



TOWN OF BRUNSWICK

**ZONING ORDINANCE REWRITE
COMMITTEE**

85 Union Street, Brunswick, ME 04011-1583

**WORK SESSION
AGENDA
ROOM 206
85 UNION STREET
THURSDAY, JANUARY 15, 2015
9:00 AM**

1. Outdoor Storage discussion
2. Review comments from Conservation Commission
3. Continue review of public draft general comments/questions
4. ZORC work session meeting schedule
January 22nd (3-6pm; *ZORC Work Session; Town Hall Room 206) revised time & location*
January 27th (6-9pm; *ZORC Work Session; Town Council Chambers*)
January 29th (5:30-8:30pm; *ZORC Work Session; Town Council Chambers) revised time & location*
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. 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.

Lot Width:The horizontal distance between side lines measured along a line that is parallel to the front lot line.⁶⁴

Lot, Rear: A lot located to the rear of another lot that lacks the minimum road frontage required in the zoning district and is accessed by either by a strip of land that is part of the parcel or a deeded right-of-way or easement over one or more lot(s).

Lowest Floor:For purposes of the floodplain management regulations for the NPO2 District, the lowest floor of the lowest enclosed area (including basement) of a building. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Housing: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A , as amended.⁶⁵

Marina: A business establishment having frontage on navigable water that, as its principal use, provides for hire moorings, slips, and/or docking facilities for boats, and that may also provide accessory services such as boat and related sales, boat repair and construction, setting of moorings, boat and tackle shops, and marine fuel service facilities.⁶⁶

Marine Activity: Construction including but not limited to piers, docks, wharves, breakwaters, causeways, marinas, boat launching ramps, yacht clubs, boat yards, boat storage, facilities associated with commercial fishing, bridges over 20 feet in length,⁶⁷ and accessory uses associates with any of these activities. Excluded are non-commercial structures which are: accessory to a single or two-family dwelling.⁶⁸

Mineral Extraction: Any operation that removes within any 12 month period more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or similar mineral from its natural location for sale or use off-site.

Mixed Use: Any combination of residential and non-residential uses on the same lot or in the same building or building complex.

Mobile Home: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A (1), as amended.⁶⁹

Mobile Home Park: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.B, as amended.⁷⁰

Mobile Home Park Lot: The area of land within a mobile home park designed and used as the site for placement of an individual mobile home and reserved for use by the occupants of that home.⁷¹

Modular Home: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A (2), as amended.

Motor Vehicle: A self-powered wheeled vehicle, designed to run primarily on improved roads, which transports passengers or cargo, such as but not limited to, cars, trucks, motorcycles,

⁶⁴ Definition revised for clarity.

⁶⁵ New definition.

⁶⁶ Current definition of "marina"; references to boat storage removed since included in marine activity.

⁶⁷ Existing definition replaced

⁶⁸ Criteria reworded to better guide Planning Director's decision, and to delete references to projects that do not require a Special Permit or Development Review.

⁶⁹ Current definition replaced by definition in Maine Statutes.

⁷⁰ New definition from Maine Statutes.

⁷¹ Current definition revised slightly to match statutory definition in 30-A M.R.S.A. § 4358.1.B.1.

recreational vehicles, motorized watercraft and buses, but not including trains, emergency vehicles and watercraft.

Motor Vehicle Sales Area: An open area, other than a street, used for the display, sale, lease or rental of new or used motor vehicles in operable condition.

Motor Vehicle Sales And Leasing: The use of any building or land area for the display and sale or lease of any new or used motor vehicle, and may include any warranty repair work or other repair service conducted as an accessory use.

Multifamily Dwelling. A structure designed for occupancy by three or more households or living units, but not including an Assisted/Congregate Living Facility, Boarding House, Hotel, or Residence Hall.⁷²

Municipal Facility: Any Town owned or leased facility that is provided to meet a municipal need, including, but not limited to recreational facilities, municipal offices, and utilities provided by Brunswick and Topsham Water District and Brunswick Sewer District necessary to provide utility services to residents of the Town, but not including schools. Facilities of the Brunswick-Topsham Water District and the Brunswick Sewer District are considered to be municipal facilities.⁷³

National Geodetic Vertical Datum (NGVD): For floodplain management purposes, the NGVD is the national vertical datum, whose standards were established in 1929, which is used by the National Flood Insurance Program (NFIP). The NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

Naturally Occurring Stand Dominated by Woody Vegetation: An area of forest, shrub land, heath barren or regenerating timber harvest. This definition does not include artificially planted Christmas tree farms or pine plantations.

Neighborhood Store: A retail store of not more than 2,000 square feet, located on a collector street, offering primarily grocery items and that may also offer takeout food items. A Neighborhood Store does not incorporate and is not accessory to a vehicle fueling station.

Net Site Area: The portion of a parcel subject to Development Review and used in the determination of allowable density. See Section 4.1.4.A, Calculation of Net Site Area.

New Floodplain Construction: Structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

Nonconforming Lot: A lot that does not meet one or more of the requirements of this Ordinance, but was lawfully created before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Sign: A sign that does not meet one or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Site Feature: A site feature that does not meet one or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Structure: A structure other than a sign that does not meet one or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance provisions that cause it to be noncomplying.

⁷² New definition.

⁷³ Current definition from Sec. 306. Schools are now excluded from this definition and appear as their own use.

Noncontributing Resource: For purposes of the Village Review Overlay District, a building, structure, or object that does not add to the historic sense of time and place or historic development; or one where the location, design, setting, materials, workmanship, or association have been so altered or have so deteriorated that the overall integrity has been irretrievably lost.

