TOWN OF BRUNSWICK

ZONING ORDINANCE REWRITE COMMITTEE

85 Union Street, Brunswick, ME 04011-1583

WORK SESSION AGENDA

ROOM 206
85 UNION STREET
THURSDAY, JANUARY 22, 2015
3:00 PM

1. Review and acceptance of meeting summary (1/8/15)
2. Review and confirmation of ZORC responses from 1/15/15 meeting
3. Discussion Topics:
    a. Preliminary draft of sign chapter
    b. Village Review Board comments
    c. Development review thresholds
    d. Affordable housing density bonuses
4. Other public draft general comments/questions
5. 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*
6. Other business

Please note that this is a Committee work session.
The public is invited to attend with public comment allowed regarding discussion topics.
Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521.

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION MEETING

JANUARY 8, 2015

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

CONSULTANT PRESENT: Don Elliott via ZOOM

Chair Frizzle opened the meeting and stated that the purpose of the meeting was to continue to go over comments and questions pertaining to the proposed draft zoning ordinance. He then opened the meeting to anyone with general comments on subject matters not covered on today's agenda.

Richard Fisco, 2 Lincoln Street, asked if the missing sections were completed, and Mr. Frizzle answered that some, but not all, of the sections were completed, and all of the sections would be completed for the next draft publication. Ms. Breinich added that the next draft should be available at the end of January. Mr.Fisco objects to the presentation of the incomplete draft and to the time of day the meetings are held.

Mr. Frizzle stated that this meeting has been properly noticed.

Jane Millett, 2 Franklin Street, has asked for a meeting specific to downtown district changes. Ms. Breinich explained that they would like to get the public comments dealt with, rewrites finished, and mapping done to provide the information to the consultant by the end of January or beginning of February, and then meet with the public in smaller area meetings with a full draft document.

Carol Liscovitz, 11 Berry Street, asked a question about public input, and Ms. Breinich replied that she was still compiling and adding public comments to the spreadsheet.

Mr. Frizzle closed the general public comment session.

<u>Review and acceptance of meeting summary from December 17, 2014:</u>

Ms. Wilson noted on page 6, under the last bulleted item, a statement that a denied permit would go to the ZBA. She would like this line removed because that is not the case. Mr. Hutchinson clarified his actions and possible consequences, and the summary will be updated to reflect the Committee's discussion. She also mentioned that these meeting summaries are called minutes online, and wondered if Ms. Breinich could change that. Ms. Breinich agreed. Ms. Wilson also asked to insert a word on page 2, to read "*too close to the property line*".

Catherine Ferdinand, Bowdoin College, asked for a correction in her comments on page 4.

Margaret Wilson moved, Jeff Hutchinson seconded, approval of the December 17, 2014, meeting summary. The motion was approved unanimously by those present.

Residence Halls setbacks discussion:

Ms. Breinich made available to the public copies of a memo by Catherine Ferdinand of Bowdoin College detailing current residence hall setback requirements. Questions were raised regarding the setbacks instituted through discussions with Bowdoin and carried forward within the zoning ordinance itself. In the existing ordinance, the CU district dimensional standards has a whole page of notes, with additional requirements, and those setbacks are part of the additional requirements. The question was whether the Committee should be eliminating the setbacks where they no longer apply, and whether or not all the abutting residential districts have the same setbacks from residence halls.

Catherine Ferdinand, Bowdoin College, said the college responded to a very specific request for information on residence halls currently abutting residential districts, and she explained their information in detail. The information encompassed recently constructed residence halls, and they included the residence hall, the year it was built, the district it is in, the abutting residential district, the required setback at time of construction, and their best estimation of the actual setback as built. These were not measured on the ground; if they had a survey, they used that information, if not, they used the town GIS and its measurements. The most recently constructed dorms are Osher and West, which are on the corner of South Street and Coffin Street. The required setback is 15 feet front, side and rear in CU-1. Those are the underlying setbacks for most of the CU districts, but does not include the supplemental restrictions. The dorms border South Street, which abuts CU-1 and R-1. These were measured from the street curb to the building. Ms. Ferdinand gave measurements for the other dorms. They didn't measure the dorms on campus that didn't abut any residential districts. They have also purchased properties as residence halls, and Ms. Ferdinand does not know what the required setback was at the time of construction. She detailed these properties and the setbacks they currently have. Ms. Breinich stated for the Committee that the question was whether the Committee needed to keep the setbacks that are in place now, and they were also to take a look at the existing setbacks. Ms. Wilson pointed out that the setbacks were 15 feet, which put all of Bowdoin's residence halls in compliance except for 52 Harpswell. Ms. Breinich mentioned that there were additional setbacks for Longfellow of 80 feet on the northern boundary of CU-2, a 125-foot setback along R-8 and 125 feet along R-2.

Carol Liscovitz, 11 Berry Street, brought up some of the neighborhood protection standards which limit building height, and wondered why a greater height was taken into consideration in the draft.

Ms. Breinich responded that their intent was to allow for more density in the core of the college districts, but for the Neighborhood Protection Standards and the additional setbacks to kick in on the outer edges of the district where it meets residential.

Mr. Elliott agrees with Ms. Breinich that the general approach has been as she said, but he would like to see the setbacks be uniform, so there was a common understanding as to how the campus edges were treated. His understanding is that this discussion is occurring because of some

significant feeling that regardless of his desire for uniformity, people wanted to keep in place what they had. He believes this is a great opportunity to generalize those things, and Ms. Breinich's summary of the approach is exactly right. They wanted to stay away from the intensity regulations in the middle and near the edge there is a common expectation as to how those kick in, and they are as uniform as we can make them.

Catherine Ferdinand, Bowdoin College, mentioned that current setback standard in CU-3, where it abuts RU-7, the college could build any building at a height of 45 feet within 15 feet of the boundary. If they wanted to go back 5 or 10 additional feet, they could build up to a height of 55 feet. The Neighborhood Protection Standards in the current draft actually offers more protection because it says unless you want to go back 30 feet; your structure is limited to a height of 30 feet.

Mr. Frizzle is not in favor of creating separate standards for residence halls throughout the ordinance. He'd like to stick with the existing setbacks as they exist for every other use, within whatever zone being discussed. Where residence halls are to be constructed next to a residential district, then the Neighborhood Protection Standards as written, 30 feet back to go up to 35 feet, and beyond that, you can go up higher. He believes it is a relatively conservative standard compared to what's allowed now, and offers an adequate level of protection for neighborhood residents.

Ms. Breinich added that it's for structures within 30 feet of lot line shared with a growth residential district lot containing a one or two family dwelling. If there is not a one or two family dwelling on that lot, then the Neighborhood Protection Standards do not apply.

An audience member thought that the Neighborhood Protection Standard was 50 feet. Ms. Breinich responded that it's different for CU-2, and that is what they're discussing now.

Mr. Frizzle replied that there are some circumstances where long-negotiated, settled setbacks that have been established in various areas, and those have been continued as supplementary standards. Ms. Breinich asked if it was fair to continue them and exempt others when they have the same concerns and the same situation as other areas. Mr. Frizzle stated that some of the negotiated setbacks extend to 80 and 100 feet, and it's unfair to the college to make those setbacks universal throughout the town. It's maybe unfair to some of the residences that somebody else has a bigger setback than they do, but those setbacks that exist now were negotiated in good faith by both parties, and who are we to tear them up?

Catherine Ferdinand, Bowdoin College, added that the negotiation of setbacks was linked to the preservation of that trail, not necessarily to the neighborhood. They run along the existing trail that links to the Town Commons, and the no timber harvesting piece of it was all part of that package. They were uniquely linked for a reason that may not apply to other places.

Carol Liscovitz, 11 Berry Street, says despite the desire to simplify things, there are unique elements, and if the ordinance has to recognize that with unique standards, so be it. Mr. Frizzle agreed, and said that wherever there are previously negotiated, unique standards, they should be carried over to the new ordinance in supplementary use standards for the future. Mr. Visser added it would be like grandfathering in the old standards, and Mr. Frizzle replied that it would.

