Superior Court."**	**12/3: ZORC agreed.**
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.**	**11/20: ZORC agreed. For VRB review.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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.**	**11/20: ZORC agreed. For VRB review.**
123 124	**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.** **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 administratively in the current ordinance. The VRB will be reviewing this section and offering additional recommendations to ZORC.**	**11/20: ZORC agreed. For VRB review.**
125	**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.**	**11/20: To be further reviewed by ZORC at a later date.**

*Date comment added to table.

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126					**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 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.**	
128	**11/21**	**5.3.2.B.**	**Is there no appeal if the Codes Enforcement Officer declines to take action on a complaint? Or can the matter be taken to the Zoning Board of Appeals under Section 5.1.9.A.1?**		**No. If the person disagrees with the CEO decision, it would become a personnel matter.**	**12/3: ZORC agreed.**

*Date comment added to table.

	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

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC/VRB Consideration	ZORC/VRB Responses
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.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC/VRB Consideration	ZORC/VRB Responses
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.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC/VRB Consideration	ZORC/VRB Responses
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.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC/VRB Consideration	ZORC/VRB Responses
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.

Zoning Ordinance Rewrite Comments/Responses – 10/23/14; updates 10/31/14; 11/10/14; 11/18/14; 12/1/14; 12/5/14; **12/15/14 (BOLDED)**

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1	11/13	1.2.2	Change title to "Specific Purposes as Directed by (Specified in? Articulated in?) the Town of Brunswick Comprehensive Plan." *The ZORC cannot remind us often that the Zoning Code is the legal structure to implement the approved Comprehensive Plan. It is not a document out of left field designed to rob citizens of their property rights.*		Recommend title remain as is. Introductory sentence be revised to read: "As stated in the Town of Brunswick 2008 Comprehensive Plan, specific purposes of this Ordinance are to:…."	12/3: ZORC agreed.
2	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.
3	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.
4	10/23	1.6.5.B.	Typos – second sentence is incomplete or should be combined with next sentence.	Deleted duplicative text.		
5	10/23	1.6.7. and 1.6.9	These sections appear duplicative.	Agree. Delete 1.6.9.		
6	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.		
7	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.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
8	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 ability to wash the vehicle fleet is ancillary to College operations. We recommend changing this to Accessory (A) for the GC districts.		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 need to include as an accessory use in table.	10/29: Agreed with staff.
9	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	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.
11	10/23	1.7.2	Final Plan – the definition is not included.		Staff to draft for inclusion in interim draft.	10/29: Agreed.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC 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.			

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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.	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.		
16	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.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
17 18	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.		
19	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.)
20	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 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.**		**Discuss with Clarion in the context of definition and use.**	**10/29: Staff to rework outdoor storage definition/potential standards and include on next agenda. Will also define "vehicle areas".** **11/20: Staff reworking text for 12/9 agenda.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
21 22			**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 Automobile Dealership; combined Motor Vehicle Sales and Vehicle Sales, Rental or Storage.** **Don't agree that a separate accessory use is necessary.**	**10/29: Keep name as is. Definition acceptable.** **12/9: Keep first sentence of existing "outdoor storage" definition and delete remaining sentences. Prohibit outdoor storage, including watercraft, within setback in all GR Districts. Clarion/staff to develop definition and standards for "outdoor display area."**
23	10/23	1.7.2 1-24	Renewable Energy Generating Facility: - typo; delete either "through" or "from" in first part of sentence.	Delete "from"		
24	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.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
25	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'.		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.
26			Additionally, the Permitted Use Table is unclear as this use is labeled both "C" and "T" for the GC districts (p.3-11) 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.			

