

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE MEETING

DECEMBER 9, 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, Codes Enforcement Officer; and Jeremy Doxsee, Town Planner

CONSULTANT PRESENT: Don Elliott via ZOOM

Vice Chair Wilson opened the meeting at the request of Chair Frizzle. She explained that there were some internal comments on Agenda Item #3, the draft sign standards which Jeff Hutchinson is working on, and there will be another draft done before the Committee discusses it.

Review and acceptance of meeting summary from 11/20/14:

Mr. Hutchinson had corrections requested for comments on page 2 and 3. They were noted and changes will be made.

Charlie Frizzle moved, Richard Visser seconded, approval of the November 20, 2014, meeting summary. The motion was approved unanimously by those present.

Review of revised Outdoor Storage standards:

Ms. Wilson presented this item, which was extensively discussed at an earlier meeting, and stated that it particularly related to the storage of motor vehicles outside, any distinctions between a new or used car, retail space, Bowdoin College's storage of their vehicles in parking lots, and storage of individual vehicles on private property in or outside a legally existing driveway.

Mr. Hutchinson had some concerns with this section. One concern related to the definition of outdoor storage in a setback. It included recreational vehicles, boats and trucks. He attempted to define a motor vehicle as self-powered with wheels, which would not include watercraft. He talked about Bowdoin's storage on Sills Drive, which would be now be allowed, and recommended allowing boat storage, as he's never had a complaint.

Carol Liscovitz, 11 Berry Street, asked if watercraft was not included in the definition, then what would prevent a temporary storage solution from becoming permanent.

Ms. Breinich believes outdoor storage needs to be kept as a definition, but just the first sentence "*the regular or extended storage of materials outside a fully enclosed building.*" It would be further regulated within the ordinance, if the Committee wishes.

Catherine Ferdinand, Bowdoin College, felt Bowdoin may have fallen between the cracks, since outdoor storage was defined, but not included in the use table. Discussion continued, seeking ways to allow watercraft, and Ms. Liscovitz added that she understood what they were

trying to do with respect to Bowdoin, but she was afraid more things would fall through the cracks with a change in definition. Mr. Hutchinson advised language for watercraft, and defining temporary. Mr. Frizzle states it's hard to distinguish between an owner who leaves their boat in their front yard for years, and an owner with a boat in his backyard which is being restored and takes longer than expected, so he's especially interested in a time length and how it's determined. He believes sometimes these situations are better left to the complaint process. Mr. Elliott says boat storage is handled differently in most of the communities he's been involved with. He thinks it's wise to carve it out of outdoor storage and treat that separately, and he's not sure if the Committee is also dealing with outdoor storage unrelated to boats. The Committee replied that yes, they were also dealing with outdoor storage unrelated to boats. Mr. Elliott believes when they review the use table, they should add it as both an accessory and a primary use, and then determine where it is allowed. He doesn't believe the Committee should begin regulating everyone who puts a boat in their yard unless it's there for a long time, so they are narrowing in on the reasonable middle ground. Mr. Frizzle stated that defining a long time is subjective.

Catherine Ferdinand, Bowdoin College, said they would view their boats as accessory to their educational program, and the storage is temporary (seasonal). She would ask that the Committee permit this use as an accessory in the College Use districts. Ms. Wilson said they are not prohibiting people parking their boat in their front yard if it's within the setbacks, there would be no time limit, and there is nothing in the ordinance that prohibits that. In response to a comment by Ms. Liscovitz, Mr. Hutchinson explained that in the current ordinance watercraft is not restricted. The Committee discussed this and is in agreement with the definitions Mr. Hutchinson has provided, will keep the first sentence of the definition of *outdoor storage*, and will work on the second sentence to include watercraft. Ms. Breinich also noted they need to provide a definition for *outdoor display*, as well as any possible regulations, and the Committee agreed.

Ms. Wilson opened the meeting to any general comments; seeing none, she closed the general comment period.

Ms. Wilson explained the comment/response table, and the way the Committee was working section by section through the public comments.