An audience member from Harpswell Place said he does not want a residence hall built in a lot where a fraternity house was taken down. He is relying on the Committee for the protection of his property and neighborhood. Mr. Frizzle responded to questions about the Neighborhood Protection Standards and height limit. After Ms. Breinich responded that in this audience member's district, buildings could be up to 70 feet in the proposed ordinance, Mr. Frizzle

suggested the Neighborhood Protection Standards could be expanded to provide steps before one gets up to 70 feet.
Richard Fisco, 2 Lincoln Street, wondered if there was any mention about the shape of the building being constructed, and Mr. Frizzle responded. There is no restriction on the architecture, but **Catherine Ferdinand** added that the college's projects were subject to Development Review, and the college attempts to work with the neighbors and will continue to do so.
Ms. Wilson agrees with the step-up progression for height, and would like to sometime discuss the adequacy of the Neighborhood Protection Standards. She agrees with Mr. Frizzle that all of the negotiated items must continue in the proposed new ordinance. She'd like to look at the setbacks at the edges of the districts, not just by the college, to make sure they have the protections meant for the neighborhoods. She asked Mr. Elliott if there were any protections for property owners across the street, as it's more than 30 feet, and Mr. Elliott replied that, for the most part, Neighborhood Protection Standards would not apply due to the right-of-way adding more footage, plus the setback on the residence side, plus the setback on the building side. It would be more complex, and Mr. Elliott said he would not advocate doing that.
Carol Liscovitz, 11 Berry Street, said it is too complicated to combine some of these districts, as they are unique and some already contain additional protection standards and supplemental provisions, and they should leave these as separate districts.
Mr. Frizzle asked if the Committee had a general consensus to maintain the underlying setbacks for all uses, that the Neighborhood Protection Standards be revamped to include a sliding scale, and that the existing negotiated setbacks be carried forward as supplemental use standards whatever the best way is to carry them forward.
An audience member asked if Mr. Elliott could provide some information on how a sliding scale would look. Ms. Wilson explained that the current ordinance provides an extra 5 feet in height for every 10 feet of additional setback, and they would be proposing something similar.
Catherine Ferdinand, Bowdoin College, asked that they factor in the geography of the area. The area that has been discussed today, as well as the Stevens Home, is narrow lots. They are not opposed to the step process.
Ms. Wilson asked the Committee for a time to discuss Carol's opposition to the general philosophy of the combination of some unique districts, and thought it should be an agenda item, unless the Committee wanted to discuss it at this meeting. Ms. Breinich replied that CU-1 and CU-2 would be discussed today.
Mr. Elliott responded to a question about sliding height scales by saying that the norm is what is in the draft currently, but it would not be unusual to have a scale if height is of concern. Ms. Wilson reminded people that this is not just a college protection. It could apply in any commercial application where it directly abuts a residential unit.
Richard Fisco, 2 Lincoln Street, spoke about the college's continued expansion and the possible problems that may follow.

<u>Continue review of public draft general comments/questions:</u>

- **Historic Resources –** The Village Review Board reviewed this at the December 16, 2014, meeting, and they would like staff to rework contributing resource definitions and ordinance placement of contributing resources of local and regional significance criteria

for consistency in standards. The Committee agrees with this action. Ms. Breinich mentioned that the VRB will be holding another workshop on January 16, 2015.

- **1.7.2. – Outdoor Storage –** Staff to revise definition to include motorized craft as a motor vehicle and define "seasonal" as 10 months or less. The Committee agrees with this action. Mr. Hutchinson has completed language for this item, which he will hand out to the Committee, and this will be discussed at the next meeting.
- **2.1 – District Summary Table –** The staff recommendation is that all previously negotiated agreements between the college and the adjacent neighborhoods will remain in the ordinance, in response to a comment opposing the consolidation of CU-1 and CU-2. Ms. Breinich added that when this had been discussed earlier, regarding the proposed permitted use "College Facility Not Listed", the recommendation was that such a use should be treated as a Special Permit, which would not be a blanket approval. The Committee agrees with this action.
  Carol Liscovitz, 11 Berry Street, voiced her concern over CU-1 and CU-2 combining to form GC-1, and Ms. Wilson reviewed the protection standards that would still be in place, and would like to know specifically what she feels is inadequate in the ordinance.
  An audience member said she thought it made more sense to keep two zones when you have reasons to have two zones, and there were a whole list of things including trees, streets, and residential surroundings, that were the logical groundwork for making them two zones in the first place. Ms. Wilson replied that if the zones were kept separate, both the dimensional standards and the use table would need to be reviewed, but there is not necessarily a reason to make those very different between the two districts. Ms. Liscovitz said the zone is a small, residential area with little impact, and she doesn't understand why it needs to be combined for a perceived convenience. Ms. Breinich reviewed the dimensional and density table for CU-1 and CU-2, in addition to the special requirements being carried over to the proposed ordinance, and stated the only significant difference is building height. If that is going to be dealt with on a sliding scale basis, that would seem to make the two zones even more compatible. Mr. Frizzle stated that he's not inclined to undo the zone consolidations that have been proposed thus far, but would like Ms. Breinich as part of her review to revisit the arguments for and against consolidation, specifically CU-1 and CU-2, and come back next week with either reinforcement of the current recommendation or an agreement that it doesn't make sense. Ms. Breinich agreed and will consult with Mr. Elliott. Mr. Elliott stated that he feels this is a strategically important consolidation for the Town of Brunswick and the college, and he is happy to revisit it with an open mind, but this was not a casual decision in the first place.
  Jane Millett, 10 Franklin Street, requested that the Committee look at the zoning of lower Federal Street, which was changed a few years ago, because the owners there do not like it, and she feels it disrespects the historic nature of the area.
  Carol Liscovitz, 11 Berry Street, stated that the significant difference between the CU-1 and CU-2 zones is that in existing CU-2 residence halls are Special Permit, not a permitted use. There are some other changes of language that she does not agree with.
- **2.4.5. Wildlife Protection Overlay –** this was a general comment supporting the portions of the proposed zoning ordinance that provide for wildlife protection in the RP-1 zones. The Committee responded that there were no changes proposed to lessen any of the existing protections to the wildlife habitat.

- **2.4.9.A. – Village Review Overlay –** Mr. Frizzle asked why the VRB was considering restricting the combining of abutting lots within the Village Review Zone, and Ms. Breinich stated they did not want to end up with larger, out-of-scale buildings. The Committee will expect more details from the VRB on this item.
- **2.4.9.A.2. -** The Committee will expect more details from the VRB on this item.
- **2.4.9.B.1.a.i. (D) –** The VRB will be discussing this item at their next workshop, and they will be receiving the requested information about required notification of property owners from staff.
- **Footnotes 208 and 210 –** In progress.
- **3.2 Use Table, 4.1 Dimensional Standards –** Some residents of Katherine Street were unhappy with the rezoning of their area. Ms. Wilson explained that there are very little changes in existing uses and they've maintained the residential character of their neighborhood, essentially in its entirety, with the exception being a reduction in lot size from 10,000 sq. ft. to 7,500 sq. ft., which is generally the same proposed throughout the town. ZORC agrees with staff's response.
- **3.2 Use Table –** This comment proposed that aviation operations, aviation-related businesses and ultra light airparks should be removed from GC1 as Conditional Uses because it's incompatible with adjoining residential uses. Staff's recommendation confirmed removing those as Conditional Uses in GC-1, as well as GC-2 and GC-3. Helipads were combined with aviation operations, but will be separated and continue to be permitted as an accessory use with neighborhood protections. The Committee agrees. Ms. Breinich stated that helipads are mentioned in the current ordinance under Medical Use Overlay, but need to be added to the proposed draft as an accessory use in GC-1. **Catherine Ferdinand, Bowdoin College,** said the college has no desire for a helipad. Ms. Wilson asked why would they encourage helipad usage, but Mr. Frizzle said he could envision some of the industries on the base desiring one. Ms. Breinich said that would be considered aviation as well, so it would be allowed. Ms. Wilson said do not put them all around town. This is allowed only as an accessory in the GM-8 district, and as a permitted use in the GA district at the base, and the Committee agreed.
- **3.2 Use Table –** This item was discussed earlier.
- **3.4 – Supplementary Use Standards –** ZORC confirmed their agreement to include a map referencing existing CU districts within an appendix in the final ordinance.
- **4.1.2 - Dimensional Standards –** ZORC confirmed their agreement to further review as part of the interim draft.
- **4.1.2 – Dimensional Standards, 4-3/4-4 –** This was agreed to by ZORC and will be discussed with an upcoming dimensional and density requirement review.
- **Table 4.1.2. – Dimensional Standards –** Ms. Breinich explained that the elimination of a maximum building footprint was in error. She researched lot sizes for that area of lower Pleasant Street, between Union and Stanwood Streets, and stressed that this is not about development in that area, but rather taking care of residents' needs. Many of these properties have no setback. Staff is proposing a 10 ft. side yard setback, or they could use the distance between structures, which would help an owner who is almost up against a property line and has no other recourse to make exterior changes. This includes porches and decks, which cannot be in the setback. Impervious coverage exceeding 50% is also prevalent in this area, and staff was proposing a 70 or 75% maximum. Even if they could get another 10% impervious coverage added for this area, that would help out.

There are a number of nonresidential and civic uses in this area. The parcels are comprised of eleven single-family homes, ten multi-family (between 2 and 5 units), and another ten parcels used for nonresidential purposes, excluding municipal uses. They are either churches, retail, banks or offices. There is a 7,500 foot square limit currently, and some of the buildings exceed that. Ms. Wilson would not like to go up to 10,000 sq. ft. in this area, but would consider giving some lots additional leeway. Mr. Frizzle would like to stay with the 7,500 square feet, but in terms of relaxing setbacks to give homeowners who are crowding the lot lines an opportunity to put a deck on, he's amenable to that. Ms. Wilson doesn't care for the idea of building to the lot line, as that seems to give the advantage to the first person who builds, but if anyone has any experience with this they would like to share; she would be willing to listen.

Mr. Elliott believed this was summarized well. It is not illegal to do, but there is some kind of a bias there. He said one could have a lot on which people have built first, leaving you with so little lot that you will have a really constrained building. He would only go that route if you have a compelling need to get people out of nonconformity status, and probably the better approach would be to go to the 10 foot setback if you can live with that. Mr. Frizzle agrees.