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
27	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.	11/20: ZORC agreed.
28	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 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)		All purpose statements and planning area descriptions are being revised by staff for inclusion in interim draft. ZORC discussion necessary regarding inconsistency with GR2 and Comp Plan vision.	11/5: All purpose statements must be consistent with Comprehensive Plan vision statements.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
29			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.			
30	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.
31	10/23	2.2.3.A Growth Special Purpose Districts 2-6	We do not believe that Growth Special Purpose Districts were contemplated by the 2008 Comprehensive Plan. Nor does the 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).		Although, not contemplated as worded (Special Purpose Districts), the 2008 Comp Plan does reference CU 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.	11/5: Rewrite purpose statements to be consistent with Comprehensive Plan Visions.
32			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.		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.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
33	10/23	2.2.3.C 2-6	Longfellow Street should be changed to Longfellow Avenue.	Change Longfellow Street to Longfellow Avenue throughout.		
34	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.	11/20: ZORC agreed.
35	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 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?	11/20: ZORC agreed to remove Section 2.4.6.B. Clarion to add explanatory footnote. Revise Section 2.4.6.C.1. to delete reference to expansion of an existing pads. Will now read: "All mobile home parks are subject to subdivision approval." Section 2.4.6.C.3. revise to read "Sufficiently sized public water and public sewer are required for all mobile home parks unless it can be demonstrated that adequate (added by ZORC on 12/5) on-site water supply and septic disposal are available."

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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**
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**

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	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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.**	**11/5: Agreed. Will receive VRB comments in December.**
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.**	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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.**	
44	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."		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.
45			This general disclaimer seems overly broad as drafted. While there are 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.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
46	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 and/or in the ordinance.	11/20: ZORC requested Clarion keep the existing Town Council ratification process for Special Permits. In addition, Planning Board will maintain review authority. Replace "staff" with "Code Enforcement Officer" regarding Unclassified or Omitted Use determination.
47	**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.**	**11/20: ZORC agreed. Clarion to provide definitions. 12/3: Further discussion by ZORC. Reference Section 5.2.2.B. for Conditional Use Criteria. Clarion to review use table to eliminate any supplemental use standards references for permitted uses. Eliminate use of "*" in Table 3.2.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
48	**11/20**	**3.2 Use Table**	**Concur that "Artisan" needs to be permitted in GR6 to accommodate Spindleworks and other small businesses that might go into properties such as the soon-to-be closed consignment shop on Union Street between Cumberland and Dunning Streets.**		**Recommend "artisan industry" be permitted only in mixed use districts and not included artist studios, such as "Spindleworks." Keep artist studios as a conditional use in residential districts and permitted as an accessory use to a residential use in all districts.**	**12/3: Staff requested to rework existing artisan industry definition to exclude less intensive "studio-type uses." After further review, staff recommends "artisan industry" be permitted in all mixed use districts. Revise definition to exclude square footage and number of employees limitation. Dimensional standards and parking requirements will limit size as is the case with any other use. 12/9: ZORC voted to keep size and employee limitations in definition. Studio-based retail sales shall be allowed in districts permitting retail use by right or by conditional use permit.**
49	11/14	3.2 Use Table	Many questions on uses, too numerous to specify here.		Cannot respond without specific questions regarding uses.	11/20: ZORC agreed.
50 **51**	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 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.)**		**See earlier response regarding Residence Hall use.**	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
52 53	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 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)		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.
54	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).	Recommend Office be a Permitted Use in GC2 with any existing exceptions/notes attached.		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
55			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 during this redrafting of the ordinance, including this lot in the abutting GM6 zone.		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.**
56	10/23	3.2 Use Table	Car Wash, Outdoor Sales, Special Events – see previous notes 5, 13 and 17.		See earlier response.	
	12/15	**3.4 Supplementary Use Standards**	**Request made to keep all neighborhood protections contained in existing Section 204.3 (CU Districts).**		**Staff recommends reviewing all of Section 204.3 in present neighborhood context and include those still applicable in proposed Section 3.4 as supplementary use standards. It is also recommended that in a map of existing CU Districts in included as an appendix with geographic reference made to such standards. Setbacks will be confirmed upon receipt of existing residence hall setbacks from Bowdoin**	
57 58 59 60	10/23	3.4.1.B.2. Supplementary Use Standards 3-18	Typo – Longfellow Street should be Longfellow Avenue.		See earlier response.	
61	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.	11/20: As advised by Clarion, must allow for use (1st Amendment, Freedom of Speech). Clarion to revise definitions.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
62	**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.**	**11/20: ZORC agreed.**
63	**11/20**	**Chapter 4 (relative to Maine Street sidewalks)**	**Can a minimum-width pedestrian zone on Maine Street sidewalks be established between curbside paraphernalia (lamp posts, street furniture, signs, bike racks, trash cans) and storefront extensions (outdoor seating, planters, signs)? I imagine that the exact location of the "zone" would shift from block to block, depending on the width of the sidewalk, whether it includes any restaurants with outdoor seating, and what amenities such as bike racks and benches are available. As important as outdoor dining is to restaurants, it should not impede on pedestrian traffic flow.**		**Outdoor dining located on public sidewalks is not regulated through the zoning ordinance but through licensing approved by Town Council, which is also regulated by ADA standards. Staff will direct this comment to the Town Clerk who oversees licensing for outdoor dining on public sidewalks.**	**12/3: ZORC agreed.**
64 65 66 67 68	**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?** **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?**		**a. Reviewed average lot sizes in proposed districts. GR8 has smaller lot sizes on 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.**	**11/20: ZORC agreed. Further review as part of interim draft.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
69	**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. No changes are proposed.**	**11/20: ZORC agreed.**
70	**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.**		
71	**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.**	**Please include all additional setbacks in interim draft.**	**Agree. Boundary "D" no longer exists.**	**11/5: Agreed.**
72			**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 prohibition in interim draft.**		

