TOWN OF BRUNSWICK

ZONING ORDINANCE REWRITE COMMITTEE

85 Union Street, Brunswick, ME 04011-1583

WORK SESSION AGENDA

TOWN COUNCIL CHAMBERS
85 UNION STREET
WEDNESDAY, DECEMBER 3, 2014
7:00 PM

1. Review and acceptance of meeting summary (5/13/14)
2. Project update
3. Continue review of public draft general comments/questions
4. ZORC work session meeting schedule
   December 9, 2014 (3-6pm; *ZORC Work Session;* Town Hall Room 206)
   December 17, 2014 (3-6pm; *ZORC Work Session;* Town Hall Room 206)
   January 8, 2014 (2-5pm; *ZORC Work Session;* Town Hall Room 206)
5. Other business

Please note that this is a Committee work session.
The public is invited to attend with public comment allowed regarding discussion topics.

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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
MAY 13, 2014

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

CONSULTANT PRESENT: Don Elliott from Clarion via ZOOM

The Zoning Ordinance Rewrite Committee held a meeting on May 13, 2014 at Town Council Chambers, 85 Union Street.

Mr. Elliott gave an update to the Committee and the audience. He hopes to have a staff draft of the proposed ordinance by next week. Today they are going to focus on the college use districts, as they expect those districts to generate a lot of public comment and feedback. Mr. Elliott would like to bring the audience up to date on the approach they are taking, and spend most of the time today dealing with the issues in consolidating the eight current college use districts down to the four proposed.

Ms. Breinich listed the documents available today: map from the CU abutters meeting in February, a map of the existing CU districts, letters from Carol Liscovitz and Catherine Ferdinand, Bowdoin College, and the summary from the public meeting with the college use abutters.

College use districting/transitional standards:

Mr. Elliott briefly discussed the proposed consolidations in the college use districts and the general approach that the firm has used.. He has received letters from Carol Liscovitz and Catherine Ferdinand and has included their concerns in his handout. He specifically addressed their comments and provided new language proposals and provisions that he hoped would alleviate their concerns.

Ms. Wilson had a concern over a 50-ft buffer for speakers, which she thought was not far enough. Mr. Elliott advised the Committee that they could be more specific, or, as Ms. Breinich suggested, they could focus on the noise level rather than the speaker, since noise level is enforced. Mr. Elliott suggested keeping the restriction for small speakers, and let Codes enforce the noise ordinance on larger ones. The proposed draft ordinance retains most of the specific protection provisions in the current ordinance.

Catherine Ferdinand, Bowdoin College, elaborated on the placement of speakers at Farley Field, speakers at Whittier Field, and the temporary speakers Bowdoin uses for events.

Kevin Cashman asked for a current zoning map for comparison, which was provided to the audience by Ms. Breinich.

Mr. Elliott stated that any time zone districts were combined, there would be cases where a use is allowed in one zone but not in the other, and perhaps a special exception in a third district. Mr. Elliott would like to highlight a few of these potential use changes arising from consolidations and get some feedback, because some of them are significant. The issues being raised were neither requested by the neighborhood group to restrict anything new, nor by the college to increase their flexibility. They are suggestions that came from Clarion in a good-faith attempt to simplify zoning, and they would appreciate direction from the Committee.

- Residence halls – suggests restricting residence halls to existing CU-1
  Jeff Hutchinson said that in the existing ordinance, residence halls are allowed in CU-2 with a special permit. Mr. Elliott clarified that residence halls are by right in CU-1, by special permit in CU-2. The Committee is in agreement with this.

- Storage structures/accessory buildings and parking are not addressed adequately. The current ordinance doesn't allow any kind of storage buildings for campus equipment in any of the zone districts. Mr. Elliott believes they ought to be treated as accessory to campus operations in general, but the question is whether they should include it broadly or limit it to CU-1 and CU-2 areas, the big parcels which are not immediately adjacent to the neighborhoods. Jeff Hutchinson asked if there would be any limitation to size, and Mr. Elliott replied that is up to the Committee; they could use a size limit if it is near a residential zone district. Mr. Hutchinson said access may need to be limited with internal-facing façades, because that could be noisy. Mr. Frizzle said restricting storage within the college use to the core campus zones and appropriate considerations near residential areas should be considered.
  Carol Liscovitz, 11 Berry Street, asked a question about allowance and size of buildings, which Mr. Frizzle and Ms. Breinich answered.
  Ms. Breinich cautioned on singling out uses and having specific restrictions for those uses. The Committee needs to be looking at impacts overall, and whatever they come up with for restrictions on the edges should apply to the overall zone.