Normal High-Water Line (non-tidal waters): That line—apparent from visible markings, changes in the character of soils due to prolonged action of the water, or changes in vegetation—that distinguishes predominantly aquatic land from predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and are at the same or lower elevation as the water level of the river or stream during the period of normal high-water are considered part of the river or stream.

Nursing Home: A facility for individuals needing 24-hour skilled nursing care who can no longer live independently.

Office: A space used to conduct the administrative affairs of an organization, including but not limited to spaces for academic or administrative staff of a postsecondary school, or for a member of a recognized medical or non-medical profession, or for commercial vocational education that is not college, or a facility for purposes of preparing or presenting or broadcasting materials on radio, television, or cable television or similar communications media or the recording or production of films or video material. Includes uses formerly known as Business Office, College Office, Professional Office, and Media Studio.⁷⁴

Off-Premise Advertising: A sign that advertise products, services, or activities not sold, distributed, or carried out on the premises.

Outdoor Sales: A temporary outdoor vendor operating from a portable facility located on a given site, involved with the dispensing of information or selling products including, but not limited to, prepared or unprepared food but not including flea markets, garage and yard sales, farmers' markets, sales of food from food trucks, church events or other similar activities.⁷⁵

~~**Outdoor Storage:** The regular or extended storage of materials outside a fully enclosed building. Recreational vehicles, boats, and trucks shall be considered outdoor storage if placed within a required front, side, or rear yard for a period exceeding 60 days.~~

Parking Facility (as a principal use): A parking lot or garage that is used for the parking of vehicles of occupants, customers, patrons, employees or visitors of a building, structure or use located on a different parcel.

Passive Recreation: Walking, hiking, biking, and other similar activities. Passive recreation specifically excludes the use of motorized vehicles and equipment.

Permanent Clearing: For the purposes of wildlife habitat protection regulations for the WPO District, the removal of 40 percent or more of the volume of trees, or the creation of a cleared opening in the forest canopy that is greater than 250 square feet as measured from the outer limits of the tree crown, neither of which is allowed to naturally regenerate.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pests, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

⁷⁴ New definition combining the current definitions of "business office", "college office", "media studio", and "professional office", and including commercial vocational education facilities.

⁷⁵ Current definition revised to clarify that this is a temporary use and to exclude farmers' markets and food trucks.

predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow: An area of a coastal wetland that supports salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common three-square bulrush occurs in fresher areas.

Scale: Factors that determine the intensity of a use—including, but not limited to, the size of buildings, the number of employees, residents, or customers, and the size and number of vehicles servicing the use.

School: Any building consisting primarily of classroom space that is used for offering courses, lectures, training seminars or other similar use, including, but not limited to, private nursery, kindergarten, elementary, middle, secondary education, including accessory structures and uses necessary to support those activities, but not including facilities for post-secondary education.⁸¹

Screening: The use of landscaping, fencing, or site design techniques to minimize the view of a structure or use from a public road, public place, or adjacent property.

Seasonal Storage: For the purposes for outdoor storage of watercraft, shall mean the storage of watercraft for a time period not to exceed nine consecutive months.

Secondary Road: Any road not listed in the definition of “primary road.”

Secretary of the Interior’s Standards: The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (U.S. National Park Service, 1995), as amended. These are national standards to guide work undertaken on historic properties, and are intended to assist in the long-term preservation of historic structures and features. They are used to evaluate rehabilitation projects on certified historic structures for federal tax credits.

Service Business, Class 1: A business under 2,000 square feet in gross floor area where the principal use is the providing of personal services, including but not limited to: barber shops, beauty salons, shoe repair shops, tailors, mail services, and laundries.⁸²

Service Business, Class 2: A business 2,000 square feet in gross floor area or greater where the principal use is the provision of personal services, including but not limited to: barber shops, beauty salons, shoe repair shops, tailors, mail services, and laundries.

Setback: In non-shoreland area, the minimum horizontal distance between the front, side or rear lot line and the nearest point of the building, including decks or any covered projections thereof, on the lot.⁸³ **Setback:** In a shoreland area, the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area.

Shoreland Area: The Shoreland Protection Overlay (SPO) District.

Shoreline: The normal high-water line of, or upland edge of, a freshwater or coastal wetland.

Sign: An object, device, or structure, or part thereof, situated outdoors or displayed in a window, freestanding or attached, that is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by

⁸¹ Current definition of “educational facility” with references to accessory uses and structures added and references to post-secondary education removed.

⁸² Current definition revised to include mail services. Service business definitions now clarify that the relevant measure is gross floor area – for consistency with other definitions.

⁸³ Definition simplified.

provided, including the poles, pipes, wires, transmitters, culverts, and service boxes necessary to provide those or similar services, of a scale and character commonly found in developed portions of the Town, but excluding Telecommunications Towers, Small-scale Telecommunications Towers, Renewable Energy Generating Facilities, offices for the conduct of utility business and operations, and Major Utility Facilities.⁹⁶

Vegetation:All live trees, shrubs, ground cover, and other plants.⁹⁷

Vehicle Fueling Station: An establishment providing sales of fuel for motor vehicles, including but not limited to gasoline, diesel fuel, compressed natural gas, or electricity, that may also provide minor repair services such as lubrication, oil and tire changes, but not including vehicle bodywork or painting, or major repair of engines or drivetrains. Does not include Vehicle Service or Repair or Marina⁹⁸

Vehicle Service or Repair: An establishment where motor vehicles and equipment, are repaired or serviced, but not including boat or small engine service or repair⁹⁹

Veterinary Office: A professional office for the practice of veterinary medicine and at which related services such as pet boarding and grooming may be offered.

Volume of a Structure:The cubic foot volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Warehousing and Storage: A use in which materials, goods, or equipment are stored for compensation or in connection with a business operation.