Review of draft sign standards:

Continue review of public draft general comments:

- **1.2.2.** – ZORC agreed to change the language in the introductory sentence of the proposed zoning ordinance to incorporate reference to the Comprehensive Plan.
- **2.4.6.B.** – ZORC agreed to add “*sufficiently sized*” and “*adequate*” to section 2.4.6.C.3. to the limited expansion of mobile home parks.
- **2.5.9.A.2.** – ZORC agreed with the general philosophy of the Village Review Board as design review and not land review.
- **Footnotes 208 and 210** – these questions deal with the Conditional Use and Special Use aspects of the ordinance. Clarion is going to revise the Use Table, make the terms more specific, and take out the asterisks. The Committee had a lengthy discussion about these

at last meeting and people will see the results of that discussion in the next draft of the proposed ordinance.

- **3.2. – Use Table** – The Committee had a lengthy discussion on artisan industries at the last meeting, and agreed to revise the definition as well as take out the parking requirements and the number of employees sections. Ms. Breinich and Mr. Hutchinson worked on this item after the meeting, and thought the meaning that one does not include the other was clearer with the definitions they had in place for artisan industry and for studio. Ms. Breinich read the definitions to the Committee and they began a discussion. Ms. Breinich asked the Committee if they would like to limit retail sales in studios, because that would make a difference where they are allowed, and no retail sales are allowed in home occupations. Ms. Wilson asked if they could clarify the definition of the word studio so that it does not include any retail sales, and the Committee agreed. Mr. Hutchinson asked if it was in a commercial zoning district, could it still have retail sales? Ms. Breinich suggested saying “*unless permitted by zoning district*”. Mr. Elliott suggested a use-specific standard rather than a definition, and the Committee agreed. **Carol Liscovitz, 11 Berry Street**, asked if there was a provision for a live and work type of use, and Ms. Breinich replied it is allowed in most of the mixed use districts. Ms. Wilson read from the use table, and there were more questions about size and limits. Mr. Elliott suggested a conditional use.

The Committee agreed that retail sales will be taken out of the definition of artisan industry. Mr. Elliott asked Mr. Hutchinson if they delete the numbers and size from artisan industry, is he satisfied that he can distinguish between artisan industry and Class 1 industry. The Committee will spend more time on this section and bring it back at a future meeting.

- **Chapter 4 – relative to Maine Street’s sidewalks** – the Committee agreed at their last meeting that issues relative to seating, signs, and like items on the sidewalk are referred to the Town Council as part of their licensing prerogative and it is outside the zoning ordinance.

Richard Fisco, 2 Lincoln Street, believes an adequate pedestrian thoroughfare should be defined. Mr. Hutchinson explained how he measured pedestrian width and that the process needs to go through the Clerk’s office and the Town Council if that width is contained totally within the right of way. Through maps, his office has a pretty good idea where the right of way line is in each case. The Committee agrees that this is not an issue of zoning.

- **4.1.2. – Dimensional standards – Footnote 19** – allows in certain of the residential districts the ability of a multi-family dwelling to be 10,000 sq. ft. instead of the 5,000 sq. ft. that is generally allowed for other buildings. The recommendation from staff, and the Committee agreed, was to continue with the current zoning, which allows this in the R-4 district. Ms. Wilson questioned how it would be defined, as R-4 will vanish in the proposed ordinance. Ms. Breinich stated they would need to define its geographic boundaries, and Mr. Elliott agreed. Ms. Breinich read the section, noting that the question referred to assisted/congregate living facilities. Mr. Frizzle stated that unless Ms. Breinich could go back and demonstrate that whatever caused that change that limited multi-family dwellings in size in 1999 has disappeared and it is no longer applicable, then it needs to be kept as is, where it is. Ms. Breinich asked if Mr. Frizzle means to not allow it anywhere else, and Mr. Frizzle asked what the argument was then

for limiting it to R-4. Ms. Wilson clarified that none of this has to do with footnote 19, and Ms. Breinich agreed. She believes they talked about this at last meeting and did not want to limit to R-4. The Committee ended up speaking about the assisted living and the multi-family footprint in this section. The question was about limiting the multi-family dwelling to 10,000 sq. ft. unless a Conditional Use permit is granted. The Committee will come back to this comment.

