



TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

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

ANNA M. BREINICH, FAICP
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660
FAX: 207-725-6663

**VILLAGE REVIEW BOARD
ZONING ORDINANCE WORK SESSION
AGENDA
ROOM 206, 85 UNION STREET
FRIDAY, JANUARY 16, 2014; 2:00 P.M.**

1. Continue Review Public Draft Zoning Ordinance Comments Related to the Village Review Overlay
2. Other Business

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

Zoning Ordinance Rewrite Comments/VRB Responses – 12/16/14

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC/VRB Consideration	ZORC/VRB Responses
10/23	1.7.2	<p>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.</p> <p>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.</p>	Agree. Definition in existing ordinance must remain as is for compliance with NFIP 44 CFR 59.1.		10/29: Agreed.

12

13

*Date comment added to table.

Zoning Ordinance Rewrite Comments/VRB Responses – 12/16/14

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC/VRB Consideration	ZORC/VRB 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. For VRB: Staff recommends keeping contributing resource definition but changing term to "Contributing Historic Resource."	10/29: Staff/Clarion to develop definition of Historic Resource. 12/19: Staff to rework contributing resource definitions and placement of contributing resources of local and regional significance criteria for consistency in standards.
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 “ <i>The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings</i> ” 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.	12/19: Consider restricting combining of abutting lots within the VRZ. VRB to continue discussion on 1/16 regarding the applicability of the Secretary of Interior Standards with National Register Historic Districts.

*Date comment added to table.

Zoning Ordinance Rewrite Comments/VRB Responses – 12/16/14

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC/VRB Consideration	ZORC/VRB Responses
38 39 11/13	2.4.9.A.2.	<p>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.”</p> <p>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.</p>		<p>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.</p> <p>Agreed. Village Review Board is charged with design review, not land use review.</p>	<p>12/19: See above comment.</p> <p>12/3: ZORC agreed.</p>
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).		<p>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.</p>	<p>11/5: ZORC agreed. Will receive VRB comments in December. 12/19: VRB requested confirmation of required notification from staff. To be further discussion at 1/16 wokrshop.</p>

*Date comment added to table.

Zoning Ordinance Rewrite Comments/VRB Responses – 12/16/14

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC/VRB Consideration	ZORC/VRB Responses
41 42 43	Appendix C C-1-2	<p>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.</p> <p>In the Appendix C, table under section C.2 is labeled Table C.2C.1 – this appears to be a typo.</p> <p>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.</p>	11/5 - Clarion to correct.	<p>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.</p> <p>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.</p>	
91	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.		<p>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.</p>	For VRB

*Date comment added to table.

Zoning Ordinance Rewrite Comments/VRB Responses – 12/16/14

	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 “intrusions” to the proposed district, not	11/20: ZORC agreed. For VRB review.

*Date comment added to table.

Zoning Ordinance Rewrite Comments/VRB Responses – 12/16/14

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC/VRB Consideration	ZORC/VRB Responses
		<p>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"</p>		<p>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."</p>	<p>12/16: Reference Section 5.2.6.C.2. in Section 5.2.6.C.4.b.</p>

124

*Date comment added to table.

Emily Swan's comments

9/8/14

D VRB boundaries - maybe what comp plan says b/c doesn't make sense (cutting down middle of Noble St.)

2-4/5 - Assoc will forward CPM-1 + CPM-6 descriptors to Bde.

p. 4-6 - MUST HAVE MIN FOOTPRINT
NO BIGGER THAN POLICE STATION
- Civic uses can be different?

p. 4-39 - NO! (rear of car is part of flag in zone)

p. 5-25 - no St. Stds. - clarify where they apply + if consistent w/ other applicable standards

9/11/14

Additional comment from Emily Swan -

The definition of Historic Structure leaves out historic structures outside the Village Rev. Zone or any Natl Register Historic District, but these are for the most part the only places where buildings have been systematically classified as Natl Register - eligible and/or contributing/non-contributing.