Water Body:Any great pond, river, or stream.

Water Crossing:Any project extending from one bank to the opposite bank of a river, stream, or wetland, whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance on these crossings.

Watercraft; Any type of vessel, boat, canoe, kayak or craft capable of being used as a means of transportation on water, other than a seaplane, including motors, electronic and mechanical equipment and other machinery, whether permanently or temporarily attached, that are customarily used in the operations of the watercraft.

Wetland, Coastal: Any tidal and subtidal lands; any land with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed, as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Wetland, Forested:A freshwater wetland dominated by woody vegetation that is six meters tall (approximated 20 feet) or taller.

Wetland, Freshwater: A freshwater swamp, marsh, bog, or similar area other than a forested wetland which is:

- A. Of ten or more contiguous acres; or of less than ten contiguous acres and adjacent to a surface water body, excluding any river or stream, such that in a natural state, the combined surface area is in excess of ten acres; and

⁹⁶ Definition of “utility facility” revised to apply to minor facilities.

⁹⁷ Current definition simplified.

⁹⁸ New definition to clarify relationship to vehicle repair, and to include alternative forms of vehicle fuel.

⁹⁹ Current definition of “motor vehicle service/repair” revised to include broader list of examples, but to exclude boats.

4.12.3. Dust and Fumes⁵⁸²

- A. Emission of dust, dirt, fly ash, fumes, vapors or gasses that could damage human health, animals, vegetation, or property, or that could soil or stain persons or property at any point beyond the lot line of the use creating that emission, shall be prohibited.
- B. The developer shall apply and maintain asphalt, water, or calcium chloride on dirt roads, driveways, parking lots, and other surfaces to control the level of airborne dust and other particles associated with construction of the development.

4.12.4. Odors⁵⁸³

No use may, as a result of normal operation, regularly emit odors that are offensive or harmful by reason of their character, intensity, or duration, and that are perceptible beyond the lot line. No odor may be considered offensive if it is commonly associated by way of character, intensity, or duration with a permitted use in the zoning district in which it is located. Odors commonly associated with a permitted use may not be perceptible beyond the zoning district boundary unless the use is permitted in an adjacent zoning district.

4.12.5. Vibrations⁵⁸⁴

No use or activity shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

4.12.6. Unlicensed Motor Vehicles⁵⁸⁵

With the exception of properties on which a legally established vehicle sales, rental, or storage use, or a vehicle service or repair use, is located, not more than two currently unregistered and/or uninspected motor vehicle shall be parked, kept, or stored outside. This provision shall not apply to vehicles that do not require registration and/or inspection.

4.12.7. Motor Vehicle Parking in Required Setbacks

Motor vehicle parking is not permitted in a required setback except for motor vehicle parking on legally established driveways, parking lots and motor vehicle display areas. Seasonal storage of all watercraft is allowed in a side and rear setback but not a front setback.

4.13 Maintenance⁵⁸⁶

4.13.1. General

When the standards and procedures of this Ordinance or conditions attached to a development approval require that any structure or site feature be constructed or installed, the owner of the affected property shall be responsible for maintain these structures and site features in good repair, and for replacing them if they are damaged or destroyed, or in the case of living materials, if they die or are effectively destroyed after installation. In addition, property owners shall be

⁵⁸² From current Sec. 109.1.

⁵⁸³ From current Sec. 109.2.

⁵⁸⁴ New standard.

⁵⁸⁵ From current Sec. 109.7.

⁵⁸⁶ Per the Annotated Outline, this new section includes a general requirement for maintenance of required structure and site features, plus specific maintenance requirements for landscaping, signs and parking areas.

Conservation Commission comments to ZORC

Chapter 4

Section 4.1

Subsection 4.1.4.C - Open Space Developments

- C.4.a.i : “The land set aside as conserved open space” is all unbuildable, already protected land. Why are we rewarding them with potential density bonuses for setting aside land they can’t build on it anyway? It should be additional, developable land they offer to set aside that would generate density bonuses.
- Perhaps separate criteria should be developed, as some – ie stands of mature trees, areas of rare plant communities, indeterminate deer winter habitat – could be developed. Others – wetlands, shoreland zoning, steep slopes.
- Unbuildable land (steep slopes, vernal pools, etc.), should not be used to satisfy open space requirements. This language should go in 8.5.
- C.4.a.iii : this language should be put up front, and should be strengthened or be more explicit that acceptance of unconnected strips of land is less desirable to Town.
- C.8.C.i: for parcels “larger than 10 acres” requirement should read contiguous parcels larger than 10 acres.
- C.8. : this section only talks about easements, but not dedication of fee simple land. Commission believes Town has received fee simple land in the past. 8.a may be referencing fee simple – not clear – but conservation easement is still required? Criteria should apply to fee simple and easements. It needs to be pointed out that fee simple may be preferred, if it’s to be owned by the Town, from a stewardship perspective.
- Town needs to develop an appropriate easement stewardship fee, to cover staff time and legal requirements not necessarily incurred with fee property. Town should explore applying a fee for “fee simple” conveyances too, as we currently don’t have resources to manage Town-owned properties. Accepting more fee simple properties without new resources is not sustainable.
- Table 4.1.4.C.6 – column for RP1, RM and column for RP2 are identical – combine?

