TOWN OF BRUNSWICK

ZONING ORDINANCE REWRITE COMMITTEE

85 Union Street, Brunswick, ME 04011-1583

WORK SESSION AGENDA

ROOM 206
85 UNION STREET
THURSDAY, JANUARY 8, 2015
1:00 PM

1. Review and acceptance of meeting summary (12/17/14)
2. Residence Halls setbacks discussion
3. Continue review of public draft general comments/questions
4. ZORC work session meeting schedule
   January 15th (9am-12pm; *ZORC Work Session;* Town Hall Room 206)
   January 22nd (3-6pm; *ZORC Work Session;* Town Hall Room 206) *revised time & location*
   January 29th (5:30-8:30pm; *ZORC Work Session;* Town Council Chambers) *revised time & location*
5. Other business

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

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION MEETING

DECEMBER 17, 2014

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

CONSULTANT PRESENT: Don Eliott via ZOOM

Chair Frizzle opened the meeting, which is being held to continue the review of general comments and questions submitted for the draft zoning ordinance.

Chair Frizzle opened the meeting to general comments from the public; seeing none, he closed the general comment section of the meeting.

Review and acceptance of meeting summaries from 12/03/14 and 12/09/2014:

Mr. Frizzle noticed a few minor typos that do not change the substantive matter of the minutes from 12/03/14. Ms. Wilson would like a change on page 5, in her comments about number of bike spaces. Ms. Wilson requested a change on page 2 in the 12/09/14 minutes. These items will be corrected.

Margaret Wilson moved, Richard Visser seconded, approval of the December 3, 2014, meeting summary. The motion was approved unanimously by those present.

Margaret Wilson moved, Jeff Hutchinson seconded, approval of the December 9, 2014, meeting summary. The motion was approved unanimously by those present.

ZORC work session meeting schedule:

January 8, 2014, Work Session, Town Hall, Room 206, 1:00 pm – 4:00 pm
January 15, 2014, Work Session, Town Hall, Room 206, 1:00 pm – 4:00 pm
January 22, 2014, Work Session, Town Hall, Council Chambers, 5:30 pm – 8:30 pm
January 29, 2014, Work Session, Town Hall, Room 206, 3:00 pm – 6:00 pm

Continue review of public draft general comments:

- **1.7.2. – Outdoor Storage –** Recommendations at last meeting include keeping the first sentence of the existing "outdoor storage" definition and delete the remaining sentences, and prohibit outdoor storage, including watercraft, within the setback in all GR Districts. Mr. Frizzle stated that in the districts they are going to impose this requirement, they are

including watercraft, which has never been included in the outdoor storage definition in the previous ordinance, or in discussions for the proposed draft ordinance. The restrictions occur in those parts of town in which the lots are the smallest, and where setbacks sometimes are very near the houses, so people who own boats would be prohibited from storing them on their property. Ms. Wilson disagrees because they are talking about extended storage, where seasonal storage was intended to be allowed. She agreed, however, that the definition could be clarified to include seasonal. Ms. Breinich said staff and the Committee could work through it to allow for seasonal storage of watercraft. The question was asked if seasonal storage limits included RV's, and Ms. Wilson replied in the affirmative. The Committee discussed this.

Richard Fisco, 2 Lincoln Street, asked the purpose of a setback, and Mr. Frizzle responded the Town has setbacks to define where people can put buildings on their property, and to protect the neighbor from building too close to the property. Ms. Breinich asked Mr. Hutchinson if sheds were allowed in the setbacks, and he replied that sheds have a reduced side setback of 10 feet in the growth districts and 5 feet in the rural districts as a detached accessory structure. Ms. Breinich questioned whether it made sense to allow a permanent structure in the setback area, but not temporary storage of materials.

Allison Harris, Cumberland Street, asked if the Town really wants to prohibit storage of items like garbage cans in the setback areas, and Ms. Breinich replied that was why she was raising the issue of sheds.

Jane Millett, 10 Franklin Street, stated that she thought there were a lot of garages built after the homes, but before the zoning ordinance, that are already out of compliance, so if anything needs to be hidden, it would be in violation of the setbacks. Mr. Frizzle said it was his understanding when the Committee first started this that they were talking about motorized vehicles, which at that time excluded boats. He notices now that the definition is too restrictive and inclusive when it comes to outdoor storage. He understands that it could be abused should they try to loosen the definition, but he's not sure where to draw the line. Mr. Hutchinson stated that there is nothing in the current or proposed ordinance that prohibits anyone from storing anything but motor vehicles in the setbacks. Ms. Wilson said they are only defining it, not regulating it. Regulations are in other parts of the ordinance. Mr. Frizzle recommending limiting the discussion to what they wanted to prohibit.