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
73	10/23	4.1.2 Dimensional Standards 4-5	Footnote #470 under Building 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.	Please review and revise as necessary. Table Footnote [17] deals with existing MU1 area, not TC Districts. Also #470 does not apply as referenced.	Agree that GC1 should not have a footprint restriction.	11/5: Agreed.
74	10/23	Table 4.1.2	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.
75	**11/21**	**Table 4.1.2. Dimensional Standards**	**Assisted/Congregate Living Facility is a permitted use in the GR zones but some of the dimensional standards are not adequate for this use. As an example, the Thornton Oaks assisted living facility is 40 ft. tall and has a footprint of about 58,000 sq.ft. The proposed building height is 35 ft. and it appears the maximum footprint would only be 5,000 sq.ft. (footnote #18 allows a 30,000 sq.ft. footprint but only for buildings that constitute a community living arrangement…" but not typical assisted living facilities.) <u>Suggestion – Increase height to 40 ft. and footprint to 30,000 sq.ft. for Assisted/Congregate Living Facility in GR zones.</u>**		**Further discussion needed with Clarion and ZORC. The maximum footprint in GR districts of 5,000 sf (7,500 – GR6) may be problematic for other permitted nonresidential uses as well as multi-family dwellings.**	**12/3: Staff further recommends only allowing for the increased footprint in what is presently the R4 District, as is an existing "note" to that district. Handle as a supplement use standard and not by footprint.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
76	**12/12**	**Table 4.1.2. Dimensional Standards**	**Staff Comment: Review uses in the context of footprint limitations to determine ability to actually site uses in the district.**		**See comment above. Question: Should we allow permitted uses with larger footprints or height by conditional use permit?**	**12/3: ZORC requested verification of applicability for footnote (19) for districts permitted multi-family residential uses. Disagreed with allowing a 10%-15% increase in footprint and height by right since can already do so through the use of administrative adjustment standards. Recommended anything over 10,000 square feet in footprint would require a conditional use permit.**
	12/15	**Table 4.1.3. Dimensional Standards for Rural Base Districts**	**Proposed maximum impervious area in RP1 is 25% which must have got carried over from FF3 in consolidation. It used to be the lesser of 35%or 10,890 sq.ft. in CP1. There are many small lots in CP1 that need the "floor" of 10, 890 sq.ft. (1/4 acre) to accomplish reasonable expansions considering all gravel, decks, roads and buildings are deemed impervious. This was studied by the Coastal Protection Zone Committee. (The "floor" of 21, 780 sq.ft. was carried over in the consolidation to create RP2. Suggestion - Leave the requirement the same as it was in the CP1. The lesser of 10,890 sq.ft. or 35%.**		**This needed revision was already noted by ZORC, in addition to the need to maintaining existing CP1 lot area (20,000 sq.ft. for residential uses, 4 acres for nonresidential uses) for proposed RP1. Staff recommends these changes.**	
77	**11/21**	**4.1.4.A. Calculation of Net Site Area**	**I am in receipt of a letter from the Department of Island Fisheries and Wildlife to Planning Staff regarding Deer Wintering Areas. This letter indicates the state provided data to towns relative to Deer Wintering Areas for general planning purposes and was "not meant to be used for regulatory purposes" and the boundary surveys "may have occurred decades ago." Suggestion – Given the essence of the letter, these Deer Wintering Areas should not be part of the ordinance and certainly not part of the formula to determine Net Site Area.**		**Staff recommends leaving language as is. Only references "high or moderate value" deer wintering areas being subtracted from the parcel in calculating net site area per IF&W. Presently Brunswick does not have any high or moderate value deer wintering areas but should that change, an amendment to the zoning ordinance would not be necessary.**	