There are many historic farmhouses, cemeteries, etc. all over town that I don't think would fall within this definition. Many but by no means all are on the VRB's Top 100 list (assuming that list falls w/in ~~the~~ subcategory D of the definition); - so I'm concerned this definition needs to be broadened to include such bldgs.

Julie Erdman

From: Anna Breinich
Sent: Monday, August 11, 2014 9:13 AM
To: 'Margaret Wilson'; Charlie Frizzle (cfrizzle@comcast.net); 'Richard Visser'; Jeremy Doxsee; Jeff Hutchinson; 'Don Elliott'
Cc: Julie Erdman
Subject: FW: Written comments from 8/5 meeting

From Laura.

Anna Breinich, FAICP
Director of Planning and Development
Town of Brunswick
85 Union Street
Brunswick, ME 04011

(207) 725-6660, ext. 4020 (v)
(207) 725-6663 (f)
(207) 504-0549 (c)
abreinich@brunswickme.org
www.brunswickme.org

-----Original Message-----

From: JOSEPH LIENERT [<mailto:golienerts@msn.com>]
Sent: Monday, August 11, 2014 8:05 AM
To: Anna Breinich
Subject: Re: Written comments from 8/5 meeting

Hello again Anna,
Please omit my comments under 3.10. Was re-reading over some of the definitions and realized I had overlooked the word "excluding" amusement parks etc.... I guess I'll sleep better knowing Fun Town Splash Town can't be built on Union Street!
Best to you,
Laura

Sent from my iPad

> On Aug 10, 2014, at 12:39 PM, "JOSEPH LIENERT" <golienerts@msn.com> wrote:
>
> Hey Anna,
>
> As requested, here are my comments in bullet point form from the other night. Again, these are just rudimentary having not had much time to read through everything by that evening.
>
> Chapter 3.8
> *artisan industry- new use designation, unclear where the permitted vs. not permitted line is with respect to GR6 and GM6. Spindle works on Lincoln and Wild Flours baking facility on distal Cumberland come to mind.
>
> Chapter3.10
> *rec facility as accessory- new use designation, no definition is given for "as accessory" but under recreation facility, thoughts of amusement parks, water parks, race tracks and miniature golf courses certainly don't seem appropriate in the Village. Clarity on "as accessory" seems necessary.

>
> Chapter 4.3 and 4.4
> *These sections deal with the new front and side yard depth setbacks. I understand as a growth district, increasing density is a goal, but we have seen with recent constructs around town how lack of appropriate setbacks can lead to quite imposing buildings right up on the sidewalks. Is this the only way to increase density?
>
> Chapter 4.5
> *footnote 474 says there is no maximum building footprint for properties fronting Pleasant Street stating "these adjustments have been made to reflect the larger, more intensive character of the (often public) development along Pleasant Street". The current zoning of a maximum of 7500 sq/ft footprint is appropriate for Pleasant street considering this road is heavily residential as are all the streets coming off of it up to Maine Street. The 7500 sq/ft footprint for the entirety of the new GR6 zone should be maintained.
>
> Chapter4.30
> Are current esplanades 5ft. Wide?
>
> Chapter5.24
> As a board I hope the VRB is able to address how we consider Secretary of the Interior Standards with respect to our own, And how to appropriately apply as we consider applications.
>
> Chapter 5
> I would like the VRB to intentionally look at the parameters of the Village Review Zone. I question why we are not using some of the natural boundaries to define this zone- The zone should clearly extend to the river (to include Lower High, Swett and distal Cumberland as well as they other side of Cushing) and possibly go further south to include Page and Potter. The omission of Cedar and portions of Spring make no sense especially in light of the proposed expansion to include Hannaford/ Everett/ Maine Street Station area.
>
> Thank you,
> Laura
>
>
>
> Sent from my iPad

PRESERVING HISTORIC BRUNSWICK: Would CLG Help or Hinder?