Jane Millett, 10 Franklin Street, asked if this would include commercial, as she had talked about to him in the past, and Mr. Hutchinson replied he would not include a box to a tractor trailer as a motor vehicle.

Carol Liscovitz, 11 Berry Street, added that she thought the discussion last week tended to lots looking like junkyards, and how to empower Mr. Hutchinson to deal with that issue. Mr. Hutchinson replied that he deals with these through the Housing Code, not the zoning ordinance.

Jeremy Doxsee, Town Planner, joined the meeting.

Mr. Hutchinson suggested adding motorized watercraft to motor vehicle instead of exempting it, but the Committee would still need to deal with seasonal storage. Mr. Frizzle reminded members of what Mr. Hutchinson stated several weeks ago: that there had never been anything prohibiting storage of watercraft in the ordinance and he has never had a problem. He doesn't understand why the Committee is working to prohibit

them. Ms. Breinich stated she is fine leaving the language the way it is, but Ms. Wilson asks if they then prohibit the parking of motor vehicles. Mr. Hutchinson believes there is interest in the town in prohibiting motorized watercraft in the side and rear setbacks. **Jane Millett, 10 Franklin Street,** said she didn't believe allowing motorized watercraft would be desirable.
Mr. Hutchinson will work on some language to possibly include motorized watercraft within the definition of motor vehicle, however, allow the seasonal storage of the watercraft in the side and rear setbacks, but not the front. The Committee agreed to try that and bring the item back, with suggestions from audience members to make seasonal an adequate amount of time.

- **2.4.9.A., 2.4.9.A.2., 2.4.9.B.1.a.i. (D), Appendix C –** these have been referred to the Village Review Board. Ms. Breinich informed the Committee that the VRB did meet the week previously to discuss these comments. They are under further discussion, so Ms. Breinich is not able to report on results yet.
- **3.2 Use Table – Artisan -** The Committee responded to this on 12/9 and agrees to keep size and employee limitations in definition, and studio-based retail sales shall be allowed in districts permitting retail use by right or by conditional use permit.
- **3.2. Use Table – Residence Hall –** related to an earlier comment and is up for discussion at the meeting on 1/8/2015.
- **3.4. – Supplementary Use Standards –** the request was made to keep all neighborhood protections contained in existing section 204.3 (CU districts). Staff recommends reviewing all of Section 204.3, which includes several notes that apply to the CU districts that are in present neighborhood context, and include those that are still applicable in proposed Section 3.4 as supplementary use standards. Ms. Breinich stated that one of the issues they are going to have as they move forward is the multitude of notes that are tied to specific areas that were existing zoning districts, and in order to keep the agreements, especially when it comes to the CU districts, what she is recommending is that a map is made that shows the geography as it is currently and include it as an appendix, to be referred to as necessary. Ms. Breinich stated if the Committee agreed with further review based on the information she has just received from Bowdoin on existing setbacks, and if they agree on the inclusion of a map as recommendations, then the Committee can discuss this at the next meeting. The Committee was in agreement with this process.
- **4.1.2. – Dimensional Standards –** Does not need action this week.
- **Table 4.1.2. – Dimensional Standards – Assisted/Congregate Living Facility –** staff recommended a review of uses in the context of footprint limitations to determine ability to actually site uses in the district. ZORC agreed with this.
- **Table 4.1.3. –** the recommendation by staff was to leave the requirement the same as it was in the CP1 lot area, as the Coastal Protection Zone Committee had studied this and had a series of meetings concerning the maximum impervious area. ZORC had agreed that this was a needed revision.
- **4.1.4.A. – Calculation of Net Site Area –** Mr. Frizzle explained that the Town does have maps showing deer wintering areas, but according to the IF&W none of these deer wintering areas are what they classify as "*high or moderate*". Ms. Breinich is just asking to qualify the area as "*high or moderate value*", in case there is any change in the future. Mr. Frizzle believes if the Town ever has a "*high or moderate*" deer wintering area defined by the State, then it can be added. Ms. Wilson suggested saying "*contains any of*

the following as defined by the IF&W Department", but it could also be taken out. Mr. Hutchinson said it was confusing for developers, and would like it taken out. The Committee discussed this and some other possibly unneeded language, and decided to take out the deer wintering area language.

Don Eliott, Clarion consultant, joined the meeting.

Charlie Wiercinski, 2 Chebeague Lane, had a question about section 4.1.4.A.4. and calculating the site area, and Ms. Breinich and Ms. Wilson stated that was carried over from the existing ordinance. Ms. Breinich will add his comment to the matrix, and they will attempt to clarify this and bring it back at next meeting.