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/15	**4.2.7. Historic Resources**	**A request is being made to create an Historic Overlay District over the former BNAS property as recommended in the Recreation, Trails, Open Space Management Plan for the Town's Public Benefit Conveyances. The creation of an overlay would be one way of ensuring that protocols contained in the Programmatic Agreement protocols, signed 9/27/2010, between the US Navy and the Maine Historic Preservation Commission would be met.**		**Staff agrees with the need to ensure the agreed upon protocols are met for all public benefit conveyances covered by the signed Programmatic Agreement but does not agree that an overlay must be created in order to do so. The Recreation, Trails, Open Space Management Plan recommendation regarding the overlay states that the creation of an Historic Overlay District be considered, not required. The purpose of such a District would be for the protection of archeological and historic resources only on the BNAS Public Benefit Conveyances. MHPC does have mapping of archeological sites/those areas sensitive to archeological resources. It is Staff's recommendation that Section 4.2.7. Historic Resources require consultations with MPHC in areas throughout Brunswick, not just the BNAS areas, having the potential for archeological resources, as part of the development review process for previously undevelop parcels. Staff is consulting with MHPC for specific language used in other areas. Staff also recommends that the definition of "Historic Resource" be expanded to include archeological resources.**	
10/23	4.5.2. Landscaping	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 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	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 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.	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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*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
79	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.
	12/15	**Tables 4.1.4.C.5. and 6., Dimensional Standards for Open Space Development**	**Table 4.1.4.C.5. (growth area) shows minimum lot width in open space development of 60 ft. but side yard of 15 ft. This leaves too little width for a dwelling. The next table (rural area) shows a 10 ft. side yard for an open space development in the rural areas. <u>Suggestion - Change width of side yard to 10 ft.</u>**		**Presently side yard setbacks for open space development within growth areas either reflect those existing on the same street or as approved by the Planning Board. Staff agrees with commenter that 15 ft. side setback is too wide for a 60 ft. minimum lot width. Recommend side setback be reduced to 10 ft. for all open space development in growth areas.**	
	12/15	**4.5.2.B.1. Street Trees**	**Street trees are located in esplanades between the road and the sidewalk. Since not all roads require sidewalks (Sec. 4.6.1.D.), this section needs to reflect that street trees are not always required. Also, they aren't really necessary in the rural areas. Street trees work best in a residential subdivision if they are located along the side lot lines near the street so as to not interfere with driveway location. An example is a lot that is 130 ft. wide and would have a tree at each end and one in the middle. Thus 65 foot spacing which works well. This example can be seen on Tamarack Drive. <u>Suggestion - Growth zone only requirement for streets with sidewalks. No required spacing of street trees. Let the lot dictate ultimate appropriate spacing.</u>**		**See attached related recommendations from Town Arborist, Peter Baecher, for ZORC discussion.**	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
80	**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.**		**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.**
80			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.			
81			Note on screening: screening is defined in section 1.7.2 but there are references in the draft ordinance to "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.	Please clean up discrepancies between Sections 4.7.3 (Parking Lot Landscaping), 4.5.2 (Landscaping) and 4.13.2 (Landscape Maintenance). Recommend that ALL landscaping requirements be in section 4.5.2.	Agree. Recommend 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 buffer yard or fence expressed as the percentage of vision that the screen blocks. Recommend requesting further advice from Clarion.	11/12: Clarion to remove "opaque" and replace with "solid/completely blocking from view."