Dear Margaret,

The answer to the question you posed, "How might becoming a Certified Local Government (CLG) disadvantage property owners?" is -- it depends on how the ordinance may be written here in Brunswick and, importantly, on how it would be applied/administered. Federal and State standards permit variability and each municipality, while necessarily meeting certain standards, adopts ordinances that are more, or sometimes less, restrictive. Also, each community is structured differently and has its own traditions and norms. A CLG suits some municipalities and does NOT suit others. More about that later... (see contacts and the bottom line)

I am hopeful that the following topics of discussion may be helpful to you:

1. What is the status of preservation in Brunswick?
Brunswick's National Register Districts, National Register buildings, the VRZ and VRB, status of our application for a Downtown District, BDC facades grant to BDA, BDA annual preservation awards.
2. Compare and Contrast National Register listing with CLG
3. Sources and Contacts for this report and for your use
4. The bottom line as I see it
CLG, risks/protections to historic structures, motivating property owners
5. Attachments
Maine Historic Preservation Commission (MHPC) National Register Listing and Tax Incentives, MHPC CLG Guidelines, National Park Service Standards, City of Portland Certificate of Appropriateness application (pursuant to Portland's CLG ordinance)

Thank you for all your work on ZORC and across time on so many of our planning exercises.

Claudia
January 7, 2015

1. Preservation Status of Brunswick's Historic Buildings

Brunswick has three National Register Districts.

The Federal Street Historic District begins at Mason and Federal Streets, stretches to Bath road and beyond to incorporate Bowdoin College Campus, and sweeps over to Park Row, and up Maine Street to include the historic fraternity houses that are now residence halls.

The Lincoln Street Historic District encompasses one block, from Maine to Union Street.

The Pennellville Historic District covers several properties.

Brunswick has a number of National Register listed properties: the Swinging Bridge, the Richardson House on Lincoln Street, First Parish Church, St. Paul's Episcopal Church, the Harriet Beecher Stowe House, Massachusetts Hall, the Parker Cleaveland House, the Henry Boody House, the John Dunlap House on Oak Street, Crystal Springs Farm....

Brunswick has also determined boundaries for a Village Review Zone that incorporates much, but not all, of the downtown. It should be noted that efforts to expand this zone in 2013 to incorporate more of the residential streets beyond Pleasant Street, met some challenges – it now goes to Noble Street with a one-lot deep extension to Page Street. The Village Review Board sponsors public programming during Historic Preservation Month each year. Both the Town and the Pejepscot Historical Society have lists of historically significant structures.

The Brunswick Downtown Association (BDA) is underwriting work by Annie Robinson and Janet Roberts to submit an application for a National Register Downtown District on Maine Street from Mill Street to Pleasant Street, and from Mason Street to School Street. The district has been deemed "eligible" by Maine Historic Preservation Commission (MHPC) which has identified 34 contributing properties. All property owners were invited by letter to a public meeting on the process and the VRB was briefed and supportive in 2013. **Income producing properties in a listed district may access 45% tax credits and other assistance for restoration and adaptive reuse projects including infrastructure such as wiring, asbestos removal, sprinklering, energy efficiency, etc.** BDA has paid \$2,275 for photography, and \$3,000 for the writing of this application. The first draft of the application has been reviewed at MHPC and extensive comments are now guiding meticulous preparation of the final application. BDA anticipates an April submission to MHPC. Prior to acting on the application, MHPC will send letters to all property owners in the proposed district. If 51% respond

in writing, notarized, that they do NOT wish to be in a district, the MHPC will not proceed.

BDA is administering a matching Facades Grant from the Brunswick Development Corporation (BDC) to assist with the exterior restoration of Brunswick's commercial buildings. From the original grant of \$250,000, BDA has disbursed \$25,676 in matching funds for completed projects, and holds reserved \$90,288 for projects authorized in 2014 that will be completed in 2015. \$134,036 remains to be awarded in 2015 and beyond. Additionally, BDA annually recognizes people and organizations that have created tangible value in the heart of the community through the renovation or restoration of existing downtown buildings or through new building projects that restore and enhance the traditional streetscape. Retail, residential and institutional buildings are eligible for consideration as are infrastructure improvements.