- **4.2.7. – Historic Resources –** Mr. Frizzle agrees with staff that an overlay does not need to be created. Ms. Breinich believes they need to include archeological resources in the definition of "*historic resource"*, and include other areas throughout Brunswick with the potential for archeological resources, not just Brunswick Landing. Ms. Breinich asked Mr. Eliott to take a look at this for section 4.2.7 – Development Review. Mr. Eliott clarified what Ms. Breinich needed, and said he would do this.

  Catherine Ferdinand, Bowdoin College, commented specifically on the Brunswick Landing property, as they have received four deeds. She did get one deed that identified an archeological site, and the Navy attaches covenants and a map to the deed that was not available to them prior to receiving the deed. She said they were already mandated by the deed covenant to talk to Maine Preservation, and when they apply for a permit, they have to provide the Town with their deed so, in terms of concerns about property that's transferred by the Navy, there are specific covenants attached to the deed that identify resources. Mr. Frizzle would like copies of Bowdoin's deed covenants, because as Brunswick Landing development comes before the board, they will need to see what covenants apply and make sure that the applicant is aware of those covenants and is willing to abide by them. Ms. Breinich would like to identify sensitive areas without mapping them to discourage people from attempting to remove artifacts. Mr. Doxsee is attempting to reach Art Spiess, the archeological specialist at the Maine Historic Preservation Commission, for his input. Ms. Breinich said staff will get some basic suggestions and language from Clarion about archeological resources, and Mr. Doxsee will follow up at the State level per mapping and for additional examples.
- **Table 4.1.4.C.5. – Side setbacks on narrow lots.** Staff's recommendation is to reduce side setback to 10 ft. for all open space development in growth areas. Mr. Frizzle would like to remove open space development and just allow the reduced side setbacks for smaller lots, but Ms. Breinich stated that the comment was related to the table of Dimensional Standards for Open Space Development in Growth Area Districts, and that was the reason open space was included. Ms. Breinich checked, and the Planning Board is allowed the flexibility to reduce those standards. Ms. Wilson feels that 15 ft. is unreasonable and 10 ft. should be used. They will need language in the ordinance allowing the Planning Board to waive reduced setbacks. Mr. Eliott added that this came up because in the drafting process they got a comment that said it's wrong for the setbacks in the rural areas in these developments to be the same as in the growth areas. It ought to be more rural. The 15 ft. came from Clarion in trying to respond to that comment. He is fine with putting it back at 10 ft. and fine with the waiver language as discussed, but would like to point out that he doesn't think it's crazy as written. If you choose to lay out your development with a 60-foot lot frontage, you must be pretty

comfortable that you can build a 30-foot wide house on that lot, and there's nothing that says you must lay out your lots with a 60-foot frontage. That's your choice. That being said, he is fine going with the 10-ft setbacks and the waiver language for the Planning Board. Ms. Wilson is looking at the table on the next page, which is 4.1.4.C.6. – open space development in the rural areas. The second two columns are identical, and it seems like they should be one. Ms. Breinich agrees, and they will be unified.

- **4.5.2.B.1. – Street Trees –** Mr. Frizzle has reviewed comments from Peter Baecher, Town Arborist, and he would recommend they keep his parenthetical recommendations in the ordinance. ZORC is in agreement with this recommendation. Ms. Breinich stated Mr. Baecher did caution that he did not write these as actual standards, so the Committee can write these and put them into actual standards. Mr. Eliott said if it is clear from Mr. Baecher's letter what he needs to do, he will do it. He is unsure about having recommended guidelines, and who is going to decide the outcome if it is not a Development Review project. Ms. Breinich suggested having a range for street trees and take out the word recommended. Mr. Eliott would prefer that solution. Ms. Breinich will rework this and put it into regulatory form, and bring it back to the Committee. Mr. Hutchinson explained his concerns with this section, and he discussed it with the Committee. Mr. Eliott suggested exempting rural residential lots from the street trees or lowering the standard so it's less of a burden for rural residential lots. In answer to Mr. Hutchinson's question, Mr. Eliott explained that requiring the landscaping is the norm with the ordinances he's dealt with. The norm is to say "here are our standards for landscaping. They apply to you, unless you are exempt from them", and it's not done on an only if we have a discretionary review of your property basis. Ms. Wilson discussed an open area like Pennellville Road, and she's not sure street trees are desired there. Ms. Breinich agrees with Ms. Wilson's comments, so perhaps Mr. Eliott could draft language with exemptions or possibly a sliding scale for smaller intown lots. Mr. Eliott said he would work with Ms. Breinich to create something that would work.
  Charlie Wiercinski, 2 Chebeague Lane, commented that he doesn't think street trees would be present on other lots, if a vacant lot being developed in the same area required them. Mr. Hutchinson feels that this type of landscaping should be limited to Development Review. The Committee discussed the ordinance, its specifics, and its impact.
  Carol Liscovitz, 11 Berry Street, asked if the requirement of the homeowner to plant street trees also included the public right-of-way, and Mr. Hutchinson replied it could, but it would need to be approved by the Town Arborist, and Mr. Frizzle added that quite often right-of-ways do not extend much more than the pavement. She believes that is inconsistent, and the responsibility seems to rest with the homeowner when the trees are not even on his property.
  Ms. Breinich will ask Mr. Baecher about responsibility for the maintenance of the right-of-way trees.
  Streetscape and sliding scale were discussed. The majority of the Committee agreed to have street trees applicable in the growth area, whether or not the project goes through Developmental Review. Ms. Breinich believes this is a good compromise.
- **4.7.1.B.2. –** This is a to-do item and will not be discussed today.
- **4.7.2.B. –** Mr. Doxsee is taking a look at other municipalities to see how they are handling bicycle parking, and should have something by the January 8, 2015, meeting.