- Dining halls – proposing primary use, like restaurants – allowed in CU-1, allowed by special permit in CU-2. Would the Committee like to keep it this way rather than allowing primary use in CU-2? Mr. Elliott believes they ought to allow accessory dining facilities broadly in most of these districts. Mr. Frizzle thinks that dining hall is sensitive enough because of noise and traffic to keep the special permit use in CU-2. Ms. Liscovitz agreed with Mr. Frizzle's recommendation. Ms. Wilson felt that probably all the uses needing a special permit should continue to need a special permit.
- Combining CU-3, CU-5 and CU-6 – CU-3 includes dining halls as a use, CU-5 and CU-6 do not. Mr. Elliott would suggest not allowing the use in the new proposed district except by special permit. Catherine Ferdinand from Bowdoin asked the Committee for some time to think about this change.

- Offices – the current code contains many different types of offices, but the draft code proposes calling an office an office, no matter what type, and to allow them broadly throughout the GC college districts. Ms. Wilson noted from Ms. Liscovitz's letter that part of the negotiation of CU-2 did restrict the percentage of college offices in that

district, and she asked Ms. Liscovitz if there was something that prompted that restriction, which is included in a footnote to the ordinance. Mr. Elliott would propose to delete that because it's very hard to administer over time, unless someone can provide a reason it is included.
Carol Liscovitz replied the restriction was more specific to the height of the building.
Helen Cafferty, 12 Whittier Street, believed when Brunswick Apartments was negotiated, they spoke about limiting the height, but she did not recall restricting the offices. Mr. Frizzle believes the concept of calling an office an office is agreed to by most of the Committee members and the public, and unless there is some history found that dictates leaving it alone, he would take it out but apply the height restrictions. Mr. Hutchinson explained the office restriction involved limiting density, which is not enforceable because we do not have the density standard conversions.

Mr. Elliott rejoined the meeting via telephone.

- Removing theaters, studios, primary use parking and restaurants in CU-3 – another consolidation dilemma where the above are allowed in CU-3, but not allowed in CU-5 and CU-6. Mr. Elliott is asking for direction from the Committee to not allow the structures or to allow them, subject to the restrictions discussed previously.
Kevin Cashman, whose property borders the CU-3 district, asked Mr. Elliott for clarification that the above items are allowed currently in CU-3, and Mr. Elliott responded in the affirmative. Mr. Cashman said he would prefer those uses not be allowed, and Mr. Elliott responded that the solution could be to allow, to not allow, or to allow with special permit, so structures there previously would be grandfathered and it would be more of a compromise. Mr. Frizzle said for the time being the Committee would not decide this so the college and the neighbors could think more about it, and if there are no strong objections, the special permit use would be the way to go. Mr. Elliott stated he would be happy to take feedback into account in the drafting process on any of the topics from today, and the staff draft would take the position that this is their best guess at solving these issues, but the ones in particular raised today will be footnoted that they are under discussion and avoid the impression that someone consented to any final determination. Mr. Frizzle feels that is a good plan if it doesn't hold up the staff draft.
Catherine Ferdinand, Bowdoin College, said Bowdoin would like to have a little time to look at CU-3 because there may be some uses there they would like to retain. She would like some clarification on the first bullet point, residence halls, and wonders if they're talking about restricting residence halls in CU-5 and CU-6, where they are currently allowed. Mr. Elliott responded that that was a consultant's bullet error and they do not intend to change the status of residence halls in CU-5.
Mr. Elliott stated there are a number of things that can happen on a campus that are accessory to the operation of the college as a whole, even though they're not clearly accessory to any building on any particular parcel, so looking at individual properties or individual buildings and saying this either is or is not accessory to that doesn't make any sense. The staff draft is probably going to follow an approach Mr. Elliott has used in other places and say, "*in the case of the GC districts, we are going to interpret accessory uses as being accessory to the operation of the college, rather than an accessory to a particular building on a particular site*". It's just an acknowledgement of the fact that

the college is a collection of buildings and a collection of properties that operate as a whole, and you just can't apply the general rules of lot by lot development and lot by lot use and accessory use determination. Mr. Frizzle believes there is general consensus on this issue.