2. Compare and Contrast National Register Listing with CLG=

National Register Listing

Defers entirely to local ordinance regarding standards and demolitions

Does NOT in any way limit property owner rights in the use, development, sale, or even demolition of property

Documents the significance of historic buildings (and confers bragging rights)

Makes owners eligible to apply for preservation grants

Makes the rehabilitation of income-producing properties eligible for State and Federal tax credits (45% of costs) so long as work meets standards – it is recommended that work be approved in advance.

Certified Local Government (CLG)

Requires adoption of local ordinances that meet standards for the protection of historic resources. Ordinances adopted by municipalities in Maine differ.

Requires formation of a Local Review Commission of at least 5 members, all qualified people, who must attend annual training sponsored by MHPC. Vacancies must be filled within 60 days.

Requires review of alterations, demolition, moving of buildings, and new construction within historic and prehistoric districts and requires application of the Secretary of Interior's Standards to these activities.

Requires an annual report to MHPC and the Park Service

Imposes penalties for non-compliance.

Makes municipalities eligible to compete for State grants for preservation activities such as signage, surveys, and staffing (about \$40,000 per year is available and competition is thin many years)

Notes: Maintenance does not require review/approval under a CLG. Alterations do require review/approval. In Portland, contemporary solutions to new construction are encouraged when "compatibility" with surrounding buildings is achieved. In Topsham, the Review Commission relies heavily on the advice of Town staff. Bangor, York, Topsham, Kennebunk, Hampden, Lewiston, Saco, Castine, Portland, and Gardiner have CLGs.

3. Sources and Contacts

Christi Mitchell, MHPC National Register Coordinator, 287-2132 x2

Robin Reed, MHPC Certified Local Government, 287-2992

Deborah Andrews, Portland Historic Preservation Program Manager, 874-8726

Rod Melanson, Topsham Town Planner, 725-1724. Topsham has been a CLG since 1986. By 2004, the strict regulation under the administration of a highly qualified local commission was causing enough friction among homeowners that a movement to rescind CLG gained momentum. Using CLG funding, the Town reviewed and rewrote its ordinance to clarify the process. The Highlands has utilized tax credits for its listed properties. Rick Quesada's mill project did NOT use credits.

Scott Hanson, architectural historian, Sutherland Conservation and Consulting, Augusta. Scott lives in Topsham. 620-6291 (cell). A self-described preservationist, Scott believes preservation ordinances should have "teeth" in them. He says that while good maintenance cannot be compelled, 'building stabilization' can be compelled. Scott is expert on the Varney Mill/Fort Andross history. Scott has assisted Richard Nemrow in receiving tax credits of some \$750,000 for the rehabilitation of the Carney Double House on Park Row. Scott advises that any consideration of becoming a CLG be tackled separately from other zoning ordinance changes and that a qualified consultant be hired.

Andrew Deci, Director Planning and Development, City of Bath, 443-8363. Bath's Planning Board has jurisdiction over changes to buildings and the full site plan which gives that body the broader picture and provides property owners one-stop process. The Planning Board takes seriously comments by Sagadahoc Preservation, Inc., a citizen advocacy group that provides education, research, and expert testimony about projects within the historic district. Bath has no interest in becoming a CLG, in part because CLG requires appointment of a Commission that has independent authority from the Planning Board. Grants for CLG communities are less abundant and generous now than in the past.

Judy Barrington, President, Sagadahoc Preservation, Inc.

4. The Bottom Line As I See It

Buildings survive and thrive only because they are useful and in use, they are productive and serve a function, they earn their keep and justify investment in maintenance and rehabilitation. Buildings that do not accomplish these results, end up in the land fill no matter how worthy they may, at one time, have been.