- **4.7.4.B.1. –** This is a to-do item and will not be discussed today.
- **4.9.2.B. -** This item was discussed by the Village Review Board and a language change was made to assure both façade designs for a corner lot enhanced the streetscape. Ms. Breinich will add the VRB's comments and present this at the January 8, 2015, ZORC meeting.
- **4.10.1., 4.10.2.C. – Neighborhood Protection Standards.** Ms. Breinich is planning to put this on the January 8, 2015, meeting agenda.
- **4.11.3.E.1., 4.11.4.H. – Signs –** Mr. Hutchinson has been working on this section.
- **4.12.1.A.1., 4.12.2., 4.12.4., 4.12.5. –** ZORC agreed with the staff recommendations.
- **4.14.2.A-B –** ZORC agreed with clarifying the language and the addition of a word, and the Committee confirms that today.
- **5.1.1. –** ZORC agreed with staff recommendations on 12/3/14, and confirms that today.
- **5.1.1.A.2. -** ZORC agreed with staff recommendations on 12/3/14, and confirms that today.
- **5.1.4. -** ZORC agreed with staff recommendations on 12/3/14, and confirms that today.
- **5.1.9.D. -** ZORC agreed with staff recommendations on 12/3/14, and confirms that today.
- **5.2.6.B.6.c.iii -** ZORC agreed with staff recommendations on 12/3/14, and confirms that today.
- **5.2.6.C. –** This item was discussed at VRB's December 16, 2014, meeting and is still under review.
- **5.2.6.C.2.b. viii. and xii. –** This item is being reviewed by the Village Review Board.
- **5.2.6.C.4.a. and b. -** This item is being reviewed by the Village Review Board. Ms. Breinich mentioned that VRB will be scheduling another workshop session to discuss the above items in the proposed draft and offer their comments and suggestions.
- **Table 5.2.7.B. –** This item will be further reviewed by ZORC at a later date.
- **5.3.2.B. -** ZORC agreed with staff recommendations on 12/3/14, and confirms that today. Mr. Frizzle asked if someone disagreed with Mr. Hutchinson's ruling, wouldn't that then be a legal matter, and Mr. Hutchinson reviewed and explained the process for complaints and permits. The denied complaint would then go to Ms. Breinich as the Planning and Development Director, then continue to the Town Manager, then possibly the Personnel Board, therefore it is called a personnel matter. The denied permit would then go to the Zoning Board of Appeals. Mr. Eliott added the caveat that if Mr. Hutchinson's refusal to do something violated a federal constitutional right, the Town could be sued for failing to act.

Ms. Breinich stated that she has approximately nine more comments from individuals. Her goal is to get through them at the next meeting, so the Committee can continue discussing the policy issues. This does not include the mapping issues, which they will work on after they give everything else to Mr. Eliott. There is a question over the need for another overlay on Brunswick Landing, which they will consider at the next meeting. In response to Mr. Visser's question about other groups' comments, Ms. Breinich said she has spoken to Tom Farrell on the status of impact fees, and Mr. Farrell will check with his consultant to see where he is in the process. She has spoken to the Conservation Commission and the VRB, who will be scheduling a separate workshop session to review and comment on the proposed ordinance sections which pertain to the VRB. There will also be another set of meetings after the next draft.

Other business:

Happy Holidays from ZORC!

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
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.**
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.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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.**
22			**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.	