Jane Millett, 10 Franklin Street, asked why there is a need to get buildings out of nonconformity, rather than have them grandfathered. Mr. Frizzle replied that a person trying to do something with an already nonconforming structure has some huge hurdles to get over in order to do it. They are trying to eliminate as many of these nonconforming structures as possible, so as conforming structures, they are able to do whatever it is they want to do. A lot of these standards came along long after the buildings were there. Mr. Hutchinson discussed setbacks in response to a question from **Carol Liscovitz**, and continued the discussion with Ms. Breinich. Mr. Frizzle stated that he doesn't see any reason why they can't shrink the setbacks from 15 feet to 10 feet. Ms. Wilson recalled comments from other citizens on Pleasant Street wondering what differentiated them from the rest of the proposed GR-6. Ms. Breinich mentioned that this will all come up when they discuss dimensional requirements, and further analysis will be done of GR-6.

An audience member from GR-6 said she lives in a house that is nonconforming, but would also like to respect her neighbors' privacy, so this is an issue she and her neighbors are interested in. She feels if this is a concern for GR-6, she doesn't understand why other residential areas are not being considered for the same treatment. Mr. Frizzle believes there are reasons for differences in setbacks as you move further out into the rural area. The shrinking of the front and side setbacks to 10 feet makes sense given what exists now in GR-6, and giving a little more flexibility with respect to impervious surface probably makes sense as far as the existing GR-6 is concerned. The Committee is taking the expansion of the footprint from 7,500 to 10,000 sq. ft. has been taken off the table. That is a big part of the feedback the Committee heard from neighbors. Mr. Hutchinson made a recommendation that staff study the rest of the GR-6 and further discuss it at the January 29, 2015, meeting.

Carol Liscovitz, 11 Berry Street, stated that the impervious surface percentage was not an arbitrary number, and if it were extended to all of GR-6, she has concerns about the effect on soil and drainage. Mr. Frizzle responded that generally speaking, areas that are served by storm drains are not as sensitive to changes as other areas, but they will look at

that before any recommendations are made. Mr. Frizzle announced they would defer the inner Pleasant Street discussion to the January 29, 2015, meeting, but with the decision made to stay with the 7,500 sq. ft. maximum footprint.

- **Table 4.1.2. – Dimensional Standards –** This comment supported the decision to change minimum lot sizes to 7,500 sq. ft.
- **Table 4.1.3. – Dimensional Standards for Rural Base Districts –** ZORC confirmed their agreement with this revision.
- **4.1.4.A. – Calculation of Net Site Area –** ZORC confirmed agreement with recommendations of 12/17/14.
- **4.2.7. – Historic Resources –** ZORC confirmed their agreement with staff recommendations from 12/17/14.
- **Tables 4.1.4.C.5. and 6. – Dimensional Standards for Open Space Development –** ZORC confirmed their action of 12/17/14.
- **4.5.2.B.1. – Street Trees –** Mr. Frizzle understood ZORC to agree to Development Review applications only in the Growth Area, and not to push street tree dictates into the rural area. Ms. Wilson thought they agreed to any Development Review applications, and anything in the Growth Zone. Mr. Elliott's memory was that Mr. Hutchinson was going to think about it, but it was the basic structure to apply to single-lot building permits. Ms. Wilson referenced the meeting summary, which stated that the majority of the Committee agreed to have street trees applicable in the Growth Area, whether or not the project goes through Development Review. Mr. Elliott replied that that would be very typical. The Committee confirmed this approach.
- **4.7.1.B.2. –** This item will need further discussion by ZORC.
- **4.7.2.B. –** Ms. Breinich and Mr. Doxsee have been working on this item.
- **4.7.4.B.1. – Parking in lieu –** This item is being worked on.
- **4.9.2.B. –** This item was discussed at the 12/16/14 Village Review Board meeting, and Ms. Wilson authored language to deal with façade treatment for buildings on corner lots. Mr. Frizzle thought that sounded like a reasonable statement.
  Allison Harris, Cumberland Street, voiced her appreciation for the language.
  ZORC endorses this recommendation of the VRB and Ms. Wilson.
- **4.10.1., 4.10.2.C. – Neighborhood Protection Standards –** ZORC has previously addressed the Neighborhood Protection Standards.
  Catherine Ferdinand, Bowdoin College, had a question about a large lot and the requirement for a fence, and this will receive additional discussion after Clarion responds to the large lot buffering question. Mr. Frizzle said in general, they're sympathetic to a large lot, and not having to put a fence around a 3,000 foot lot because you are building in one corner.
- **4.11.3.E.1. –** This item is waiting for staff rewrite.
- **4.11.4.H. -** This item is waiting for staff rewrite.
- **4.12 – Performance Standards –** This item is waiting for further review by Mr. Hutchinson.
- **4.12.1.A.1. –** ZORC has already agreed to the staff recommendation, and this item will be removed from the spreadsheet.
- **4.12.2., 4.12.4., 4.12.5., -** ZORC has already agreed to the staff recommendation, and this item will be removed from the spreadsheet.

- **4.8. – Outdoor Lighting –** Additional follow up need by Code Enforcement Officer.
- **5.2.6.C. – Review Standards –** VRB will be discussing this item on 1/16/14 at their workshop.
- **5.2.6.C.2.b. viii. and xii. –** It is anticipated that the Village Review Zone Design Guidelines will be updated for consistency sometime after the zoning ordinance update. ZORC and VRB agreed to this.
- **5.2.6.C.4.a. & b. – Demolition and Relocation –** The VRB will be reviewing this section and offering additional recommendations to ZORC.
- **Table 5.2.7.B. – Review Authority –** This item is for further discussion and review of thresholds.
- This was a general comment dealing with limiting future right-of-way access to Rossmore Road as part of a planned subdivision due to the rural nature of the existing roadway. Mr. Frizzle added the commenter saw something that led them to believe that there was a future access road planned onto Rossmore, and there was a concept at one time that did show something like that. He stated whatever determination they make with respect to another road coming out of Rossmore will be made as part of whatever they are being asked to review. They are not going to limit further access to Rossmore at this point in time. Ms. Breinich added that that would not be appropriate for a zoning ordinance, and Mr. Frizzle agreed.

Ms. Breinich is intending to get through the rest of the public comments next meeting.

Ms. Wilson believes it would be helpful to this group to clarify which policy issues will be discussed by the Committee. Committee members mentioned:

- Whether or not to consolidate, particularly in R-1 and R-8, and CU-1 and CU-2
- Whether or not they want to change the Review Standards to conform with what we're doing already at Brunswick Landing
- Mapping (will be after the presentation of the draft to Clarion)

Ms. Breinich would like to complete the review of the tax material before the policies, because the policies will affect the review of signs, and she would like to finish outdoor storage and the nonconforming section.
Mr. Visser asked about recommendations from the Recreation Commission and the Conservation Committee. Ms. Breinich mentioned she just got recommendations from the Conservation Committee, which will be reviewed at the next meeting.
Allison Harris, Cumberland Street, believes the whole issue in her mind is of balancing the protection of the historic integrity of the downtown versus promoting growth and prosperity throughout the community, which involves some development in the downtown area, and how you strike the proper balance. She talked about her involvement with the Village Review Zone when renovating their house, and mentioned that in her original documents for the house there was nothing in the listing or disclosure statement that indicated that they would be subject to this kind of review. The VRB is discussing additional restrictions, which makes it difficult to own property and use your property in the Village Review Zone. She would like that to be something that people are mindful of, as it's going to be hard for people to purchase if they have these additional burdens. Mr. Frizzle said the overall discussion belongs at the VRB. What, if anything, we can do about the disclosure is a whole different issue.

Jane Millett, 10 Franklin Street, said the disclosures are handed down from the State, and there is a check off under the inspection area if you desire to check and make as a contingency zoning restrictions.
Mr. Frizzle said right now the burden is very much on the homeowner to find out information such as that which they have been talking about. He asked Ms. Breinich to start a list with respect to major policy issues to review at the next few meetings, so they will have it when they are ready for those general policy discussions. Ms. Wilson discussed the use tables and dimensional tables, which Ms. Breinich responded is more of a technical review, but she would like to complete that before the policy issues, and Ms. Wilson agreed.
Mr. Elliott suggested they respond to the staff recommendations in the Use and Dimensional Tables rather than going line by line because they will never get to the place where they are sure every dimension works with every possible use on every possible lot.

ZORC work session meeting schedule:

January 15, 2014, Work Session, Town Hall, Room 206, 9:00 am – 12:00 pm
January 22, 2014, Work Session, Town Hall, Room 206, 3:00 pm – 6:00 pm – revised time/location
January 29, 2014, Work Session, Council Chambers, 5:30 pm – 8:30 pm – revised time

Other business:

None.

Mr. Frizzle adjourned the meeting.

Attest

Debra Blum
Recording Secretary

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
13			The term Historic Structure is not used in the ordinance outside of the Variance in SPO and FPO Districts section with the exception of in the VRO, where the term is used within the definition of Contributing Resource and limited to structures within the VRO. The definition has been significantly broadened to include structures individually listed on "a Town inventory of historically significant places". It is unclear what this Town inventory would be and what criteria would be used to construct it. The definition in the current ordinance includes structures listed on local inventories if those communities have certified historic preservation programs. Additionally, this broad definition is inconsistent with terms used in the development standard in section 4.2.7.			