Some buildings are just unlucky. They are in the wrong place at the wrong time. This is true when institutions have acquired land and the building does not meet the new owners' objectives. Buildings may outlive their usefulness to the institutions they used to serve. They are left vacant and ultimately torn down.

Some buildings are used as a temporary cash cow by their owners who reap years of rental income even while the building loses its value, falls into disrepair, is structurally compromised by unauthorized work, and becomes ever more vulnerable to fire. A complaint-driven codes inspection program aids and abets this type of neglect. Every census taker in the downtown has observed rampant codes violations in rental properties.

There is no simple answer to preserving historic buildings, and even a very stringent CLG ordinance would not assure the survival of many buildings. Overzealous regulation or administration of ordinances, to the extent that it may increase delays and add uncertainty for investors, may have the unintended impact of decreasing value while increasing the vulnerability of historic buildings. Even the most ardent proponent of CLG told me that such a discussion should NOT be combined with the zoning review process and would require expert consultation. Government can help but it cannot do it all.

Brunswick has, perhaps, been hindered by its lack of a preservation society, such as SPI in Bath, that can, independent of government, freely advocate and investigate because it does not have statutory authority. The Pejepscot Historical Society is, by choice and by-law, not a preservation society. Its mission is the administration of its museums and collections. Nor is the Village Review Board a preservation society. It is both encumbered by and empowered by its statutory authority under Brunswick's ordinance. Different communities solve the challenges of historic preservation differently and my instinct is always to support what Brunswick has – believing as I do, that it exists for a reason and that it developed to serve Brunswick's unique character. Brunswick, in and out of government, has marshalled a complex of preservation forces and resources as outlined in section 1.

The best protection for historic buildings is a thriving community wherein property is valued and valuable. This requires a local government that invites investment, and a market in which investment in preservation has the potential for increasing the building's performance and its resale value.

Great restaurants, beautiful flowers, interesting shop windows, safe sidewalks, well-kept residences in family-friendly neighborhoods, reasonable speed limits, -- all these and so many more have a role to play in creating a climate in which Brunswick's oldest buildings can prosper.

Anna Breinich

From: Anna Breinich
Sent: Tuesday, May 21, 2013 4:48 PM
To: 'Pat Scully'
Subject: FW: National Register eligibility determinations

Anna Breinich, AICP
Director of Planning and Development
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

(207) 725-6660, ext. 220 (v)
(207) 725-6663 (f)
(207) 504-0549 (c)
abreinich@brunswickme.org
www.brunswickme.org

From: Mohny, Kirk [mailto:Kirk.Mohny@maine.gov]
Sent: Tuesday, May 21, 2013 4:43 PM
To: Anna Breinich
Subject: RE: National Register eligibility determinations

Anna,

In response to your request, the Commission offers the following comments with regard to the proposed Section 216.4:

1. Linking the definition of a "Contributing Resource" to the definition used in the National Register of Historic Places program is positive because that definition has now been widely used for several decades. However, we recommend that if you take this step, the definition as written on page 16 of National Register Bulletin 16A be cited in its entirety rather than be paraphrased. For example, the term "site" is missing from your definition, and site is typically used to refer to an archaeological resource (which is referenced as a resource in item 1 under the definition of "Contributing Resource of Local or Regional Significance").
2. Generally, when a historic preservation ordinance is established, those properties or resources that it is meant to apply to at the time of adoption – if known – are specifically named in the ordinance. Additional properties can be included later through a designation process that typically includes public hearings and a formal amendment to the ordinance. However, it appears that the ordinance as currently drafted lacks a designation process.
3. In the past, we have discouraged municipalities from enacting ordinances that automatically apply to properties that may be found eligible for listing in or that are listed in the National Register after the ordinance is adopted and the protected properties named (see #2 above). The issue is that pursuant to federal law and regulations listing a property in the National Register places no restrictions on a property owner's use, alteration or disposition of his or her property (unless a federally funded, licensed or permitted undertaking may affect it), whereas by definition a local historic preservation ordinance does place restrictions. Thus, it is important to keep the two designation processes separate.
4. For the reasons outlined above, we recommend that a specific designation process be included in your ordinance so that if other properties in Brunswick that meet the definitions of a "Contributing Resource" or a "Contributing Resource of Local or Regional Significance" are identified in the future (regardless of whether they

are National Register listed or eligible or meet Town criteria), there is a means to amend the ordinance and include them under its provisions.