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/31	**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.** **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 cureent ordinance was put in place. Listing "college facility not listed" as a permitted use denies the impacted parties the opportunity to scruntize a potential future use that is unknown at this point in time as being compatible with the current CU2 and it's neighboring zones.**		**All previously "negotiated agreements" between the college and adjacent neighborhood will remain in the ordinance. No changes are proposed. Per ealier 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.**	

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/30	**2.4.5. Wildlife Protection Overlay; 4.2.2. Protection of Significant Plant and Animal Habitat**	**Supportive of the portions of the proposed zoning ordinance that provide for Wildlife Habitat, Corridors and Shoreline Protection in the RP1 zones. The rural character and abundant wildlife are the prinicipal reasons we moved to the rural part of Brunswick. We believe that these provisions are desirable and important even though they limit that we might do with our property. Limitations of this sort are part of the common good that such zoning provides us all. The diversity of wildlife in Brunswick is a real asset that should definitely be protected by zoning and effective enforcement to limit the fragmentation of habitat and provide "green" corrdiors for wildlife movements.**		**Supportive of wildlife protection standards. No changes proposed to lessen existing protections.**	

*Date comment added to table.

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

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
39			It is understood that the focus of the Village Review Board is to protect the "historical integrity of downtown neighborhoods." That said, Comprehensive Plan Policy Area 5 is to encourage a diversity of housing types in the designated Growth Area and facilitate the preservation and development of affordable and workforce housing." Any preference by Village Review Board for converting (or reverting) multi-family properties to single-family to restore "historical integrity" will work against this policy.		Agreed. Village Review Board is charged with design review, not land use review.	12/3: ZORC agreed.
40	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.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
			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.	
41		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.			
42			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.	
43						

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
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 Condiitonal Use Criteria. Clarion to review use table to eliminate any supplemental use standards references for permitted uses. Eliminate use of "*" in Table 3.2.**
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 stndards 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.
49	11/14	3.2 Use Table	Many questions on uses, too numerous to specify here.		Cannot respond without specific questions regarding uses.	11/20: ZORC agreed.

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/30	**3.2 Use Table; 4.1 Dimensional Standards**	**Many residents on Katherine Street not happy with the rezoning of our area and going from Growth Residential to Mixed Growth. Yes, we know that are already business in our immediate area, however, our concern is there will be even more as you are trying to address the "hole in the donut" on Water Street. That, and our not having any say in what goes where. Seeing more and more multi-family housing. Trying to improve upon the area.**		**TR3 (Water St. neighborhood) and TR4 (Jordan Ave. neighborhood) are proposed to be combined to form GR8 District. Very little changes in existing uses since both districts are very similar in permitted uses presently. Minimum lot size is proposed to decrease from 10,000 sq. ft. to 7,500 sq. ft. with no other changes in dimensional standards. GM3 is proposed as a replacement for the existing I1 District (Industry Road Industrial District), maintaining the existing district boundaries. In summary, the residentially areas will continue to be zoned residential. The Industrial District will now become a Mixed Use District, more compatible with the surrounding residential areas.**	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
	12/31	**3.2 Use Table**	**Under GC1, aviation operations, aviation-related businesses and ultra-light airpark should be removed as Conditional Uses. Incompatible with adjoining residential uses.**		**Agree that aviation operations, aviation-related businesses and ultra-light airpark should be removed as Conditional Uses within GC1, as well as GC2 and GC3. In reviewing this request, it became apparent that helipads as a use were combined with aviation operations. Based on staff's recent experience with the siting of helipads within the medical use overlay, they should be treated as a separate and continue to be permitted as an accessory use with neighborhood protections. ZORC should consider this approach as well as consider permitting helipads in GC1 district also with neighborhood protections.**	
50 **51**	**10/23**	**3.2 Use Table 3-2**	**Residence Hall – Conditional Use in GC-2 is a significant issue for the College. Residence Hall is currently permitted in CU5 but defined as having separate kitchen, etc. Footnote #224 does not address why this was changed to C for CU5. Residence Hall as a continued permitted use in CU5 is critically important as it is likely that Brunswick Apartments will be rebuilt at some point in the future.** **Footnote #224 also states use is now P for CU6 which is inconsistent with the use table. (Bowdoin August 19 memo to ZORC.)**		**See earlier response regarding Residence Hall use.**	**12/17: For further discussion by ZORC on 1/8/15.**