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

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
		<p>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.</p>		<p>For discussion by ZORC. For VRB (12/16/14): Staff recommends keeping contributing resource definition but changing term to "Contributing Historic Resource."</p>	<p>10/29: Staff/Clarion to develop definition of Historic Resource. 12/16: VRB Response - Staff to rework contributing resource definitions and ordinance placement of contributing resources of local and regional significance criteria for consistency in standards.</p>
10/23	1.7.2 1-23	<p>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.</p>		<p>Discuss with Clarion in the context of definition and use.</p>	<p>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.</p>

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
21		<p>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)</p> <p>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)</p>		<p>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.</p> <p>May want to consider renaming uses to Automobile Dealership; combined Motor Vehicle Sales and Vehicle Sales, Rental or Storage.</p> <p>Don't agree that a separate accessory use is necessary.</p>	<p>10/29: Keep name as is. Definition acceptable.</p> <p>12/9: Keep first sentence of existing "outdoor storage" definition and delete remaining sentences. Prohibit outdoor storage, including watercraft, within setback in all GR Districts. Clarion/staff to develop definition and standards for "outdoor display area."</p> <p>12/17: Staff to revise definition to include motorized craft as a motor vehicle and define "seasonal" as 10 months or less.</p>
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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/12	2.1 District Summary Table	Despite both existing R-1 and R-8 having similar permitted uses at this time, the zones themselves are very different in nature and circumstances and should not be combined. In the desire to reduce the overall number of zones, R-8 is left susceptible to future permitted uses that may be appropriate for R1 but justifiable inappropriate for R-8.		As stated previously, the existing R-1 and R-8 zoning districts allow for the same uses and have the same dimensional standards. Recommend staff also review earlier intent for designation as separate districts during development of the 1997 ordinance.	
12/31	2.1 District Summary Table	Oppose the consolidation of current CU1 and CU2 zones. The distinct and diverse nature of these two districts does not appear to be recognized. CU2 is the only college-use zone that is completely surrounded by residential zones. The college and neighbors worked together, and through delicate negotiations and compromise, agreed upon the language in the current ordinance.		All previously "negotiated agreements" between the college and adjacent neighborhood will remain in the ordinance. No changes are proposed. Per earlier discussion regarding the proposed permitted use "College Facility Not Listed," the Committee recommended that such a use should be treated as a Special Permit as would any other unlisted use throughout Brunswick. Staff recommends that the consolidation of CU1 and CU2 remain as proposed with neighborhood protections in place.	1/8: ZORC requested staff to research origins of CU1 and CU2 and revisit consolidation of districts with Clarion. ZORC agreed that "College Facility Not Listed" as a listed use will be deleted and such uses will be handled by Special Permit if and when unlisted uses are proposed as any other unlisted or omitted use would be treated in Brunswick.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
		<p>The proposed permitted uses for GC1 (CU1 and CU2) lists uses for this new consolidated district that run contrary to the understandings that were enacted when the current ordinance was put in place. Listing "college facility not listed" as a permitted use denies the impacted parties the opportunity to scrutinize a potential future use that is unknown at this point in time as being compatible with the current CU2 and it's neighboring zones.</p>			
1/13	2.4.3.	<p>Comment made that Shoreland Protection setbacks are too restrictive.</p>		<p>Mandated by Maine Shoreland Protection Law.</p>	
1/14	2.4.2.g. and 2.4.3.i.ii.	<p>Regarding criteria for unscarified vegetation buffer strip edging a slope, is there a standard for a type of vegetation and density of vegetation?</p>		<p>Staff has determined that this specific provision or similar has been in the NRPZ section of the zoning ordinance since at least 1986 without any issues in enforcement or interpretation. Staff does agree, however, since the term "unscarified" is not commonly used, the following definition be included in definitions section: "Scarify - Involves disturbing the forest floor in a controlled way such as removing or rearranging the existing leaf layer or by mixing the existing leaf layer in with and exposing the mineral soil below."</p>	

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/30	2.4.5. Wildlife Protection Overlay; 4.2.2. Protection of Significant Plant and Animal Habitat	Supportive of the portions of the proposed zoning ordinance that provide for Wildlife Habitat, Corridors and Shoreline Protection in the RP1 zones. The rural character and abundant wildlife are the principal reasons we moved to the rural part of Brunswick. We believe that these provisions are desirable and important even though they limit that we might do with our property. Limitations of this sort are part of the common good that such zoning provides us all. The diversity of wildlife in Brunswick is a real asset that should definitely be protected by zoning and effective enforcement to limit the fragmentation of habitat and provide "green" corridors for wildlife movements.		Supportive of wildlife protection standards. No changes proposed to lessen existing protections.	1/8: 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
11/13	2.4.6.B.	<p>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?</p>		<p>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.</p> <p>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?</p>	<p>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 <u>adequate</u> (added by ZORC on 12/5) on-site water supply and septic disposal are available."</p>

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
11/13	2.4.9.A.	<p>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.”</p> <p>Reference used: http://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf</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 Discussion (12/16) keeping in mind that the Village Review Overlay is not an historic district but a design review district with guidelines, not standards.</p>	<p>12/19: From VRB: 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.</p>
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>This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC. For VRB (12/16): Same comment as above.</p>	<p>12/19: From VRB - See above comment.</p>

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*Date comment added to table.

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39		It is understood that the focus of the Village Review Board is to protect the “historical integrity of downtown neighborhoods.” That said, Comprehensive Plan Policy Area 5 is to encourage a diversity of housing types in the designated Growth Area and facilitate the preservation and development of affordable and workforce housing.” Any preference by Village Review Board for converting (or reverting) multi-family properties to single-family to restore “historical integrity” will work against this policy.		Agreed. Village Review Board is charged with design review, not land use review.	12/3: ZORC agreed.
40	2.4.9.B.1.a.i.(D) VRO District 2-53	The properties currently listed in Appendix C on page C-1-2 meet the definitions in section 2.4.9.B.1.a.i. (A) – (C).		Since the adoption of the current VRZ standards (Section 216) last year, the contributing structures inventory has been completed. The inventory is presently used by staff for informational purposes since the listing is not incorporated into the zoning ordinance. For VRB 12/16 discussion: Should the ordinance address contributing historic resources differently? If so, all property owners must be notified and permission required to include their properties on the listing.	11/5: Agreed. Will receive VRB comments in December. VRB (12/16) response: VRB requested confirmation of required notification from staff: To be further discuss at 1/16 workshop.