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
14			The Development Standard (Sec 4.2.7) uses the term "Historic Resources" (not included in the definition section) which covers "structures on the National Register of Historic Places or identified by the Comprehensive Plan as being of historical importance". This definition is narrower than the definition of Historic Structure listed in Section 1.7.2. We recommend including the appropriate section references to the definition and narrowing the definition to be consistent with the standard.		For discussion by ZORC. **For VRB (12/16/14): Staff recommends keeping contributing resource definition but changing term to "Contributing Historic Resource."**	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.** **1/16: Per VRB discussion, definition of "Contributing Resource" will remain as is. Contributing Resources of Local or Regional Significance definition will be modified to delete the inclusion of the listing in Appendix C. The completed survey will be referenced by source in addition to noting it's availability at the Planning and Development Department. Specific criteria already included in the survey will be deleted from the definition.**
20	10/23	**1.7.2** **1-23**	**Outdoor Storage- this definition includes boats and trucks if placed in a front, rear or side yard for more than 60 days. We need clarification if this definition would apply to Bowdoin's boat storage and/or vehicle fleets. Outdoor storage, while defined does not appear on the Use Table for the Growth Area Base Districts.**		Discuss with Clarion in the context of definition and use.	**10/29: Staff to rework outdoor storage definition/potential standards and include on next agenda. Will also define "vehicle areas".** **11/20: Staff reworking text for 12/9 agenda.**

*Date comment added to table.

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21			**However, there is a category in the Use Table for Vehicle sales, rental, or storage for which there is no definition in Section 1.7.2. Footnote #267 on p. 3-8 states that Vehicle sales, rental, or storage has expanded the definition of Motor Vehicle Sales to include storage. We could not find a definition of "Motor Vehicle Sales" or "Vehicle Sales" in the current ordinance or in the new ordinance. These uses and definitions need clarification. As mentioned in Bowdoin's August 19 memo to the ZORC, the College currently stores vehicles, equipment, and boats in several CU districts. We also store boats during the winter at a private facility in MU6 (GM2)**		Possible Definition: Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, or motorcycles or other similar motorized transportation vehicles. The business establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. May want to consider renaming uses to Automobile Dealership; combined Motor Vehicle Sales and Vehicle Sales, Rental or Storage.	**10/29: Keep name as is. Definition acceptable.** **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."** **12/17: Staff to revise definition to include motorized craft as a motor vehicle and define "seasonal" as 10 months or less.** **1/15: Per ZORC discussion of staff rewrite, delete the last sentence in proposed motor vehicle definition. Include definition of motorized watercraft. Revise Section 4.12.7 to excluding canoes, kayaks and skulls. Consider restricting outdoor storage by size of motor vehicle which now includes watercraft. Can be an unlisted accessory use in any district. For further discussion of rewrite on 1/22.**

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			Once there is a clear definition of use, the College would request permitting this type of storage as "A" in GC1-GC3, GM2, and "P" in GC4.(See also Bowdoin August 19, 2014 memo to ZORC)		**Don't agree that a separate accessory use is necessary.**	**1/15: ZORC agreed.**
22	**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.**	**1/15: ZORC agreed. Additional discussion to follow during mapping discussion later in February.**
	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
		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.			
1/13	**2.4.3.**	**Comment made that Shoreland Protection setbacks are too restrictive.**		**Mandated by Maine Shoreland Protection Law.**	**1/15: ZORC agreed.**
1/14	**2.4.2.g. and 2.4.3.12.i.ii.**	**Regarding criteria for unscarified vegetation buffer strip edging a slope, is there a standard for a type of vegetation and density of vegetation?**		**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."**	**1/15: ZORC agreed to add definition of Scarify.**

*Date comment added to table.

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36 37	**11/13**	**2.4.9.A.**	**In the purpose of the Village Review Overlay (VRO), clarify application of the "*The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*" to the charge of the Village Review Board (VRB). The VRB needs to balance the charge to "protect and preserve the architectural context and historical integrity of downtown neighborhoods" with its charge to avoid "stifling change or forcing modern recreations of historic styles."** Reference used: http://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf		**This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC.** **For VRB Discussion (12/16) keeping in mind that the Village Review Overlay is not an historic district but a design review district with guidelines, not standards.**	**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. 1/16: VRB determined that maximum footprint is the proper tool to use for restricting building size versus restricting combining of existing lots. Regarding Secretary of Interior Standards, VRB will consider said standards and guidelines when updating design guidelines (after completion of the zoning ordinance). Also recommended Section 5.2.6.C.1. be further outlined as a., b. and possibly c. and to include a instruct the applicant and Board to obtain review guidance from the VRZ** **Design Guidelines and consider further guidance from the Secretary of Interior Standards.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
38	**11/13**	**2.4.9.A.2.**	**The VRB needs to balance its charge to "protect and preserve the architectural context and historical integrity of downtown neighborhoods" with its charge to avoid "stifling change or forcing modern recreations of historic styles."**		**This will be discussed at the 12/16 VRB workshop on the zoning ordinance with further recommendations made to the ZORC.** **For VRB (12/16): Same comment as above.**	**12/19: From VRB - See above comment.** **1/16: See 1/16 comments above.**
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.

*Date comment added to table.

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40	10/23	2.4.9.B.1.a.i.(D) VRO District 2-53	The properties currently listed in Appendix C on page C-1-2 meet the definitions in section 2.4.9.B.1.a.i. (A) – (C).		Since the adoption of the current VRZ standards (Section 216) last year, the contributing structures inventory has been completed. The inventory is presently used by staff for informational purposes since the listing is not incorporated into the zoning ordinance. **For VRB 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. 1/16: As recommended by VRB, listing of contributing resources of local and regional significance, as determined through January 2014 survey, will not be included in the zoning ordinance but will be reference and made available through the Planning and Development Development.**
41			The additional Category D (i.e. "deemed to be contributing resources of local and regional significance by the Town of Brunswick") implies that there may be some other criteria for amending Appendix C aside from listing or eligibility for listing on the National Register. This definition is ambiguous without some reference to the specific criteria that must be met in order for a property to be eligible and the process through which a resource would be assigned or denied such designation. Recommend deleting this category of properties/resources or outlining clearly or incorporating by reference, the criteria and process for assigning or denying such designation.		Recommend that the inclusion of the listing be a topic of discussion for the VRB when they meet on 12/16 as well as the treatment of such structures.	

*Date comment added to table.

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42 43		Appendix C C-1-2	In the Appendix C, table under section C.2 is labeled Table C.2C.1 – this appears to be a typo. The section heading for C.3 indicates that properties in the table are "Individually Listed Properties" but the table heading indicates these properties are in the Lincoln St Historic District. There is no reference to the Lincoln Street Historic District for these properties in the current ordinance. Please clarify.	11/5 - Clarion to correct.	Note: 28-30 Federal Street structures were mistakenly listed as contributing to the Federal Street Historic District. As listed in the original request for designation, both were listed as "intrusions" to the District. This error has been administratively corrected in the current zoning ordinance. The new ordinance will delete references as well. Recommend C.3, be corrected to read "Individually Listed Properties" and be further described as those properties outside of historic districts but within the VRZ.	
47	**11/14**	**Footnotes 208 and 210**	**Footnotes 208 – "conditional use" replaces "special use" and 210 reflects "current practice? But what does current ordinance require.**		**Section 701 of the current zoning ordinance outlines requirements for uses by special permit. As stated previously, conditional uses will replace those uses currently listed in district use tables as uses by special permit. As proposed, conditional uses must meet specific supplemental standards as noted in Table 3.2. such standards provide additional specificity for future determinations by the review authority. Uses by special permit will only be for those uses omitted or unclassified with a similar process as what presently exists.** **Recommend definitions be provided for terms use, permitted; use, special permit; and use, conditional.**	**11/20: ZORC agreed. Clarion to provide definitions. 12/3: Further discussion by ZORC. Reference Section 5.2.2.B. for Conditional Use Criteria. Clarion to review use table to eliminate any supplemental use standards references for permitted uses. Eliminate use of "*" in Table 3.2.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
48	11/20	3.2 Use Table	Concur that "Artisan" needs to be permitted in GR6 to accommodate Spindleworks and other small businesses that might go into properties such as the soon-to-be closed consignment shop on Union Street between Cumberland and Dunning Streets.		Recommend "artisan industry" be permitted only in mixed use districts and not included artist studios, such as "Spindleworks." Keep artist studios as a conditional use in residential districts and permitted as an accessory use to a residential use in all districts.	12/3: Staff requested to rework existing artisan industry definition to exclude less intensive "studio-type uses." After further review, staff recommends "artisan industry" be permitted in all mixed use districts. Revise definition to exclude square footage and number of employees limitation. Dimensional standards and parking requirements will limit size as is the case with any other use. 12/9: ZORC voted to keep size and employee limitations in definition. Studio-based retail sales shall be allowed in districts permitting retail use by right or by conditional use permit.
	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.**	**1/15: ZORC agreed and added that nothing in draft ordinance will preclude the existing business from continuing to operate as a home occupation.**

*Date comment added to table.