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
	12/15	**3.4 Supplementary Use Standards**	**Request made to keep all neighborhood protections contained in existing Section 204.3 (CU Districts).**		**Staff recommends reviewing all of Section 204.3 in present neighborhood context and include those still applicable in proposed Section 3.4 as supplementary use standards. It is also recommended that in a map of existing CU Districts in included as an appendix with geographic reference made to such standards. Setbacks will be confirmed upon receipt of existing residence hall setbacks from Bowdoin.**	**12/17: ZORC agreed to include map referencing existing CU Districts within an appendix in final ordinance.**
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?** **b. Density for dwelling units – GR6=10; GR7=4; GR8=5; GM6=7. Why?** **c. Density more in GR6 than GM6. Why?** **d. GR7 and GR8 dimensions are the same, but lower for GR6, for front year depth and rear yard depth. Why?**		**a. Reviewed average lot sizes in proposed districts. GR8 has smaller lot sizes on average and higher density than GR7.** **b. Densities within all districts questioned, with the exception of GM6, are same as current standards. No maximum density is proposed for GM6, as is presently the case.** c. **No maximum density for GM6; GR6 remains at current density of 10.** **d. No proposed changes in front or rear yard depths from existing standards.**	**11/20: ZORC agreed. Further review as part of interim draft.**
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*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
71	10/23	**4.1.2 Dimensional Standards 4-3/4-4**	**Setbacks in GC1: The College does not object to the inclusion of the additional setbacks associated with the trail near the Pickard fields. Those setbacks, included as Illustration 204.2A in the current ordinance, include 80 feet along the southern boundary of Longfellow Avenue (C), 125 feet along the eastern boundary of the Whittier, Bowdoin, Berry, and Brecken Streets, and Atwood Lane (B), and 125 feet along the northern boundary of Meadowbrook Road (A). Since the College now owns, and has developed the property along 'boundary D', we believe the 50 foot setback requirement is no longer necessary.**	**Please include all additional setbacks in interim draft.**	**Agree. Boundary "D" no longer exists.**	**11/5: Agreed.** **12/17: To be part of college setbacks discussion on 1/8/15.**

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/30	**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 enighborhood. If the section 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.**		**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.**	
12/31	**Table 4.1.2. Dimensional Standards**	**Agree with changing minimum lot size downward to 7500 sq. ft. in many of the growth zones. This flexibility is necessary for future development with will undoubtedly contain smaller homes. I believe development patterns are going to change for several reasons including heigher energy costs.**		**Supportive of smaller lot sizes.**	

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
77	**12/15**	**Table 4.1.3. Dimensional Standards for Rural Base Districts**	**Proposed maximum impervious area in RP1 is 25% which must have got carried over from FF3 in consolidation. It used to be the lesser of 35%or 10,890 sq.ft. in CP1. There are many small lots in CP1 that need the "floor" of 10, 890 sq.ft. (1/4 acre) to accomplish reasonable expansions considering all gravel, decks, roads and buildings are deemed impervious. This was studdied by the Coastal Protection zZone Committee. (The "floor" of 21, 780 sq.ft. was carried over in the consolidation to create RP2. Suggestion - Leave the requirement the same as it was in the CP1. The lesser of 10,890 sq.ft. or 35%.**		**This needed revision was already noted by ZORC, in addition to the need to maintaining existing CP1 lot area (20,000 sq.ft. for residential uses, 4 acres for nonresidential uses) for proposed RP1. Staff recommends these changes.**	**12/17: ZORC agreed. Existing CP! Standards are recommended for replacement of existing FF3 district.**
78	**11/21**	**4.1.4.A. Calculation of Net Site Area**	**I am in receipt of a letter from the Department of Island Fisheries and Wildlife to Planning Staff regarding Deer Wintering Areas. This letter indicates the state provided data to towns relative to Deer Wintering Areas for general planning purposes and was "not meant to be used for regulatory purposes" and the boundary surveys "may have occurred decades ago." Suggestion – Given the essence of the letter, these Deer Wintering Areas should not be part of the ordinance and certainly not part of the formula to determine Net Site Area.**		**Staff recommends leaving language as is. Only references "high or moderate value" deer wintering areas being subtracted from the parcel in calculating net site area per IF&W. Presently Brunswick does not have any high or moderate value deer wintering areas but should that change, an amendment to the zoning ordinance would not be necessary.**	**12/17: ZORC recommended removal of reference to "high or moderate value" deer wintering areas. Also revise Section 4.1.4.A.6., deleting words "whether or not mapped". ZORC also requested staff input regarding keeping "proposed right-of-way" when calculating net site area, as stated in Section 4.1.4.A.4.**

*Date comment added to table.

Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
12/15	**4.2.7. 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 undevelop 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.**
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 commentor 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.**

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*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
82	**12/15**	**4.5.2.B.1. Street Trees**	**Street trees are located in esplanades between the road and the sidewalk. Since not all roads require sidewalks (Sec. 4.6.1.D.), this section needs to reflect that street trees are not always required. Also, they aren't really necessary in the rural areas. Street trees work best in a residential subdivision if they are located along the side lot lines near the street so as to not interfere with driveway location. An example is a lot that is 130 ft. wide and wouls have a tree at each end and one in the middle. Thus 65 foot spacing which works well. This example can be seen on Tamarack Drive. <u>Suggestion - Growth zone only requirement for streets with sidewalks. No required spacing of street trees. Let the lot dictate ultimate appropriate spacing.</u>**		**See attached related recommendations from Town Arborist, Peter Baecher, for ZORC discussion.**	**12/17: ZORC agreed. Planning staff to draft Town Arborist recommendations into ordinance language. Apply provisions to development review applications only, including minor modifications of approved site plans or subdivisions. Staff to determine entity responsible for long-term maintenance of street trees located in public right-of-way.**
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.**