Catherine Ferdinand, Bowdoin College, asked whether the current provisions that allow multi-family dwellings to be 10,000 sq. ft. will carry forward.

Ms. Wilson said the Committee wants to take a close look at the Use Table to make sure that a use that is allowed can actually practically speaking be built, or to make sure that the uses are making sense. If we'd allow it in a couple of districts but not in the neighboring districts, is there really a reason we are doing that. The Committee needs to come back to the Use Table and would really appreciate hearing about all of the little idiosyncrasies and inconsistencies. Ms. Breinich may split the multi-family dwellings and the assisted/congregate living sections, and Ms. Wilson thought that would be clearer.

Allison Harris asked a question about Skolfield House in the proposed GR-6, and whether it was considered assisted living currently and that was why it was permitted. Ms. Breinich answered yes.

- **4.7.1.B.2. – Parking in lieu fees** – these have been discussed at length by the Committee, and will need further input and discussion, as well as the idea of an ongoing maintenance fee, even though it is not a true impact fee.
- **4.7.2.B.** – Staff is still working on a sliding scale for bicycle parking for any development requiring Development Review. Ms. Breinich stated that work is in progress.
- **4.10.1. – Neighborhood Protection Standards** – the Committee will look at this section after they receive the existing setbacks.

Catherine Ferdinand, Bowdoin College, told Ms. Breinich she could get the setbacks to her in writing, and Ms. Breinich accepted, thinking they could take a look at them at the next meeting.

Ms. Wilson created a document that deals with changes in the residential districts with the proposed zoning ordinance, and what would be allowed currently and proposed, since lot size and density have not changed.

Carol Liscovitz, 11 Berry Street, asked if Ms. Wilson was saying that the effect of changing lot size was really only affecting downtown for infill purposes. Ms. Wilson clarified that in any residential district probably the ability to build a multi-family structure will be unchanged by any proposals in the zoning ordinance. Mr. Frizzle added that changing the minimum lot size is mainly restricted to downtown, but Ms. Wilson and Ms. Breinich added that all the growth residential is included. The only places that the minimum lot size was not reduced was current R-1 and R-8. With all the other residential districts, the proposal is to reduce minimum lot sizes from either 15,000 sq. ft. or 10,000 sq. ft. to 7500 sq. ft. Ms. Breinich mentioned there were a few other districts which were unchanged, existing R-7, now GR-5; TR-1, TR-2; RR, which would be GR-1 at Brunswick Landing. Mr. Hutchinson mentioned that the density requirements have not changed, and that is more important. When you develop a lot, you have to meet both size and density. Mr. Hutchinson gave some examples of lot sizes and what would be able to be built.

ZORC work session meeting schedule:

December 17, 2014, Work Session, Town Hall, Room 206, 3:00 – 6:00 pm

January 8, 2014, Work Session, Town Hall, Room 206, 2:00 pm – 5:00 pm

Ms. Breinich would like to come up with two additional dates. She will check with the Committee. Ms. Wilson requested at least one evening meeting, depending on room availability.

Other business:

Ms. Wilson asked about the Conservation Commission, stating they had wanted to be included earlier in the process. Mr. Doxsee said they discussed their comments, but they have never been consolidated. Ms. Breinich and Ms. Wilson asked that that be done very soon. Mr. Doxsee said that the Commission was trying to get a workshop with the Town Council, because the Commission isn't clear that the Town should be accepting some of the open space subdivisions because there aren't the resources to oversee them. Ms. Wilson suggested a proposal, and Ms. Breinich stated whatever we get from them is what we will be reviewing. Ms. Wilson said the Committee had some general comments from the Conservation Commission, but if there were something more specific, that would be helpful. The Recreation Commission is working on impact fees, and Ms. Breinich said that was on the way. Ms. Wilson and Mr. Hutchinson are working on the sign, in addition to coming back to the non-conformity section.

Catherine Ferdinand, Bowdoin College, asked about the current sign ordinance, and Mr. Hutchinson said to ignore that and save comments for the upcoming draft.

Ms. Wilson adjourned the meeting.

Attest

Debra Blum
Recording Secretary