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
82	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.
83	10/23	4.6.2.B.2 Common Driveways 4-34	Footnote #545 indicates this section was revised from Chapter 5, Section 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.		Recommend further discussion with Clarion. 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.	11/12: Delete requirement for maintenance agreement for common driveways. Instead require legally binding access/easement agreement to insure lot access in perpetuity.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
84	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 qualifying the statement in Section 4.6.4 by adding "where applicable" to the sentence.		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 type of access for persons with disabilities to parking areas, entrances and exits."~~**	11/12: Agreed. 11/12: Requested deletion as is considered duplicative.
85	**11/20**	**4.7.1.B.2**	**It will be important to consider one-time and long-term costs of parking when determining the "in lieu" fee structure. One-time payments could go toward the purchase of sites for parking, or the construction of parking decks, garages, or lots. But there also will be a need for annual payments to cover maintenance and operation of parking structures or rental fees for parking owned by the private sector.**		**Draft ordinance includes a provision to assess a one-time in-lieu-fee as an alternative to meeting on-site parking requirements based on a cost per parking space yet to be determined. An annual maintenance fee has not been considered and needs to be further discussed by ZORC with Clarion.**	**12/3: For further discussion by ZORC and consider the inclusion of maintenance fees.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
86	**11/20**	**4.7.2.B.**	**Does this apply only to bicycle parking within parking lots? We need designated, secure bicycle parking in other locations – along Maine Street, at the Post Office, Library. I realize some is already well-provided (Curtis Library, for instance) but I find myself hitching my bicycle to lamp posts or railings too often.**		**This provision would apply to new development with parking lots of 10 or more parking spaces. A sliding scale for bicycle parking is being developed by staff as an alternative to the fixed number presently in the draft. Recommend further discussion by ZORC regarding requiring bicycling parking for small-scale non-residential development review proposals.**	**12/3: Staff requested to develop a sliding scale for bicycle parking for any project requiring development review.**
87	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.		
88	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.
89	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 applicant can provide evidence for such a reduction (e.g. less workforce)	11/20: Per ZORC request define "Review Authority."
90	**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.**	**11/20: ZORC agreed. Also wants to consider long-term maintenance fees.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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**
92 93	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 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.		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 discussion after Clarion responds to large lot buffering question.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
94			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 adding definition of "opaque" relative to these terms.			
95	**11/20**	**4.11.3.E.1**	**Does 8' minimum height apply to banners and "Open" flags? It seems that some currently are lower than that and impede pedestrian traffic.**		**Banner signs are being addressed separately as part of the staff rewrite of this section.**	**12/3: Waiting for staff rewrite.**
96	**11/20**	**4.11.4.H.**	**Can sandwich signs be confined to specific locations on the sidewalk – curbside or near buildings?**		**Under consideration as part of staff rewrite of sign section.**	**12/3: Waiting for staff rewrite.**
97	**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.**	**11/20: Clarion to combine 2. and 3. Delete second sentence of 4.12.1.A.1. Further review to be completed by Codes Enforcement Officer.**
98	**11/21**	**4.12.1.A.1.**	**Trains are not listed as exempt under noise. Is that because they are regulated by the federal government?**		**Correct. Per discussion at 11/20 ZORC work session, staff recommends the following text revision to Section 4.12.1. Operation of Uses and Development. "Unless otherwise preempted by federal or state law, the following standards shall apply to all development activities and uses regulated by this Ordinance, and shall be enforced by the Codes Enforcement Officer."**	**12/3: ZORC agreed.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
99	**11/21**	**4.12.2 (smoke); 4.12.4 (odors); 4.12.5 (vibrations)**	**Is train activity governed by the Zoning Ordinance, or is it regulated by the federal government or some other authority?**		**Train activity is preempted from local zoning. Regulated under applicable state and federal laws. See proposed revised text above.**	**12/3: ZORC agreed.**
100	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.
101	**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 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.**		**Agree with inconsistency present. Further discussion with Clarion needed per comment above.**	**12/3: Replace "Staff Review Committee" with "Review Authority." Clearly state that Review Authority approves requests for alternative equivalent compliance. Add "ands" at the end of subsections B.1. and B.2.**
102	**11/21**	**4.8 Outdoor Lighting**	**When looking at photometrics for a site, light trespass into a public right-of-way should be okay. This would allow commercial sites to illuminate their entrances for safety without some convoluted lighting design.**		**Staff/Planning Board draft requires avoiding "disability glare" so as not to be a nuisance to motorists. Staff does not recommend this change.**	**12/3: Under 4.8.1. Applicability, delete A. and renumber B. to A. Review Clarion outdoor lighting examples, attached.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
103	**11/21**	**5.1.1**	**Add Town Council to list of "Reviewers and Decisions Makers" if it is to retain authority to establish zoning policy through the adoption of a Zoning Ordinance and subsequent amendments to the code and the maps, review and to approve Special Permits, and serve as "court of last resort" for appeals to ZBA decisions.**		**As this section now includes former Section 108, addressing zoning text and map amendments, it would be appropriate for Town Council Membership and those powers and duties directly related to zoning amendments and plan/permit approvals. For ZORC discussion.**	**12/3: ZORC agreed. Clarion to revise section to include Town Council membership and zoning-related powers and duties.**
104	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.	11/20: ZORC agreed. Correct Section references.
105	10/23	5.1.1.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.		
106	**11/21**	**5.1.1.A.2**	**It appears that the Planning Board has no authority other than to review projects. Does issuing a Building Permit not require approval of the Planning Board for projects they review?**		**Building Permits are reviewed and approved by the Codes Enforcement Officer. Recommend that power and duties for Planning Board, Village Review Board, Staff Review Committee reference both review and action responsibilities. Existing provisions taken from the current zoning ordinance do not clearly state both.**	**12/3: ZORC requested to leave language as is. No change.**
107	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.		