*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.**
95	**11/20**	**4.9.2.B.**	**For corner properties, e.g. the corner of Pleasant and Middle Streets where the UU Church was built, the design for both facades needs to enhance street orientation.**		**No change from existing provision Sec. 516. In this specific case, VRB and Planning Board determined that Sec. 516 was met. Further discussion by ZORC? For VRB 12/16 discussion as to whether additional standards are needed regarding facade treatment for buildings on corner lots.**	**VRB (12/16) response: As VRB considers design only, façade treatment for buildings on corner lots will be addressed during the updating of the VRZ design guidelines. VRB agrees with ZORC that additional standards are needed but do not have any specific recommendations at this time. Did agree with revising Section 4.9.2.B. as proposed by Margaret Wilson: "New buildings shall be oriented toward public streets through the location of the main entrance to the building or the provision of windows or facade improvements designed to enhance the view from the street ~~orientation~~.**

*Date comment added to table.

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

*Date comment added to table.

	Date Added*	Section Reference	Comment	Staff Recommendations for Clarion follow-up	Staff Recommendation for ZORC Consideration	ZORC Responses
102	**11/21**	**4.12.1.A.1.**	**Trains are not listed as exempt under noise. Is that because they are regulated by the federal government?**		**Correct. Per discussion at 11/20 ZORC work session, staff recommends the following text revision to Section 4.12.1. Operation of Uses and Development. "Unless otherwise preempted by federal or state law, the following standards shall apply to all development activities and uses regulated by this Ordinance, and shall be enforced by the Codes Enforcement Officer."**	**12/3: ZORC agreed.**
103	**11/21**	**4.12.2 (smoke); 4.12.4 (odors); 4.12.5 (vibrations)**	**Is train activity governed by the Zoning Ordinance, or is it regulated by the federal government or some other authority?**		**Train activity is preempted from local zoning. Regulated under applicable state and federal laws. See proposed revised text above.**	**12/3: ZORC agreed.**
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.**
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.**
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
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.**
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.**

*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.**	
133	**31-Dec**	**N/A**	**Limit future right-of-way access to Rossmore Road as part of a planned subdivision due to rural nature of existing roadway.**		**Zoning ordinance does not identify future access points. That determination would be made as part of the development review process.**	

*Date comment added to table.

December 18, 2014 - amended

To: ZORC
From: Catherine Ferdinand, Bowdoin College

This responds to your request for information on existing setbacks for residence halls abutting Residential Districts/residences. Please see the information provided below. Please note these estimates are taken from construction drawings or estimated using the Town GIS map but do not represent actual on the ground measurements.

I. Residence Halls abutting Residential Districts/residences:

While the College has built a few Residence Halls that abut Residential Districts (primarily in CU1), in all cases there are no residences on the abutting residential lots. The district boundary between CU1 and R1 is along South Street, a one lane street.

In reviewing the permits for residence halls constructed after 1996, no additional setback requirements were imposed.

Residence Hall	Year Built	District	Abutting R district	Required setback at time of construction	Actual setback (at shortest distance to property line)	Notes
Osher	2005	**CU1**	R1	15 ft	Approx. 21 ft	Includes 5' sidewalk between curb and building as condition of permit
West	2005	**CU1**	R1	15 ft	Approx. 21 ft	Includes 5' sidewalk between curb and building as condition of permit
Howard	1996	**CU1**	R1	15 ft	Approx. 33 ft	
Chamberlain	1999	**CU1**	R1*	15 ft	Approx. 31 ft	* abutted R1 at time of construction, lot rezoned to CU7
Harpswell Apts	1973	**CU2**	R7	? built prior to current zoning ordinance	Approx. 100 ft to south/175-200 ft from Harpswell Rd	

II. The College also owns additional Residence Halls in CU or MU districts which were purchased, rather than constructed by the College. We do not have complete records as to when these buildings were constructed, although the Town may have this information. We have CADD drawings for 52 Harpswell so the distance of the setback from R7 is accurate, but the other setbacks are estimates based on Town GIS.