I would be happy to discuss this matter with you further.

Kirk

Kirk F. Mohney
Assistant Director
Maine Historic Preservation Commission

From: Anna Breinich [<mailto:abreinich@brunswickme.org>]
Sent: Tuesday, May 21, 2013 2:35 PM
To: Mohney, Kirk
Subject: RE: National Register eligibility determinations

Here's the original version prior to the interim amendment providing for Planning Board approval of demos to expire once this amendment or a revised version is adopted by Council. Been a cumbersome process.

Would love to move towards CLG. However, our VRZ is really design based, oriented towards historic/traditional character of the "village" and not based on established historic districts. Historic Districts are within the VRZ but it's more than that. What we're trying to do is a better hybrid than what was in place before.

How far off would we be for CLG status?

Anna Breinich, AICP
Director of Planning and Development
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

(207) 725-6660, ext. 220 (v)
(207) 725-6663 (f)
(207) 504-0549 (c)
abreinich@brunswickme.org
www.brunswickme.org

From: Mohney, Kirk [<mailto:Kirk.Mohney@maine.gov>]
Sent: Tuesday, May 21, 2013 1:56 PM
To: Anna Breinich
Subject: RE: National Register eligibility determinations

Anna,

Can you provide us with a copy of the existing Village Review Zone Overlay language?

Are you still considering the CLG program? If you are, at a quick read the language in this current draft does not seem to meet our guidelines.

Thanks,
Kirk

From: Anna Breinich [<mailto:abreinich@brunswickme.org>]
Sent: Tuesday, May 21, 2013 12:20 PM
To: Mohny, Kirk
Subject: National Register eligibility determinations
Importance: High

Hi Kirk,

I left a related message for Christie but understand she is out until the 28th.

In the attached draft amendment to our Village Review Zone Overlay (Section 216 of the Town's Zoning Ordinance), we propose to include "properties eligible for listing on the NRHP, as determined by MHPC," as one of four types of contributing resources (page 78). I know MHPC determines eligibility but wanted to make sure this provision makes sense.

The Planning Board will be holding its public hearing on the proposed amendment this evening and will make recommendation to the Town Council. Won't be considered by Town Council until next month.

If you have time to discuss today, feel free to call.

Thanks for your assistance.

Anna

Anna Breinich, AICP
Director of Planning and Development
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

(207) 725-6660, ext. 220 (v)
(207) 725-6663 (f)
(207) 504-0549 (c)
abreinich@brunswickme.org
www.brunswickme.org

Anna Breinich

From: Anna Breinich
Sent: Monday, March 10, 2014 3:35 PM
To: 'Reed, Robin K'
Cc: Mitchell, Christi; Mohney, Kirk
Subject: RE: CLG application

Thanks Robin.

Will wait to hear results of your review of the ordinance and survey before going any further.

Anna

Anna Breinich, AICP
Director of Planning and Development
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

(207) 725-6660, ext. 220 (v)
(207) 725-6663 (f)
(207) 504-0549 (c)
abreinich@brunswickme.org
www.brunswickme.org

From: Reed, Robin K [<mailto:robin.k.reed@maine.gov>]
Sent: Monday, March 10, 2014 1:51 PM
To: Anna Breinich
Cc: Mitchell, Christi; Mohney, Kirk
Subject: CLG application

Anna:

Thank for your email below and attachments.

Our office will review your ordinance to see if it meets the CLG requirements within 60 days. We will also review t1l-architects' document regarding their recent survey of contributing structures outside the historic districts.

Please see the attached CLG application checklist. Please email me all items on this list.

I am also attaching a resume form for you commission members in case they do not have resumes.