Kevin Cashman, wanted to make sure the new building height would be the proposed 35 feet in CU-3 rather than 45 feet currently. Mr. Elliott gave clarification that height could be 35 feet tall 30 feet from the property line. It's an adjustment of the distance from the residential zone districts where that would apply, rather than an adjustment of the maximum height of the building. Thirty five feet is a typical height, but Mr. Elliott is open to other suggestions.

Mr. Elliott left the meeting, and Ms. Breinich will fill him in on the rest of the meeting.

Potential creation of an inner Pleasant Street corridor district:

Ms. Breinich presented ideas for the creation of an inner Pleasant Street corridor district, between Stanwood Street and Union Street, which currently contains a mix of civic, religious, business and residential uses. It is an integral part of Northwest Brunswick, but has not retained the character of the rest of Northwest Brunswick. Ms. Breinich and the consultant have talked about three different approaches to that part of Pleasant Street.

- Leave Pleasant Street as contained within the current TR-1 district
- Take it out and create another zoning district, because it is really not compatible with any other adjoining district
- Do an overlay and allow for larger footprints and allow for different types of uses along the corridor itself

Mr. Frizzle stated that it seems appropriate to do something special with respect to the corridor itself, since it is a major traffic route into downtown Brunswick, to reflect the fact that they are dramatically different from the surrounding neighborhoods, especially the Northwest neighborhood. He's not sure it makes a lot of difference whether a corridor district or overlay is used; simply recognizing the fact that it has grown into something different than the residential districts around it is simply prudent. Ms. Wilson asked if it was a Town Center district, and Ms. Breinich and Mr. Hutchinson replied that it wasn't because of the lack of restrictions on dimensional standards that the Town Center district has. Mr. Hutchinson would prefer an overlay because uses in the underlying TR-1 zoning district could be allowed, as well as relaxing some of the standards for those properties in the overlay. Ms. Wilson asked if that could be done without an overlay. Mr. Hutchinson discussed an area and whether it would be regulated by district or overlay, and suggested also looking at Stanwood Street, another example of a mixed-use zone. The Committee discussed possible solutions to this zoning area. A discussion was held about the staff draft of the proposed zoning ordinance.

Next meeting date/agenda topics:

- Public draft ready in June
- Meeting in the latter part of June

Carol Liscovitz, 11 Berry Street, asked about an opportunity to discuss an issue about the college use and residential zones, and Ms. Breinich told her there would be public opportunities to speak about those concerns when the draft is available.

Jane Millet, 10 Franklin Street, had questions about the meeting notice and concerns about a link that wasn't working on the Town's website and using Skype for meetings.

Approval of meeting summaries:

- October 22, 2013
- November 12, 2013
- January 7, 2014
- January 22, 2014

Richard Visser moved, Margaret Wilson seconded, approval of the summaries of the meetings from October 22, 2013, November 12, 2013, January 7, 2014, and January 22, 2014. The motion was approved unanimously.

- March 1, 2014, Draft 1 – These will be attached to the next meeting packet.

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
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: "<u>As stated in the Town of Brunswick 2008 Comprehensive Plan,</u> specific purposes of this Ordinance are to:…."**	
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.** **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)**		Discuss with Clarion in the context of definition and use. 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: 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.** **10/29: Keep name as is. Definition acceptable.**

*Date comment added to table.

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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.**
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.**

*Date comment added to table.

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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 "<u>Sufficiently sized</u> public water and public sewer are required for all mobile home parks unless it can be demonstrated that on-site water supply and septic disposal are available."**
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."**		**This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC.**	

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
		Reference used: http://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf			
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."** **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.**		**This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC.** **Agreed. Village Review Board is charged with design review, not land use review.**	
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.**

*Date comment added to table.

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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.**
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.**	
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.**
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.**
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.**

*Date comment added to table.

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

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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. Questions: Should we allow a 10% or 15% increase in footprint and height by right for nonresidential and multi-family permitted uses? Anything over that increase would then require a conditional use permit. Or do we do as suggested in the comment but also do same for other uses as mentioned above?**	
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.**	
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.**	

*Date comment added to table.

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

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		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. 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.			

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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.**	
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.**	
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.**
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."**	
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.**	

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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.**	
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.**	
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.**	

*Date comment added to table.

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

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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.**	
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.**
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.**
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.**
11/18	**5.2.5.D.1.b.**	**Disability variance – concern about several of these requirements.**		**Based on State law.**	**11/20: ZORC agreed.**
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.**
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.**

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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.**
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.**
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.**

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				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.	
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.**	

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