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41		<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>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.</p>	
42	Appendix C C-1-2	<p>In the Appendix C, table under section C.2 is labeled Table C.2C.1 – this appears to be a typo.</p>			
43		<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>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>	

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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.		<p>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.</p> <p>Recommend definitions be provided for terms use, permitted; use, special permit; and use, conditional.</p>	11/20: ZORC agreed. Clarion to provide definitions. 12/3: Further discussion by ZORC. Reference Section 5.2.2.B. for Conditional Use Criteria. Clarion to review use table to eliminate any supplemental use standards references for permitted uses. Eliminate use of "*" in Table 3.2.
11/20	3.2 Use Table	Concur that “Artisan” needs to be permitted in GR6 to accommodate Spindleworks and other small businesses that might go into properties such as the soon-to-be closed consignment shop on Union Street between Cumberland and Dunning Streets.		Recommend “artisan industry” be permitted only in mixed use districts and not included artist studios, such as “Spindleworks.” Keep artist studios as a conditional use in residential districts and permitted as an accessory use to a residential use in all districts.	12/3: Staff requested to rework existing artisan industry definition to exclude less intensive "studio-type uses." After further review, staff recommends "artisan industry" be permitted in all mixed use districts. Revise definition to exclude square footage and number of employees limitation. Dimensional standards and parking requirements will limit size as is the case with any other use. 12/9: ZORC voted to keep size and employee limitations in definition. Studio-based retail sales shall be allowed in districts permitting retail use by right or by conditional use permit.

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/14	3.2 Use Table	Questioning whether a music studio would be permitted in GR3. Is there a distinction between music lessons that comply with the Home Occupation regulations and a "studio?" Studios are permissible with a conditional permit in GR4 which seems like a similar residential zone to GR3. In addition, a daycare facility would be permissible in GR3. This seems like a similar operation to a music studio. Is there a particular rationale for allowing one but not the other in GR3?		A home occupation is considered an accessory use to a single-family dwelling use in any district with specific restrictions per section 3.4.2.C. A studio, excluding the sale of goods, is now being recommended to be a conditional use in all residential districts, as is the case with large scale day care facilities. Staff recommends keeping previous change as is; appears to address commenter's concerns.	
12/30	3.2 Use Table; 4.1 Dimensional Standards	Many residents on Katherine Street not happy with the rezoning of our area and going from Growth Residential to Mixed Growth. Yes, we know that are already business in our immediate area, however, our concern is there will be even more as you are trying to address the "hole in the donut" on Water Street. That, and our not having any say in what goes where. Seeing more and more multi-family housing. Trying to improve upon the area.		TR3 (Water St. neighborhood) and TR4 (Jordan Ave. neighborhood) are proposed to be combined to form GR8 District. Very little changes in existing uses since both districts are very similar in permitted uses presently. Minimum lot size is proposed to decrease from 10,000 sq. ft. to 7,500 sq. ft. with no other changes in dimensional standards. GM3 is proposed as a replacement for the existing I1 District (Industry Road Industrial District), maintaining the existing district boundaries. In summary, the residentially areas will continue to be zoned residential. The Industrial District will now become a Mixed Use District, more compatible with the surrounding residential areas.	1/8: 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
12/31	3.2 Use Table	Under GC1, aviation operations, aviation-related businesses and ultra-light airpark should be removed as Conditional Uses. Incompatible with adjoining residential uses.		Agree that aviation operations, aviation-related businesses and ultra-light airpark should be removed as Conditional Uses within GC1, as well as GC2 and GC3. In reviewing this request, it became apparent that helipads as a use were combined with aviation operations. Based on staff's recent experience with the siting of helipads within the medical use overlay, they should be treated as a separate and continue to be permitted as an accessory use with neighborhood protections. ZORC should consider this approach as well as consider permitting helipads in GC1 district also with neighborhood protections.	1/8: ZORC recommended deletion of aviation operations, aviation-related businesses and ultra-light airpark as Conditional Uses within all Growth College Districts. Further recommended permitting such uses in the GA District, and as an accessory use limited to helipads in GM8.
10/23	3.2 Use Table 3-2	Residence Hall – Conditional Use in GC-2 is a significant issue for the College. Residence Hall is currently permitted in CU5 but defined as having separate kitchen, etc. Footnote #224 does not address why this was changed to C for CU5. Residence Hall as a continued permitted use in CU5 is critically important as it is likely that Brunswick Apartments will be rebuilt at some point in the future. Footnote #224 also states use is now P for CU6 which is inconsistent with the use table. (Bowdoin August 19 memo to ZORC.)		See earlier response regarding Residence Hall use.	12/17: For further discussion by ZORC on 1/8/15. 1/8: For zoning purposes, Bowdoin-designated residence halls will be allowed where permitted, as either multi-family dwelling units or residence hall per ordinance definition.