Let me know if you have questions.

Robin K. Reed
Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, ME 04333

phone: 207-287-2132 ext. 1
fax: 207-287-2335
robin.k.reed@maine.gov
<http://www.maine.gov/mhpc>

From: Anna Breinich
Sent: Friday, March 07, 2014 4:51 PM
To: Reed, Robin K
Subject: Correspondence last year related to our request for review of then draft Village Review Zone amendment.

Hi Robin,

After requesting and receiving MHPC staff comments (see email string below) and revising the original draft to address Kirk's comments last year, the amendment was adopted by Town Council June 3, 2013. I've attached the adopted version which is contained in our zoning ordinance along with new Appendix 6 listing of properties within the Historic Districts or portions thereof located within the Village Review Zone. We contracted with ttl-architects to complete the survey of contributing structures outside the historic districts; survey is included in the March 11th meeting packet I forwarded to you earlier today. After final review and acceptance by VRB, we can then begin the zoning ordinance amendment process to append the list of properties to the ordinance per Kirk's recommendation.

My earlier question in late January was with regard to what else would be needed prior to being considered for CLG status.

Thanks for your help.

Anna

Anna Breinich, AICP
Director of Planning and Development
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

(207) 725-6660, ext. 220 (v)
(207) 725-6663 (f)
(207) 504-0549 (c)
abreinich@brunswickme.org
www.brunswickme.org

Anna Breinich

From: Reed, Robin K <robin.k.reed@maine.gov>
Sent: Thursday, March 06, 2014 4:44 PM
To: Anna Breinich
Cc: Mohny, Kirk
Subject: zoning ordinance amendment ?

Anna:

Regarding your conversation on Thursday with Kirk and the last paragraph in your email below, I recall that you mentioned last year that you would send your historic preservation ordinance for review when it was ready, but our office never received it.

Also, is the proposed zoning ordinance amendment now ready for review? Has the amendment language changed from what Kirk reviewed last year? Would you email me the most recent copy?

Also, is Brunswick formally requesting our office's review of their historic preservation ordinance for the CLG program?

Please advise.

Robin K. Reed
Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, ME 04333
phone: 207-287-2132 ext. 1
fax: 207-287-2335
robin.k.reed@maine.gov
<http://www.maine.gov/mhpc>

From: Anna Breinich [<mailto:abreinich@brunswickme.org>]
Sent: Tuesday, January 28, 2014 11:50 AM
To: Reed, Robin K
Cc: Mohny, Kirk
Subject: New CEI building - 28-30 Federal Street, Brunswick

Hi Robin,

At our request, CEI and their development team requested your assistance in designing their new building for architectural compatibility within the Federal Street Historic District. The applicant has shared the proposed architectural renderings and the design looks amazing! Much better fit than our existing municipal buildings located onsite, 28-30 Federal Street.

As you know, the proposed development is within the Brunswick Village Review Zone and, as such, will require a Certificate of Appropriateness for Demolition of the municipal buildings and the architectural design of the new CEI building. We anticipate the COA application being filed later this week/beginning of next for consideration by the Village Review Board on February 18th. With that said, could you provide a letter regarding MHPC involvement in the design

process and your concurrence with their proposal? I would like to include the letter in the VRB meeting packet which will be posted online by February 6th. Please let me know if this is possible.

On another topic, ttl-architects has now completed the classification of contributing structures within the VRZ, as required by the recent zoning ordinance amendment you reviewed last year. As suggested by MHPC, we will be requesting a zoning ordinance amendment to include the list of contributing properties after VRB takes action on the final listing next month. I would be happy to share a copy of the document at that time. Based on earlier correspondence, I believe we may then be eligible to apply for CLG designation?

Thanks for all your help!

Anna

Anna Breinich, AICP
Director of Planning and Development
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

(207) 725-6660, ext. 220 (v)

(207) 725-6663 (f)

(207) 504-0549 (c)

abreinich@brunswickme.org

www.brunswickme.org