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	1/13	**3.4.1.U.**	**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.**		**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.**	**1/15: ZORC agreed with staff recommendation. Additionally noted that this section needs to address renewable energy systems as a primary use including required setbacks and maximum impervious coverage. Requested staff/Clarion research updated standards/best practices developed since the existing ordinance provisions were developed in 2009, including but not limited to reflective light and noise.**
64	**11/17**	**4.1.2 Dimensional Standards**	**Multiple questions as follows:** **a. GR7 minimum lot size + 10,000 sf, GR8 changed from 10,000 sf to 7,500 sf. Why?**		**a. Reviewed average lot sizes in proposed districts. GR8 has smaller lot sizes on average and higher density than GR7.**	**11/20: ZORC agreed. Further review as part of interim draft.**
65						

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
66			**b. Density for dwelling units – GR6=10; GR7=4; GR8=5; GM6=7. Why?**		**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.**	
67			**c. Density more in GR6 than GM6. Why?**		c. **No maximum density for GM6; GR6 remains at current density of 10.**	
68			**d. GR7 and GR8 dimensions are the same, but lower for GR6, for front year depth and rear yard depth. Why?**		**d. No proposed changes in front or rear yard depths from existing standards.**	

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12/30	**Table 4.1.2. Dimensional Standards**	**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**		**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.**	**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.** **1/16 (From VRB): VRB concerned about scale of development that might be permitted on inner Pleasant and determined to remain vigilant on this issue during the rewrite process.**

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		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.			
1/21	**Table 4.1.2. Dimensional Standards**	**From VRB (1/16): Consider setting front setbacks as what is an existing average setback within the block for in-fill development in established neighborhoods.**		**Staff agrees with recommendation.**	

*Date comment added to table.

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1/21	**4.1.4.C.4.a.i.**	**From Conservation Commission: " The land set aside as conserved open space" is all unbuildable, already protected land. Why are we rewarding with potential density bonuses for setting aside unbuildable land? Should be additional developable land offered to be set aside that would generate bonus densities. Perhaps separate criteria should be developed, as some protected areas (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.**			**1/15: ZORC agreed. Will review section and compare to those lands subtracted from parcels to determine net site area (4.1.4.A.). For further discussion by ZORC.**
1/21	**4.1.4.C.4.a.iii.**	**From Conservation Commission: This language should be put up front and be strengthened or be more explicit that acceptance of unconnected strips of land is less desirable to Town.**			**1/15: ZORC agreed.**

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81	**12/15**	**Tables 4.1.4.C.5. and 6., Dimensional Standards for Open Space Development**	**Table 4.1.4.C.5. (growth area) shows minimum lot width in open space development of 60 ft. but side yard of 15 ft. This leaves too little width for a dwelling. The next table (rural area) shows a 10 ft. side yard for an open space development in the rural areas. <u>Suggestion - Change width of side yard to 10 ft.</u>**		**Presently side yard setbacks for open space development within growth areas either reflect those existing on the same street or as approved by the Planning Board. Staff agrees with commenter that 15 ft. side setback is too wide for a 60 ft. minimum lot width. Recommend side setback be reduced to 10 ft. for all open space development in growth areas.**	**12/17: ZORC agrees to reduce side setback to 10 feet and also keep existing Planning Board waiver provision. Also recommended that Table 4.1.4.C.6 (Dimensional Standards for Open Space development in Rural Area Districts) be revised to combine zoning district columns RP1, RM with RP2. All dimensional standards to be further reviewed for consistency with underlying districts.**
	1/21	**Table 4.1.4.C.6.**	**From Conservation Commission: Column for RP1, RM and RP2 are identical and should be combined.**		**Already noted and addressed by ZORC.**	
	1/21	**4.1.4.C.8.**	**From Conservation Commission: This section openly 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.**		**Staff agrees. This omission was pointed out previously and noted by ZORC informally. Criteria needs to be applicable for all lands under consideration for dedication.**	

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1/21	**4.1.4.C.8.**	**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.**		**Staff agrees but may be an issue to take up after the adoption of the ordinance, after careful review of options, discussions with potential partners and public input. The topic of easement stewardship fees had been investigated by prior staff and discussed but was not pursued any further in 2009-2010. Conservation Commission is now renewing the discussion.**	
1/21	**4.1.4.C.8.c.i.**	**From Conservation Commission: For parcels "larger than 10 acres" requirement - should read contiguous parcels larger than 10 acres.**		**Staff agrees.**	

*Date comment added to table.

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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?**		**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.** **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.**	**1/15; For further discussion by ZORC on 1/22 regarding allowing for Affordable Housing Bonus Densities in Rural Areas. Margaret to research Comprehensive Plan for guidance.**

*Date comment added to table.

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1/13	**4.2.1.**	**"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?**		**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.**	**1/15: ZORC agreed. Asked staff to reference documents, as amended. Staff will consider mapping scenic areas per planning documents and include as a layer on Town's Web GIS mapping resource.**

*Date comment added to table.

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1/14	**4.2.5., 4.4.2., Appendix D (General)**	**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**		**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**	**1/15: ZORC agreed. Staff also requested to include as new section in Chapter 4 in addition to the application checklist.**
		Navy. The inclusion of a Land Use Restriction (LUC) overlay is recommended.		**see a need for an overlay district as well.**	

*Date comment added to table.

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12/15	**4.2.7. Historic Resources**	**A request is being made to create an Historic Overlay District over the former BNAS property as recommended in the Recreation, Trails, Open Space Management Plan for the Town's Public Benefit Conveyances. The creation of an overlay would be one way of ensuring that protocols contained in the Programmatic Agreement protocols, signed 9/27/2010, between the US Navy and the Maine Historic Preservation Commission would be met.**		**Staff agrees with the need to ensure the agreed upon protocols are met for all public benefit conveyances covered by the signed Programmatic Agreement but does not agree that an overlay must be created in order to do so. The Recreation, Trails, Open Space Management Plan recommendation regarding the overlay states that the creation of an Historic Overlay District be considered, not required. The purpose of such a District would be for the protection of archeological and historic resources only on the BNAS Public Benefit Conveyances. MHPC does have mapping of archeological sites/those areas sensitive to archeological resources. It is Staff's recommendation that Section 4.2.7. Historic Resources require consultations with MPHC in areas throughout Brunswick, not just the BNAS areas, having the potential** **for archeological resources, as part of the development review process for previously 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.**	**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
89	**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.**
90	**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.**
	1/21	**4.7.3.A.2. and A.3**	**From VRB (1/16): Do not allow parking in front yard within VRZ (primarily GM6 and GR6 Districts). Consider earlier recommendation by Town Attorney provided during CEI review to clarify whether parking is permitted or restriction in side yards.**		**Staff agrees with VRB requests. Referenced Ordinance sections are inconsistent with each other. Parking should not be permitted in front setbacks. Town Attorney recommendation is attached for consideration.**	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
94	**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.**
96	10/23	**4.10.1 4.10.2.C Neighborhood Protection Standards 4-45**	**As drafted, these protection standards would apply to College development located on land that abuts or is across the street from a GR district lot with an existing dwelling. The wording of 4.10.1.A. suggests that the neighborhood protection standards would not apply to residential uses. Please note that Residence Hall is included with Residential Uses in the Use Table (Table 3.2). We believe, based on the discussions during ZORC meetings, the intent of the Committee is to have Neighborhood Protection standards apply to Group Living Residential Uses. Please clarify.**		**Agree with basic recommendation. However, we also need to ensure that existing setbacks from residential neighborhoods as well as to include Harpswell Place neighborhood, be included. As per ZORC discussions, Neighborhood Protection Standards would appear to apply to all Group Living Residential Uses. Need to confirm.**	**11/12: Further discussion needed upon receipt of additional information regarding existing setbacks from Residence Halls to existing neighboring residential uses. 11/12: Delete last phrase of 4.10.2.D., beginning at "unless…" 11/12: Reference applicability of noise standards, also in application checklist/criteria. 11/12: For additional discussion after Clarion responds to large lot buffering question. 12/17: 1/8 meeting discussion item. 1/15: See earlier response in table.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
97			**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.**			

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
98			**Additionally, the requirement in 4.10.2.C. for an 'opaque fence' may be overly prescriptive. Please see comment #8 regarding buffers. A buffer would be appropriate but an abutter may or may not prefer some alternative screening to a fence. The standard should allow some flexibility to meet the buffering requirement.** **Recommend revision of Section 4.10.2.C. so that buffering of development be limited to those shared lot lines impacted by the development footprint. Also recommend broadening the buffering option by substituting "screen" or "buffer" for "fence" and adding definition of "opaque" relative to these terms.**			
99	**11/20**	**4.11.3.E.1**	**Does 8' minimum height apply to banners and "Open" flags? It seems that some currently are lower than that and impede pedestrian traffic.**		**Banner signs are being addressed separately as part of the staff rewrite of this section.**	**12/3: Waiting for staff rewrite.** **1/15: For 1/22 discussion topic.**
100	**11/20**	**4.11.4.H.**	**Can sandwich signs be confined to specific locations on the sidewalk – curbside or near buildings?**		**Under consideration as part of staff rewrite of sign section.**	**12/3: Waiting for staff rewrite.** **1/15: For 1/22 discussion topic.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
101	**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.**
106	**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.**		**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.**	**1/15: ZORC agreed.**
				All comments presented by either staff, public or Planning Board members must be addressed by the applicant.	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
125	**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.**
	1/21	**5.2.6.C.2.b.**	**From VRB (1/16): Review and rework section standards to ensure consistency with GM6 (Maine Street) requirements. Recommendation that standards specific to Maine Street should be applicable to all non-residential structures.**		**Staff agrees with VRB recommendations.**	
126	**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
1/21	**5.2.6.B.5**	**From VRB (1/16): The VRB supports changes to the procedures for approval of demolitions, preferring to see demolition considered in the same motion (joint Certificate of Appropriateness) as the proposed design for replacement development. Under current procedure, the board is required to vote on demolition before it has considered the replacement structure.**		**Staff agrees with VRB recommendation. Such an approach would streamline the Certificate of Appropriateness approval process.**	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
127 128	**11/18**	**5.2.6.C.4.a. & b. Demolition and Relocation**	**a. Violated with Town Hall and Rec Center demolitions as both are on Appendix C in this document as Contributing Structures (28 and 30 Federal Street). Whole section is self-contradictory.** **b. "if it is determined that the proposed replacement structure or reuse of the property is deemed more appropriate and compatible with the surrounding contributing resources than the resource proposed for demolition"**		**For a. As noted previously, the inclusion of 28 and 30 Federal structures in the listing of Contributing Structures was made in error. The original application for the National Register of Historic Places designation of the Federal Street Historic District listed both properties as "intrusions" to the proposed district, not contributing. The correction has been made administratively in the current ordinance. The VRB will be reviewing this section and offering additional recommendations to ZORC.** **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."**	**11/20: ZORC agreed.** **VRB 12/16 response: Reference Section 5.2.6.C.2. in Section 5.2.6.C.4.b.**

*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.**	**1/15: ZORC agreed. Add in Recreation Commission and Marine Resources Committee.**
129	**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. 1/15: To be discussed on 1/22.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
130					**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.**	

*Date comment added to table.