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/13	3.4.1.U.	<p>When inquiring about safeguards with regard to Small Wind Energy Systems (SWES), the response was an acknowledgement of the adverse impacts inherent in the systems and assurances that language will be worked into future updates of the new ordinance. This technology is not so new as to disregard those negative impacts at this time and provide guidelines as to how a property owner can install these systems in a conscientious and non-invasive manner, Any such application done before regulations are in place will lead to an installation that is grandfathered; with those who are negatively impacted by the installation no recourse to require modification.</p>		<p>The included SWES provisions were well researched and developed in 2009 by then Town Planner, Kris Hultgren. Careful consideration was given to the placement of much smaller scale systems in the growth area to minimize any negative impacts. Since adopted, the only SWES was installed in 2010 outside the growth area with no complaints expressed. Staff recommends that the provisions as stated be considered as accessory to a principal residential or nonresidential use. Staff also requests additional standards be developed by Clarion for any renewable energy generating facility as a principal use, such as the recently approved solar array facility on Bowdoin owned lands and added to this section.</p>	

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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.	12/3: ZORC agreed.
63 64 65 66 67 68	4.1.2 Dimensional Standards	<p>Multiple questions as follows:</p> <p>a. GR7 minimum lot size + 10,000 sf, GR8 changed from 10,000 sf to 7,500 sf. Why?</p> <p>b. Density for dwelling units – GR6=10; GR7=4; GR8=5; GM6=7. Why?</p> <p>c. Density more in GR6 than GM6. Why?</p> <p>d. GR7 and GR8 dimensions are the same, but lower for GR6, for front yard depth and rear yard depth. Why?</p>		<p>a. Reviewed average lot sizes in proposed districts. GR8 has smaller lot sizes on average and higher density than GR7.</p> <p>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.</p> <p>c. No maximum density for GM6; GR6 remains at current density of 10.</p> <p>d. No proposed changes in front or rear yard depths from existing standards.</p>	11/20: ZORC agreed. Further review as part of interim draft.

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10/23	4.1.2 Dimensional Standards 4-3/4-4	<p>Setbacks in GC1: The College does not object to the inclusion of the additional setbacks associated with the trail near the Pickard fields. Those setbacks, included as Illustration 204.2A in the current ordinance, include 80 feet along the southern boundary of Longfellow Avenue (C), 125 feet along the eastern boundary of the Whittier, Bowdoin, Berry, and Brecken Streets, and Atwood Lane (B), and 125 feet along the northern boundary of Meadowbrook Road (A). Since the College now owns, and has developed the property along 'boundary D', we believe the 50 foot setback requirement is no longer necessary.</p> <p>The College also does not object to the prohibition on the construction of new roads connecting to Meadowbrook Road, Whittier, Berry and Bowdoin Streets, Atwood Lane and Brecken Road from GC1.</p>	<p>Please include all additional setbacks in interim draft.</p> <p>Please include prohibition in interim draft.</p>	<p>Agree. Boundary "D" no longer exists.</p>	<p>11/5: Agreed. 12/17: To be part of college setbacks discussion on 1/8/15. 1/8: ZORC recommended use of sliding scale to control height of structures for parcels abutting residential uses and include in neighborhood protection standards. In addition, incorporate existing Sec. 204.3.G. into neighborhood protection standards.</p>

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/30	Table 4.1.2. Dimensional Standards	<p>Regarding Footnote [8], this specialized control of inner Pleasant Street should be removed, allowing that section of Pleasant Street to remain, as it should, a part of GR6 - the Northwest Brunswick Neighborhood. The footnote, which reads "Except for lots fronting Pleasant Street, where minimum front, side and rear yard depth shall be 10 feet, maximum lot coverage shall be 80%, maximum height is 45 ft., and there is no maximum building footprint" establishes a marked difference between that section of Pleasant and the rest of the neighborhood, and I, along with all neighbors to whom I have spoken, am opposed to that change. Neighborhood Protection Standards should be followed and applied uniformly to this neighborhood. If the section</p> <p>of Pleasant between Union and Stanwood is allowed to be separated from the rest of GR6, then that uniformity and cohesiveness will be lost. There are plenty of commercial options as well a possibilities for more density on outer Pleasant and between Union and Maine. The section of Pleasant from Stanwood to Union should stay intact.</p>		<p>Please note a portion of Footnote [8], the elimination of maximum building footprint standard, was in error. The remaining dimensional standards were proposed to allow for additions to existing homes. The majority of residences along Pleasant Street lack the required side yard setback of 15 feet. The proposed 10 feet side setback will help bring several properties in conformity. Another way of handling the situation is to require a required distance between structures instead of from property lines. Impervious coverage exceeding the maximum of 50% is also an existing issue and is still recommended to be increased. It is further recommended that a maximum of 10,000 sq. ft. building footprints be permitted for civic and religious uses. For further discussion by ZORC.</p>	<p>1/8: ZORC recommended keeping the existing 7,500 square foot footprint standard with further discussion regarding reduced setbacks/increased impervious coverage in at least what are now existing TR districts as part of a broader discussion on dimensional standards during 1/29 work session. Staff to check with Public Works as to any affect such changes would have on storm water drainage.</p>

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/13	Table 4.1.2. Dimensional Standards	Additional comment concerning increasing intensity of use along inner Pleasant Street; changes are designed to allow for more commercial development.		See previous staff recommendation. In addition, no change in permitted uses is proposed.	See previous ZORC response and additional follow-up work to be completed by staff.
12/31	Table 4.1.2. Dimensional Standards	Agree with changing minimum lot size downward to 7500 sq. ft. in many of the growth zones. This flexibility is necessary for future development with will undoubtedly contain smaller homes. I believe development patterns are going to change for several reasons including higher energy costs.		Supportive of smaller lot sizes.	1/8: ZORC agreed.