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
108	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.	11/20: ZORC agreed.
109	11/17	5.1.1.E.1.a. & 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.	11/20: ZORC agreed and added delete "or related materials."
110	**11/21**	**5.1.4.**	**Delegating determination of application completeness to staff prior to review by any board or committee makes sense. The current two-step vote (completeness, then approval) does not.**		**Per Planning Board request determination of completeness would be delegated to staff. Further recommend first sentence in Section 5.2.7.G.2.b.i. (Final Plan procedure) be revised to refer to staff determination of completeness instead of by Planning Board.**	**12/3: ZORC agreed.**
111	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 deleting this provision or narrowing its applicability. (Bowdoin August 19, 2014 memo)	This section was removed by staff/Planning Board in 2010 during the Chapter 5 rewrite. Not sure why this is back in?		
112	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.		
113	**11/21**	**5.1.9.D.**	**Do we need a section "E" to define how citizens can appeal decisions of the Zoning Board of Appeals to the Town Council, or is the ZBA decision final?**		**Appeal process already stated in 5.1.9.D.8., "Appeals may be taken as permitted by law from any decision of the Zoning Board of Appeals to Superior Court."**	**12/3: ZORC agreed.**

*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.**
115	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 Permits.	11/20: ZORC agreed. Additional review of all Conditional Uses regarding compatibility with Permitted Uses in Use Table by ZORC.
116	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.		
117	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.	11/20: ZORC agreed.
118	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.	11/20: ZORC agreed.
119	11/18	5.2.5.D.1.b.	Disability variance – concern about several of these requirements.		Based on State law.	11/20: ZORC agreed.
120	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.	11/20: ZORC agreed.