A. *Signs*[1]

Purpose

The purpose of this section is to promote and protect the public health, safety and welfare by regulating outdoor signs of all types. The specific goals are to protect property values, enhance and protect the physical appearance of the community, reduce sign or advertising distractions and obstructions, reduce hazards that may be caused by signs, and ens~~u~~re that new signs are compatible in design and scale with their surroundings.

General Provisions

Exemption of Certain Town-Authorized Signs

Signs authorized by the Brunswick Town Council to be displayed on public property or over public rights of ways are exempt from all standards in this section except Section 0~~0~~4.11.~~6~~ (Special Requirements Signs~~Special Requirements Signs~~~~Special Requirements Signs~~).

Calculation of Size of Sign

Two-Sided Signs

Only one side of a sign shall be counted when determining the size of a two-sided sign.

Signs Within or on Structures

When the graphic representation of the sign occurs on a sign board, the size of the sign shall be calculated by the square footage of the sign board. For illuminated signs, all portions of the sign that are illuminated shall be included in the square footage. In other cases where ~~lettering~~ sign graphics are ~~is~~ attached to a structure and no sign board is utilized, the sum of the areas of each of the graphic elements displayed will determine the square footage of the sign. ~~shall be calculated by drawing a rectangle around all portions of the lettering—the square footage of the sign shall be the area of the rectangle.~~

Maximum Sign Size

No sign may exceed 200 square feet, except for wall signs on structures greater than 30,000 square feet, which may not exceed 250 square feet.

Sight Hindrance

No freestanding sign shall be erected so as to block or obstruct the sight line of motor vehicles exiting from the premises or any nearby premises.

[1] From current Sec. 602.

Illumination

Non-Illuminated Signs

Any sign may be non-illuminated.

Directly Illuminated Signs

The light emitted from a directly illuminated sign shall not result in light trespass beyond the intended area of illumination.

Internally Illuminated Signs

Internally illuminated signs are permitted only in the GM4, GM5, GM7, GM8, GA and GI Districts.

Standards for Sign Types

Awning Signs

Awning signs are allowed in addition to other sign types permitted in Section 4.11 of this ordinance.

The total area of awning signage shall not exceed one (1) square foot for each one (1) linear foot of awning width up to a maximum of 16 square feet signage area.

~~The sign face of an awning sign may not exceed 25 percent of the area of the plane of the awning on which the sign face appears.~~

No materials or signage may hang from an awning.

Monument Signs

The size of the face of a monument sign shall not exceed 32 square feet.

The maximum height of a monument sign is ~~ten~~ 10 feet.

Only one monument sign per 250 feet of lot frontage is permitted.

~~Monument signs are prohibited in the GM6 District~~.[2]

Pole Signs

Only one pole sign per 250 feet of lot frontage is permitted.

In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 and GI Districts, the height of the pole sign shall not exceed 15 feet and the size of a pole sign shall not exceed 25 square feet. Single parcels developed with multiple uses or uses located on four or fewer adjacent properties and share access, a pole sign may consist of 25 square feet per non-residential use not to exceed a total sign structure area of 200 square feet.

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[2] ~~Currently this provision applies to only some TC districts, but has been extended throughout GM6.~~

In the GM6 District the height of a pole sign shall not exceed 12 feet in height and size of the pole sign shall not exceed 18 square feet, Single parcels developed with multiple uses or uses located on four or fewer adjacent properties and share access, a pole sign may consist of 18 square feet per non-residential use not to exceed a total sign structure area of 54 square feet. Pole signs in this district shall be constructed of materials that are made of or resemble wood or wood carving.

In all other zoning districts except for TC2, the height of a pole sign pole signs shall not exceed ten 10 feet and the size of a pole sighn shall not exceed 15 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood or wood carving.

Pole signs shall be set back at least 5 feet from a side or rear property line.

Any use that contains a pole sign may not contain a projecting sign or a roof sign.

Pole signs are not permitted in the GM6 District.[3]

Changeable Message Signs

Changeable message signs are considered internally illuminated signs and may only be permitted in the districts as allowed per Section 4.11.2.D. of this ordinance.

Changeable message signs shall meet the dimensional requirements as allowed per Section 4.11 of this ordinance.

Changeable message signs are permitted provided that each message remains fixed on the display surface for not less than five (5) seconds and may transition as rapidly as technologically practicable, but not to exceed a transition time of one (1) second, with no phasing, rolling, scrolling, flashing or blending.

Changeable message signs shall be equipped with a sensor or other device that automatically determines the ambient illumination conditions and be programmed to automatically dim the sign illumination to not exceed the ambient light conditions by more than 0.3 footcandles. The Codes Enforcement Officer shall utilize the Illumination Measurement Criteria in accordance with the "Night-time Brightness Levels for On-Premise Electronic Message Centers" as recommended by the International Sign Association dated April 2011, as amended, which is on file in the Planning and Development Dept.

Changeable message signs may consist of alphabetic or numeric text on a plain or colored background may include graphic, pictorial or photographic images and shall not include the usage of animation or video content.

Changeable message signs may not be located so that the message is readable from a controlled-access highway or ramp.

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[3] Currently this provision applies to only some TC districts, but has been extended throughout GM6.

~~**Marquee Signs**~~

~~Marquee signs are permitted for theaters only, and must be wall signs, subject to the requirements for wall signs.~~

Projecting Signs

Where a projecting sign projects over a sidewalk, it must clear the ground by at least ~~eight~~ 8 feet.

Any use that contains a projecting sign may not contain a pole sign except for projecting signs that are located 50 feet or more from a public street..

Projecting signs shall not be placed above the first story of a structure unless it is advertising a use that occurs above the first floor. Where a projecting sign occurs above the first story of a structure, it may not be placed higher than the midpoint of the second story.

In all Growth Residential (GR) districts, GM6 District, Growth College (GC) districts, and Rural Area Districts, the size of a projecting sign shall not exceed ~~six~~ 6 square feet and the projecting sign shall not project more than three feet beyond the wall to which they are attached.

In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 and GI Districts, the size of a projecting sign shall not exceed 25 square feet.

~~Projecting signs are prohibited in the GM6 District.~~

Wall Signs

No wall sign shall protrude beyond the roof line or cornice structure of a building, and shall not cover windows, doors or architectural detailing of the building to which it is affixed.

In the GM1, GM2, GM3, GM4, GM5, GM7, and GI Districts, each nonresidential establishment shall be allowed wall signage not to exceed a total of 25 square feet—provided, however, that establishments occupying a portion of the building's principal facade shall be allowed wall signage not to exceed 25 square feet or ten percent of that portion of the principal façade occupied by that establishment, whichever is greater.

In the GM6 District, wall signs shall be placed between the top of a first story window and the bottom of a second story window, made of wood (or materials that appear to be wood, and be professionally engraved. The size of a wall sign shall not exceed 16 square feet.

In all other districts, each nonresidential establishment shall be allowed wall signage not to exceed a total of 16 square feet provided, however, that establishments occupying a portion of the building's principal facade shall be allowed wall signage not to exceed 16 square feet or ten percent of that portion of the principal façade occupied by that establishment, whichever is greater.

Campus-type signs

Parcels of land developed in a campus-type environment, as defined as larger parcels of land with multiple buildings including hospitals, mill complexes, business parks or public or private educatiojnal facitities, are permitted the following additional signage:

1. Main entrance signs. One freestanding pole or monument sign may be located at the main vehicular entrance and unless otherwise permitted, such signs shall be limited to a symbol and/or name identifying the campus. In addition, the following standards must be met:
   (a) Freestanding pole signs shall not exceed 25 square feet in total sign area and exceed a height greater than 15 feet.
   (b) Freestanding monument Signs shall not exceed 32 square feet in total sign area and exceed a height greater than 10 feet.
   (c) Such signs shall be sited within the private land boundaries of the campus and shall not be licated within the right-of-way of any public street nor create or aggravate a traffic hazard.
   (d) For a campus-stule parcelwith secondary vehicular entry points, one additional main entrance sign, to be installed in accordance with the section above, may be sited at each secondary vehicular entry point, provided such signs are not readily concurrently visible with any other main entrance signs located on the same campus parcel.
2. Campus destination signs. Interior campus signs providing detailed directional and/or informational assistance to on-site destinations.
   (a) Such signs shall not exceed 6 square feet per destination and shall not exceed 32 square feet in total sign area and exceed a height greater than 10 feet.
   (b) Such signs shall be sited within the private land boundaries of the campus and shall not be located within the right-of-way of any public street, nor create or aggravate a traffic hazard.