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1/13	4.1.4.D., 4.1.4.D.2. and 4.1.4.E.	Please explain what is meant by "bonus density units." What value is assigned to bonus density units; what will they buy? Does the proposed plan restrict all future affordable housing to growth zone districts?		<p>As stated in this section density bonuses (additional dwelling units) are available for projects preserving Wildlife Habitat Blocks or Wildlife Corridors, Open Space Development and the provision of Affordable Housing units, all currently available under the existing zoning ordinance. This section now addresses all density bonuses in one place and also places a combined maximum bonus density of 35% above the number of lots/units that would otherwise be permitted. Certain standards must be met in order to qualify for the bonuses. Presently bonus densities for affordable housing is restricted to the Growth Area Districts and this restriction has been carried forward in the proposed zoning ordinance. Staff recommends that this remain as stated in keeping with the overall growth-rural pattern of development envision by the Comprehensive Plan.</p> <p>Specifically, that future development be directed to the growth area and away from the rural area. Other density bonuses are available for "clustered-type" development to occur in the rural area districts. Staff also recommends that Table 4.1.4.E: Density Bonuses Available, be modified to remove affordable housing standards in the rural district column.</p>	

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/13	4.2.1.	<p>"Existing features important to the natural, scenic and historic character of the Town or that add to the visual quality of a development shall be mapped." An existing Scenic Inventory is part of the Parks, Recreation and Open Space Report, 2002, that includes scenic and cultural assets. Will this be used? Who will be responsible for the mapping?</p>		<p>The provision quoted is the intro paragraph to specific standards for the protection of natural and historic areas. Mapping mentioned is related to such existing features that may be present on a tract under development review. Mapping on the subdivision or site plan would be done by the applicant and reviewed by Town staff using resources such as the parks, recreation and open space plan. These provisions as developed earlier by staff and Planning Board offer more specificity to the applicant as to what should be indicated on the plan.</p>	

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/14	4.2.5., 4.4.2., Appendix D (General)	<p>The following restrictions should be considered: 1) All Brunswick Landing projects requiring water for potable or non-potable purposes must use the municipal water distribution system; 2) Withdrawal or discharge of water at Brunswick Landing could impact the discharge of contaminated water to surface waters, and therefore new wells and septic systems should be prohibited. Discharge from the Eastern Plume to Harpswell Cove is of particular concern; 3) The groundwater monitoring and treatment network installed by the Navy at Brunswick Landing should be protected; 4) Including a map of the restricted areas would be helpful to provide public notice of the prohibitions, including the covenants and deed restrictions from the</p> <p>Navy. The inclusion of a Land Use Restriction (LUC) overlay is recommended.</p>		<p>Representatives of the U.S. Navy, EPA and Town staff have been in discussions concerning how best to insure compliance with covenants and deed restrictions impose by the Navy at the time of conveyance. It was noted that the focus of such restrictions should be the existing CERCLA sites and must be in place before 9/15. It is staff's recommendation to include a specific development review application requirement for any type of application to require copies of all covenants and deed restrictions imposed at the time of land/building transfer by the Navy on all former BNAS lands. Criteria should then be developed that the applicant/development proposals must comply with all imposed restrictions and covenants which should be referenced in Chapter 4. A map of LUC parcels can be included in the ordinance for reference only. With these recommendations, staff does not</p> <p>see a need for an overlay district as well.</p>	

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/15	4.2.7. Historic Resources	A request is being made to create an Historic Overlay District over the former BNAS property as recommended in the Recreation, Trails, Open Space Management Plan for the Town's Public Benefit Conveyances. The creation of an overlay would be one way of ensuring that protocols contained in the Programmatic Agreement protocols, signed 9/27/2010, between the US Navy and the Maine Historic Preservation Commission would be met.		<p>Staff agrees with the need to ensure the agreed upon protocols are met for all public benefit conveyances covered by the signed Programmatic Agreement but does not agree that an overlay must be created in order to do so. The Recreation, Trails, Open Space Management Plan recommendation regarding the overlay states that the creation of an Historic Overlay District be considered, not required. The purpose of such a District would be for the protection of archeological and historic resources only on the BNAS Public Benefit Conveyances. MHPC does have mapping of archeological sites/those areas sensitive to archeological resources. It is Staff's recommendation that Section 4.2.7. Historic Resources require consultations with MPHPC in areas throughout Brunswick, not just the BNAS areas, having the potential</p> <p>for archeological resources, as part of the development review process for previously undeveloped parcels. Staff is consulting with MHPC for specific language used in other areas. Staff also recommends that the definition of "Historic Resource" be expanded to include archeological resources.</p>	12/17: ZORC agreed. Clarion to include archeological resources as review criteria. Staff to obtain additional examples from MHPC.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/15	4.5.2.B.1. Street Trees	<p>Street trees are located in esplanades between the road and the sidewalk. Since not all roads require sidewalks (Sec. 4.6.1.D.), this section needs to reflect that street trees are not always required. Also, they aren't really necessary in the rural areas. Street trees work best in a residential subdivision if they are located along the side lot lines near the street so as to not interfere with driveway location. An example is a lot that is 130 ft. wide and would have a tree at each end and one in the middle. Thus 65 foot spacing which works well. This example can be seen on Tamarack Drive. <u>Suggestion - Growth zone only requirement for streets with sidewalks. No required spacing of street trees. Let the lot dictate ultimate appropriate spacing.</u></p>		See attached related recommendations from Town Arborist, Peter Baecher, for ZORC discussion.	<p>12/17: ZORC agreed. Planning staff to draft Town Arborist recommendations into ordinance language. Apply provisions to development review applications only, including minor modifications of approved site plans or subdivisions. Staff to determine entity responsible for long-term maintenance of street trees located in public right-of-way. 1/8: ZORC corrected above to state provisions would apply to all development (excluding additions/renovations of existing structures-staff added) within the designated growth area.</p>