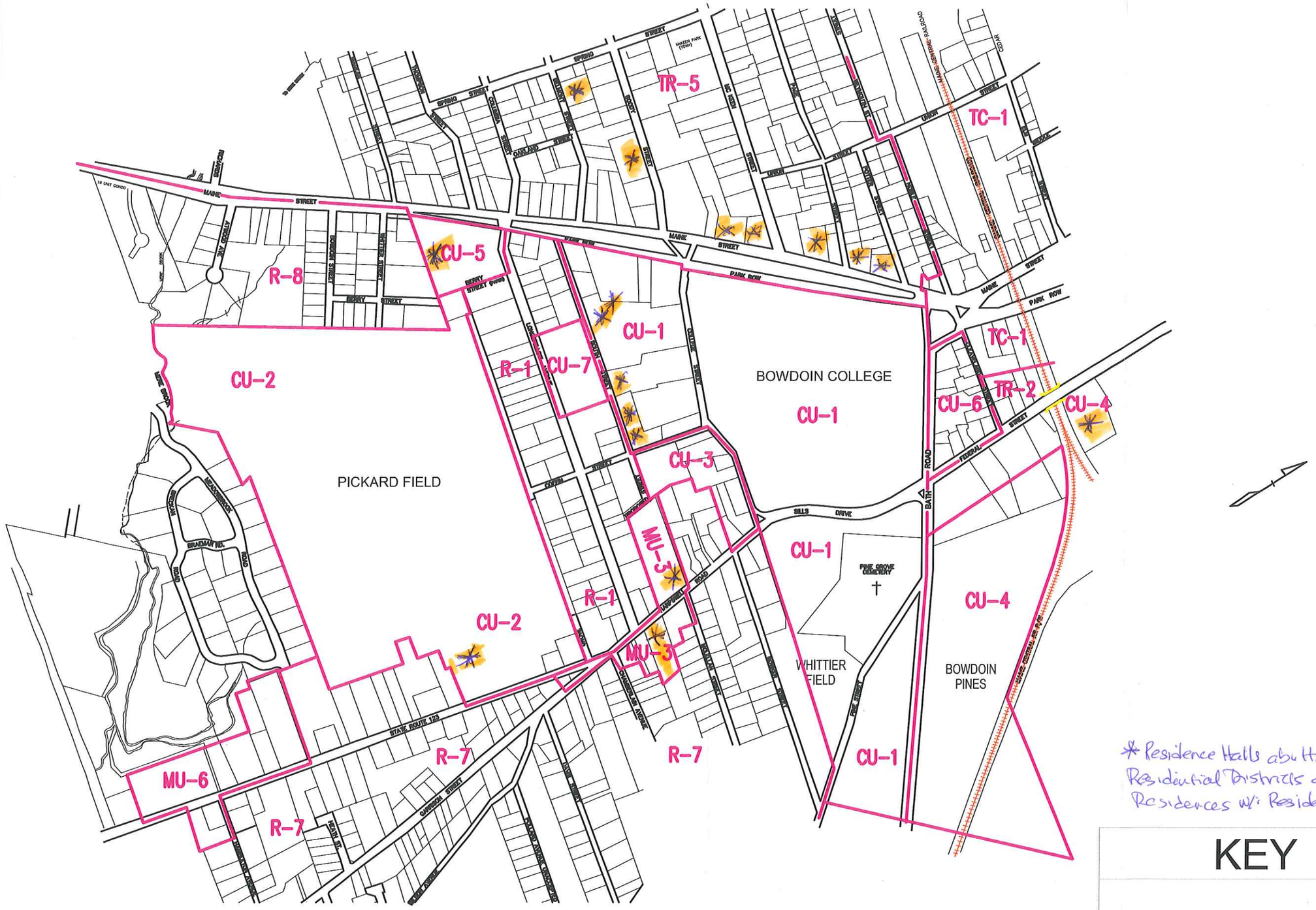
Residence Hall	**Year Acquired**	**District**	**Abutting R district**	**Required setback at time of construction**	**Actual (at shortest distance to property line)**	**Notes**
52 Harpswell (Stevens Home)	2013	**MU3**	R7 R1	?	Approx 12 ft to R7 Approx 31 ft to R1	
Smith House	1972	**MU3**	R1 R7	?	Approx 20 ft Approx 15 ft	
Brunswick Apts	1973	**CU5**	R8 R1	?	Approx 20 ft to R8 Approx 35 ft to R1 (eastern boundary)	
Stowe House	2001	**CU4**	TR4	?	Approx 37 ft	Setback from residence hall, not HBS house

III. The College also owns Residence Halls within the residential district **TR5** (former fraternity houses and Mayflower Apts) that abut residences on residential lots. These buildings were acquired versus constructed and there appear to be varying setbacks, some of which may be non-conforming.

The College does not support creation of an additional setback standard for a residence hall or any other specific use. We believe that the setbacks contained in the proposed ordinance, together with the proposed Neighborhood Protection standards, address issues related to non-residential development abutting residential properties.

I have attached a map showing the locations of the residence halls identified above and the existing zoning district boundaries. Please note that residence halls within the core of CU1 that do not abut either R districts or residences were not included.

Enc: map



* Residence Halls abutting Residential Districts or Residences w/i Residential Districts

KEY

ZONING DISTRICT