3 Campus directory map. Map directions graphically identifying the various destinations across the campus.
   (a) Such signs shall only be located along provate vehicular or pedestrian access ways or parking areas to prevent unsafe conditions along public ways.
   (b) Such signs shall not be located within the right-of-way of any public street.
   (c) Such signs shall not exceed 32 square feet in total sign area and exceed a height greater than seven feet above grade.

Religious Institution Signs

A religious institution sign shall be for the use of a religious institution, shall be located on the same lot as the religious institution, and may have a changeable copy sign. A religious institution sign shall be either a wall, monument or a pole sign in accordance with the requirements for those types of signs.

Development Signs

A single sign not to exceed 16 square feet in area shall be permitted to identify the name of a subdivision. The development sign shall be located on a common area within the development.

~~**Changeable Copy Signs**~~

~~Changeable copy signs are prohibited in all Growth Residential (GR) districts, the GM6 District, and all Growth College (GC) districts.~~

~~The area of a changeable copy sign shall not exceed the maximum area allowable for a pole sign in the applicable zoning district. The area of any changeable copy sign that is mounted to a pole sign or directory sign shall count towards the maximum allowable signage area of the pole or directory sign.~~

Building Directory Signs

A building directory sign may be attached at the entrance to a building to identify the business occupants for pedestrians entering the building and shall be in addition to any other signs permitted by this ordinance. A building directory sign shall not exceed a total of 6 square feet in size. A building directory sign located in the GM6 shall be made of wood or material that appears to be wood.

~~A directory sign may be mounted to the ground, one or more poles, walls, or may project from a wall at an angle.~~

~~A directory sign may advertise or identify only uses that exist within the same lot or uses that exist in any group of structures sharing a common point of access from the public way.~~

~~Only one directory sign per 250 feet of lot frontage is permitted.~~

~~In the GM1, GM2, GM3, GM4, GM5, GM7, GM8, and GI Districts, a directory sign may be used to advertise establishments that occurring on any four or fewer adjacent parcels and share access, and the total size of a directory sign may not exceed 25 square feet per nonresidential establishment advertised.~~

~~In the GM6 District, only one directory sign is permitted, and its total sign area shall not exceed 56 square feet.~~[4]

~~In the GM6 District, directory signs shall be placed at the entrance to upper-story uses for any building with no front yard, and the total sign area of directory signs shall be no larger than five square feet. Directory signs for buildings with a front yard shall not exceed ten square feet per nonresidential establishment advertised.~~[5]

~~In all other districts, directory signs shall be prohibited.~~

On-Premise Directional Signs

An on-premise directional sign may not exceed ~~two~~ 2 square feet in area.

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[4] ~~Currently this provision applies to only some TC districts, but has been extended throughout GM6.~~

[5] ~~Currently this provision applies to only some TC districts, but has been extended throughout GM6.~~

An on-premise directional sign shall be placed so as not to impede sight distance.

Neon Window Signs

Neon signs that are placed inside a window are permitted ~~by permit—provided that neon window signs are not permitted for residential uses~~ and shall not exceed ~~five~~ 25 percent of the glass area of the window on which the sign is to be placed.~~square feet in area for any single use~~.

Advertising Messages Incorporated into Approved Signage

Permanent advertising messages or business information (such as signage indicating business hours, signage indicating which types of bank machine cards are accepted, or other similar message) shall be considered a sign subject to review, unless that message is in a sign not subject to permit. Reviewing of such signage shall also consider other signs on the site.

Gasoline Sales Canopy Signs

Gas station canopy signs shall not extend beyond the edges of the canopy and shall comply with one of the two following alternative provisions:

No sign shall exceed 15 percent of the square footage of the side of the canopy on which it is located. No side shall contain more than one sign.

The total area of signs on a gas station canopy shall not exceed ~~nine~~ 9 percent of the total square footage of all sides of the canopy. No canopy shall have more than two signs located on it. Both signs may be located on the same side of the canopy.

Temporary Signs Allowed and Not Subject ~~To~~to Permit

~~The following~~ Temporary signs are permitted as indicated in each subsection below and are not subject to a , ~~and require no~~ permit. Temporary signs listed below shall not be placed in a position that will impair vision, obstruct traffic, or in any manner created a hazard or nuisance to the general public.

Real Estate Signs

A real estate sign for the sale or lease of a residential ~~structure~~ property shall not exceed ~~four~~ 4 square feet in area. A real estate sign for all other uses ~~and vacant land~~ shall not exceed 32 square feet in area.

Real estate signs shall only be installed on the property which is for sale or lease and be removed within ~~ten~~ 10 days of the sale or lease of the property.

Contractor Signs

The size of a contractor sign shall not to exceed 32 square feet.

A contractor sign shall be removed ~~upon~~ within 5 days of the issuance of a Certificate of Occupancy, where one is required. A contractor sign used during home improvement or renovation projects that are not subject to Certificate of Occupancy shall be removed within 5 days after the work has been completed.

Signs for Lawn, Yard, or Garage Sales

Lawn, yard, or garage sale signs are prohibited on any State or ~~local public property~~ municipally owned parcel~~or right-of-way, and or on utility poles~~.

No sign for a lawn, yard, or garage sale shall be posted more than ~~24 hours~~3 days prior to the sale and shall be removed within 24 hours of the end of the sale ~~before and after the event~~.

The size of a lawn, yard, or garage sale sign is limited to 4 square feet in area.

Window Signs

Window signs are allowed provided that they are placed on the inside of the window and occupy no more than 25 percent of the glassed area of the ~~all~~ window~~s~~ on which the sign is to be placed.

Farm Stand Signs

Farm stand signs are permitted provided that each sign is no greater than ten square feet in area and they are displayed only during the season when the premises are open for business. Farm stand signs may have a changeable copy shall only be located on the property at which the farm stand exists.

Household Signs

A household sign shall not require a permit.

Political Campaign Signs

Political campaign signs are temporary signs bearing messages relating to ~~permitted on private property no sooner than 60 days before~~ an election, primary, or referendum.~~,~~ ~~and must be removed no later than five days after the same election, primary, or referendum~~Political Campaign Signs are permitted on private property and size shall be limited to 8 square feet. Political signs are prohibited to be located on or in front of Town owned property including, but not limited to, schools, parks, cemeteries, road right of ways and municipally owned buildings.

~~The size of a political sign shall be limited to eight square feet.~~

Temporary Business Signs

Temporary Business Signs, such as: sandwich signs, easel signs and other similar signs are permitted for the advertisement of specific products, daily specials, or services. They shall be made of durable materials (i.e., not of cardboard or paper) and shall not be placed to impede public access or create a traffic hazard and shall not exceed

8 square feet in size per side. Only one sign per 50 linear feet of street frontage is permitted, not to exceed three such signs per property. Such signs can only be placed outside while the business is open.

~~Sandwich Signs~~

~~A sandwich sign shall not exceed seven square feet in area.~~

~~A sandwich sign shall be made of wood or materials that appear to be wood.~~

~~A sandwich sign may be displayed only when the premises it advertises are open for business.~~

~~Sandwich signs may not impede pedestrian, bicycle, or vehicular access. Any sandwich sign found to impede the safe movement of pedestrians, bicycles, or vehicles may be ordered removed or relocated by the Codes Enforcement Officer.~~

~~Sandwich~~ Temporary Business Signs located in the Village Review Zone do not require review by the Village Review Board.

Motor Vehicle Signs

Any sign displayed on a registered motor vehicle where the primary purpose is to advertise a product, service business, or other business related activity. This regulation shall allow the use of business logos, identification or advertising on vehiclis primarily and actuively used for business purposes.

Signs Requiring Written Notification to Codes Enforcement Officer

Special Events or Notice Signs

Prior to displaying any special event or notice sign, the building occupant shall submit written notification to the Codes Enforcement Officer of the sign's installation and removal.

~~Special events or notice signs shall not interfere with pedestrian or vehicular traffic~~.

No individual building occupant may display a special events or notice sign for more than 90 days within a calendar year—provided that special events or notice signs for an event or notice exceeding 90 days in length shall be permitted for a period not to exceed five calendar days immediately following the conclusion of the event or notice, or 180 days per calendar year, whichever is less, upon written approval by the Codes Enforcement Officer.

Special events or notice signs shall not interfere with pedestrian or vehicular traffic

~~Prior to displaying any special event or notice sign, the building occupant shall submit written notification to the Codes Enforcement Officer of the sign's installation and removal.~~

Special Requirements Signs

The following signs are permitted subject to special requirements.

Banners

Town Council permission is required to raise a banner over a Town owned public ROW and the Town Council has the right to restrict where and when such banners may be displayed.

Official Business Directional Signs

An Official Business Directional Sign visible from a public way may be erected or maintained in the Town of Brunswick in accordance with the following standards and with applicable provisions of the Maine Traveler Information Services Act (23 M.R.S.A. § 1901-1925) and any regulations of the Maine Department of Transportation promulgated thereunder, not inconsistent with the provisions of this Ordinance.