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Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
11/20	4.7.1.B.2	It will be important to consider one-time and long-term costs of parking when determining the “in lieu” fee structure. One-time payments could go toward the purchase of sites for parking, or the construction of parking decks, garages, or lots. But there also will be a need for annual payments to cover maintenance and operation of parking structures or rental fees for parking owned by the private sector.		Draft ordinance includes a provision to assess a one-time in-lieu-fee as an alternative to meeting on-site parking requirements based on a cost per parking space yet to be determined. An annual maintenance fee has not been considered and needs to be further discussed by ZORC with Clarion.	12/3: For further discussion by ZORC and consider the inclusion of maintenance fees.
11/20	4.7.2.B.	Does this apply only to bicycle parking within parking lots? We need designated, secure bicycle parking in other locations – along Maine Street, at the Post Office, Library. I realize some is already well-provided (Curtis Library, for instance) but I find myself hitching my bicycle to lamp posts or railings too often.		This provision would apply to new development with parking lots of 10 or more parking spaces. A sliding scale for bicycle parking is being developed by staff as an alternative to the fixed number presently in the draft. Recommend further discussion by ZORC regarding requiring bicycling parking for small-scale non-residential development review proposals.	12/3: Staff requested to develop a sliding scale for bicycle parking for any project requiring development review.
11/17	4.7.4.B.1. Parking in Lieu	Lots of issues with this: fees too small to make a difference; new parking solutions must be near the locations of those that paid the fees; reduced spaces available for downtown use, in the meantime. Requires yet another study.		No fees have been established and, if this specific provision remains in the ordinance, a fee would be established based on costs associated with providing on-site parking per space. See 11/12 ZORC recommendations to consultant above.	11/20: ZORC agreed. Also wants to consider long-term maintenance fees.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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.		<p>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.</p> <p>As per ZORC discussions, Neighborhood Protection Standards would appear to apply to all Group Living Residential Uses. Need to confirm.</p>	<p>11/12: Further discussion needed upon receipt of additional information regarding existing setbacks from Residence Halls to existing neighboring residential uses.</p> <p>11/12: Delete last phrase of 4.10.2.D., beginning at “unless...”</p> <p>11/12: Reference applicability of noise standards, also in application checklist/criteria.</p> <p>11/12: For additional discussion after Clarion responds to large lot buffering question. 12/17: 1/8 meeting discussion item.</p>

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		<p>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.</p>			

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98		<p>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.</p> <p>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.</p>			
99	4.11.3.E.1	Does 8' minimum height apply to banners and "Open" flags? It seems that some currently are lower than that and impede pedestrian traffic.		Banner signs are being addressed separately as part of the staff rewrite of this section.	12/3: Waiting for staff rewrite.
100	4.11.4.H.	Can sandwich signs be confined to specific locations on the sidewalk – curbside or near buildings?		Under consideration as part of staff rewrite of sign section.	12/3: Waiting for staff rewrite.

*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	4.12. 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	4.8 Outdoor Lighting	When looking at photometrics for a site, light trespass into a public right-of-way should be okay. This would allow commercial sites to illuminate their entrances for safety without some convoluted lighting design.		Staff/Planning Board draft requires avoiding “disability glare” so as not to be a nuisance to motorists. Staff does not recommend this change.	12/3: Under 4.8.1. Applicability, delete A. and renumber B. to A. Review Clarion outdoor lighting examples, attached. 12/17: Additional follow-up needed by Code Enforcement Officer.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/12	5.2.2. Conditional Use Permit and 5.2.3. Special Permits	Please explain the difference in approval criteria for conditional use permit and special permit for unclassified and omitted uses. Concerned that with special permits (Sec 5.2.2.B.d.) the neighboring property owners would be tasked with researching and documenting evidence, shifting the burden of proof away from the applicant. If objectivity in wording is the goal, not sure how phrases such as " extenuating circumstances," "where feasible," "to the greatest extent possible" and similar language found throughout the draft ordinance, meet that standard.		<p>Conditional Use approval criteria is listed in Section 5.2.2.B. Special Permit approval criteria includes all conditional use criteria as well as meeting the planning goals of the comprehensive plan as Special Permits will only be required for omitted or unclassified uses. It has already been noted that Town Council ratification must still be part of the Special Permit approval process and that revision is recommended by staff. Staff also recommends that more terms such as "significantly more" (Sec. 5.2.2.B.b.) be further quantified by Clarion. Regarding concern raised that neighboring property owners would be tasked with researching and documenting evidence regarding a proposed conditional use, as with any application under review, the burden of proof of compliance (also as stated in Section 5.2.2.B.) rests with the applicant.</p> <p>All comments presented by either staff, public or Planning Board members must be addressed by the applicant.</p>	

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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 12/16 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. VRB 12/16 response: To be addressed during Design Guidelines update next year.
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 and VRB (12/16) agreed.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
11/18	5.2.6.C.4.a. & b. Demolition and Relocation	<p>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.</p> <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>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.</p> <p>For VRB 12/16 discussion: 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>11/20: ZORC agreed. VRB 12/16 response: Reference Section 5.2.6.C.2. in Section 5.2.6.C.4.b.</p>

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*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
1/13	5.2.7.	Request made by Marine Resources Committee to be included in development review process, possibly for any development review application within the RP1, RP2 or RR Districts that may present a direct interference to overall health and vitality of the commercial shellfish resources.		Staff agrees with this request and would like to institutionalize same for Conservation Commission and Bike/Ped Advisory Committee. Presently, staff does forward applications as applicable. Would be better to state when such review is needed to better inform the applicant and public.	
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?			11/20: To be further reviewed by ZORC at a later date.

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130				<p>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.</p>	
133	N/A	<p>Limit future right-of-way access to Rossmore Road as part of a planned subdivision due to rural nature of existing roadway.</p>		<p>Zoning ordinance does not identify future access points. That determination would be made as part of the development review process.</p>	<p>1/8: ZORC agreed.</p>

*Date comment added to table.