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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.**	**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.**	**11/20: ZORC agreed. For VRB review.**
123 124	**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.** **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 administratively in the current ordinance. The VRB will be reviewing this section and offering additional recommendations to ZORC.**	**11/20: ZORC agreed. For VRB review.**
125	**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.**	**11/20: To be further reviewed by ZORC at a later date.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
126					**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 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.**	
127	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.	
128	**11/21**	**5.3.2.B.**	**Is there no appeal if the Codes Enforcement Officer declines to take action on a complaint? Or can the matter be taken to the Zoning Board of Appeals under Section 5.1.9.A.1?**		**No. If the person disagrees with the CEO decision, it would become a personnel matter.**	**12/3: ZORC agreed.**

*Date comment added to table.

From Peter Baecher, Town Arborist, regarding Street Trees:

In response to your 12/15 request, I've read through what I had submitted a few years ago regarding streets trees and the changes recommended by a commentor, and would offer the following thoughts.

My sense is that tree planting standards need to have more flexibility than what might appear from my recommendations back in 2010. Some site specific information can and should be considered in evaluating the need for trees and the appropriate spacing. Some modifications I would recommend are: (recommendations in parentheses)

B. Street Trees (draft ordinance text in smaller font):

1. Street trees shall be provided along road frontages with a (recommended) spacing of 40-45 feet (40-65') for large growing shade trees and (recommended) spacing of 30-35 feet (30-60') for smaller growing trees to be planted under existing utility lines. (Full size shade trees should not be planted under utility wires.)
2. Street trees shall be located at least ten feet from hydrants, water service lines, and driveway/access road entrances.
3. The size of street trees shall range from 1.75-inch caliper to 3-inch caliper.
4. (When tree planting is to take place in an esplanade or tree planting strip, the width of these planting spaces should be a minimum of five feet in width, measured from the back of curb to edge of sidewalk.) Esplanades or tree planting strips shall be a minimum of five feet in width, measured from the back of curb to edge of sidewalk.
5. Proposed plantings in the Town right-of-way shall be reviewed and approved by the Town Arborist.
6. Selection of street trees shall be guided by the Maine Urban and Community Forest Council's Recommended Tree Species List. (I cannot locate this list anymore, so I think it will cause confusion. It would probably be best to delete item 6 and rely upon plan review to notice inferior tree selections such as invasive species trees and make correction at that time.)

While I agree that residential subdivisions and in-town streets are important areas that require trees, I don't think rural areas should necessarily be omitted from consideration or occasional requirement. In rural areas trees will often reinforce the curve of a road or sometimes provide a separation from a busy roadway --- in other words, they can still provide an important function.

I would be comfortable with the Planning Board/Staff Review Committee having the flexibility to waive the requirement for street trees, perhaps treated like other items in

which the applicant requests a waiver from a requirement. In many cases tree plantings in rural locations could be redundant and unnecessary and could be summarily waived by the Planning Board/Staff Review Committee, but I think there would be some instances that should have some amount of tree planting.

The only comment that I disagree with is the idea of not requiring street trees if there is no sidewalk. Frontage without sidewalks often make excellent tree locations that don't have some of the stressors of sidewalk trees.

I don't typically write standards --- my intent was really to provide guidelines. Individual situations will vary tremendously, so I think it is important to have language that permits requesting relief from requirements that might be considered unnecessary in a given situation, but I think the requirements should still be there.