Qualifying Uses

The following uses are qualifying uses, provided they do not have frontage on a State-Aid highway/road or Bath Road, and are not located in the GM6 District, the VRO District, or the Maine Street or Park Row right-of-way:

Public and private schools and colleges.

Airports.

Cultural facilities and historic monuments.

Recreational facilities.

Municipal and other government facilities.

Nonprofit organizations.

Public accommodations and commercial businesses.

Retail agricultural operation.

Number of Signs

Not more than ~~four~~ 4 official business directional signs may be permitted per each qualified use.

Placement of Signs

Official business directional signs may not be installed in the GM6 District, the VRO District, and the Maine Street or Park Row right-of-way.

Additional Requirements

The following additional requirements shall apply to official business directional signs:

The minimum distance between official business directional sign posts shall be at least 300 feet as measured along the shortest straight line.

~~An official business directional sign may be installed only upon issuance of a permit pursuant to this Ordinance, and approval by the Town Police and Public Works departments.~~

No official business directional sign shall be placed closer than 200 feet from the property line of a commercial business offering directly competing goods or services.

An official business directional sign shall be located no closer than 200 feet, nor further than 2,500 feet, from an intersection where a change in direction as indicated on said sign is required.

No more than ~~three~~ 3 official business directional signs may be attached to an individual sign post assembly. No new sign post assembly shall be installed until existing sign post assemblies suitable for any newly proposed official business directional sign contain the maximum number of permitted signs.

Permitting and approval process

Any entity wishing to erect an official business directional sign shall make application with the Maine Department of Transportation on an application form provided by MDOT. Prior to submittal to the MDOT for final review, the application will require the signature of the Brunswick Codes Enforcement Officer certifying compliance with the Town's Zoning Ordinance and the approval of the Town's Police and Public Works departments.

Nonprofit Organization Fund Raising Signs

Nonprofit organization fund raising signs, when recommended by the Town Manager and approved by the Town Council, shall be permitted at locations on public and private property, subject to the following:

The sign shall be a ground sign, with an area not exceeding 32 square feet.

The height of such sign shall not be greater than ~~eight~~ 8 feet.

The sign shall not be illuminated.

The sign shall be removed one week after the fund raising event has ended.

Signs Expressly Prohibited

The following signs are prohibited in all zoning districts and under all circumstances:

Off-premise advertising~~,~~ provided that this shall not be interpreted to prohibit political campaign signs that are regulated by and conform to Section ~~4.11.4.G~~ 4.11.4.G above. The Codes Enforcement Officer or his/her dully authorized representative has the authority to immediately remove any unauthorized off premise sign.

Flashing illuminated signs.

Moving signs, such as but not limited to, inflatable/expandable signs, freestanding wind/feather signs, streamers, pennants, balloons and other signs with moving parts meant to attract the attention of the general public.

~~Signs painted on or affixed to motor vehicles. No vehicle with directional or advertising signs painted on or affixed to it may be parked, unmoved, on, by, or within view of a public way for any period of time greater than five calendar days in any month. Any vehicle so parked must be currently registered for legal operation within the State of Maine and capable of such operation without tow or other secondary assistance.~~

Roof signs.

Portable signs—except those used for the conveyance of traffic and other public safety information, which are permitted without a permit.

Signs located in, on or projecting over any Public Right of Way.

~~***Illumination***~~

~~**Non-Illuminated Signs**~~

~~Any sign may be non-illuminated.~~

~~**Directly Illuminated Signs**~~

~~The light emitted from a directly illuminated sign shall not result in light trespass beyond the intended area of illumination.~~

~~**Internally Illuminated Signs**~~

~~Internally illuminated signs are permitted only in the GM4, GM5, and GI Districts.~~

Sign: An object, device, or structure, or part thereof, situated outdoors or displayed in a window, freestanding or attached to a structure or motor vehicle, 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 means of words, letters, figures, design, symbol, advertising flags, fixtures, colors, illuminations, or projected images and which is visible from a public way. "Visible form a public way" means capable of being seen without visual aid by a person of normal visual acuity, from a way designated for vehicular use and maintained with public funds.~~.~~

Sign, Animation: the usage of multiple frames running at a fast enough speed that the human eye perceives the contact to be in continuous movement.

Sign, Awning: A covering that is (or appears to be) made of cloth or canvas and is either permanently attached to a building or can be raised or retracted or fixed to a position against the building when not in use.

Sign, Building Directory: A wall mounted sign that identifies the occupants of a building.

Sign, Changeable ~~Copy~~ Message: A sign ~~greater than four square feet in area that~~ that utilizes computer generated messages or some other electronic means of changing copy. These signs include displays using LEDs, LCDs or incandescent lamps. ~~allows for lettering to be placed and periodically removed or changed, including signs with an electronic reader board~~.

Sign, Contractor: A temporary sign erected during the construction phase of a project only.

Sign, Directly Illuminated: A sign illuminated by a light source that is outside of the sign.

~~**Sign, Directory:** A sign that advertises more than one use or establishment~~.

Sign, Dissolve/Fade: a mode of message transititon on an electronic sign accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity or ppears to dissipate to the point of not being legible and the subsequent message gradually appears or increases intensity to the point of legibility.

Sign, Farm Stand: A sign used to advertise a farm stand selling fruits, vegetables, or other agricultural crops and products.

Sign, Flashing Illuminated: A sign in which the light source, in whole or in part, physically changes in light intensity or gives the appearance of such change at less than a 5 second time ~~any~~ interval. Time and temperature signs emanating white light are excluded from this definition.

Sign, Freestanding: A pole sign or monument sign.

Sign, Household: A sign that display street numbers, last names, or personal names given to residential structures.

Sign, Internally Illuminated: A sign illuminated by a light source that is within the sign.

Sign, Marquee: a sign used for the advertisement of a movie or theatrical event.

Sign, Monument: A sign mounted directly on the ground.

~~**Sign, Moving:** A sign subject to motorized physical movement or motorized revolution up or down, around, or sideways that completes a motorized cycle of change at any interval.~~

Sign, Official Business Directional: An off-premise sign erected and maintained in accordance with the Maine Traveler Informational Services Act, 23 M.R.S.A. § 1901-1925, and this Ordinance, that identifies and points the way to public accommodations and facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational, and religious interest.[6]

Sign, Off-Premise Advertising: A sign that advertises a business or the business's products, services, or activities not sold, distributed, or carried out on the premises.

Sign, On-Premise Directional: A sign used to provide direction to entrances and exits from parking or pedestrian areas.

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[6] Definition revised to clarify that this is an off-premises sign.

Sign, Pole: A sign attached to a pole or poles erected directly into the ground.

Sign, Political Campaign: A temporary sign bearing messages relating to an election, primary, or referendum.

Sign, Portable: A sign designed for and intended to be moved from place to place and not be permanently affixed to land, buildings, or other structures, but not including a ~~Sandwich Sign~~Temporary Business Sign.[7]

Sign, Projecting: A sign attached to a wall at an angle.

Sign, Real Estate: A temporary sign advertising the lease or sale of land, space, or structure.

Sign, Role: a mode of message transition on a Changeable Message Sign where the message appears to move horizontally across the display surface.

Sign, Roof: A sign mounted to the roof of a building. Signs mounted on the face of a mansard roof are not considered roof signs, but as wall signs.

Sign, Sandwich: A free-standing, moveable sign, usually shaped like an "A", used to advertise daily specials or special events.

Sign, Scroll: a mode of message transition on a Changeable Message Sign where the message appears to move vertically across the display surface.

Sign, Special Events or Notice: A temporary sign—such as a banner, pennant, ~~wind sock~~, or poster, ~~or flag~~—that is mounted onto a building structure ~~displayed on premise for decorative or festive purposes~~ to announce ~~festivals, elections, or other~~ special events or notices and; are limited to the property of which the special event is located.

Sign, Temporary Business: A temporary sign such as a sandwich sign, easel sign and other similar signs intended to advertise specific products, daily specials or services.

Sign, Transition: a visual effect used on a Changeable Message Sign to change from one message to another.

Sign, Video: a Changeable Message Sign that displays motion or pictorial imagery, including a display from a "live" source.

Sign, Wall: A sign applied, painted, or affixed flush to the exterior of a structure.

Sign Face: The portion of a sign that includes words, letters, figures, designs and background.

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[7] ~~Current definition revised to avoid overlap with Sandwich Sign.~~

Village Review Board comments on Brunswick zoning ordinance rewrite
Resulting from January 16, 2015 VRB work session

1. The board agreed that the standards section of the VRZ ordinance should be revised to clarify the role of the Secretary of the Interior's standards and of the VRB design guidelines in VRB deliberations.
2. The board was concerned about the scale of development that might be permitted under the rewritten ordinance on inner Pleasant Street and determined to remain vigilant on this issue as the rewrite process unfolds.
3. The board wished to go on the record supporting the Village Review Zone expansion contained in the rewrite since it represents implementation of the Comp Plan, but the board would like to see further consideration of changes to the Zone boundaries in the near future, based on natural boundaries and a study of the historic resources in areas contiguous to the current zone.
4. The board supported changes to the procedures for approval of demolitions, preferring to see demolition considered in the same motion as the proposed design that would replace the demolished property. Under current procedures the board is required to vote on demolition before it has considered the replacement structure.