



***TOWN OF BRUNSWICK***

**ZONING ORDINANCE REWRITE  
COMMITTEE**

85 Union Street, Brunswick, ME 04011-1583

**WORK SESSION  
AGENDA  
TOWN HALL, ROOM 206  
85 UNION STREET  
THURSDAY, FEBRUARY 26, 2015, 5:30 PM**

1. Review and approve meeting summaries (1/8, 1/15, 1/22, 1/29)
2. Discussion Topics:
  - a. Sign chapter review
  - b. Open space-related provisions review
3. ZORC work session meeting schedule/additional sessions discussion
4. 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.

4.11 Signs<sup>1</sup>

**4.11.1 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 ensure that new signs are compatible in design and scale with their surroundings.

**4.11.2 General Provisions**

**A. Standards and Permits Required**

1. No sign shall be erected or altered unless in conformity with the provisions of these regulations. Signs must be kept clean, legible and free from all hazards, such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, or constitute a distraction or obstruction that may impair traffic safety. Any such sign that becomes a nuisance or a hazard to public safety shall be removed from the premises of so ordered by the Code Enforcement Official.

**B. Nonconforming Signs**

**1. Continuance**

A nonconforming sign may be continued even though it does not conform to the requirements of this Ordinance.

**2. Change**

Any change in the content of a nonconforming sign—including names, words, logos, or similar information—shall not constitute a change requiring the sign’s compliance with the current sign standards in Section 4.11 (Signs) provided that, the sign is not a prohibited sign under Section 4.11.7 (Signs Expressly Prohibited), the changes do not make the sign more nonconforming, and a permit is obtained for the changes from the Code Enforcement Officer.

**3. Termination of Identified or Advertised Business or Activity**

If a sign becomes nonconforming because the business use or activity it identifies or advertises is terminated (i.e., because it no longer relates to a business use or activity on the premises), the sign face shall be removed within 30 days after the date the business or activity is terminated. If the sign face is not reused by

<sup>1</sup> From current Sec. 602.

another business or activity occupying the same site within one year after the termination of the previous business, the whole sign—including all mountings, brackets, poles, sign faces, and other signage material—shall be removed.

#### **4. New Signage and Waivers**

New signage may be proposed for a site that contains nonconforming signage, provided that all new signage complies with Section 4.11 (Signs). The reviewing entity may waive sign standards to allow new signage on a site containing nonconforming signage provided it finds that extenuating circumstances render compliance with Section 4.10.2, infeasible or impractical, and that the signage plan for the entire site furthers the spirit and intent of this Ordinance by reducing visual clutter, or otherwise improves the aesthetic appearance of the signage on the site by bringing the overall site into closer compliance with the requirements of Section 4.10.2.

#### **5. Restoration or Reconstruction**

Any nonconforming sign that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition provided that a permit for the restoration or reconstruction is obtained within two years after the date of destruction or damage, and no existing nonconformity is increased and no new nonconformity is created. Any restoration or reconstruction of the sign approved after two years shall comply with all requirements of this Ordinance.

#### **B.C. Signs Expressly Prohibited**

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

1. 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 above. The Codes Enforcement Officer or his/her duly authorized representative has the authority to immediately remove any unauthorized off premise sign.
2. Flashing illuminated signs with the exception of Changeable Message signs allowed in section 4.11.3.B.4 of this ordinance.
3. Moving signs, such as but not limited to, inflatable/expandable object signs, wind/feather signs, streamers, pennants, large bundles (greater than six) of balloons and other signs with moving parts meant to adversely attract the attention of the general public.

~~4. 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.~~

~~5.4.~~ \_\_\_\_\_ Roof signs.

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

6. ~~6.~~ Signs located in, on or projecting over any Public Right of Way with the exception of Special Requirement Signs as permitted in Section 4.11.6 of this ordinance.

#### ~~C. 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.~~

#### D. Exemption of Certain Town-Authorized Signs

Signs authorized by the Brunswick Town Council (or the Town Manager on behalf of the Town Council), to be displayed on public property or over public rights of ways are exempt from all standards ~~in this section of this ordinance, with the exception of~~ Section ~~4.11.64.11-64.11-6~~ (Special Requirements Signs~~Special Requirements Signs~~).

#### E. Calculation of Size of Sign

##### a) Two-Sided Signs

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

##### b) 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 individual 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 equal 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.~~

## G. Illumination

### 1. Non-Illuminated Signs

Any sign may be non-illuminated.

### 2. Directly Illuminated Signs

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

### 3. Internally Illuminated Signs

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

## 4.11.3 Standards for Signs Requiring Permits

### A. Maximum Sign Size

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

### B. Standards for Sign Types

#### 1. Awning Signs

b) The area of an awning sign shall not be included in the total building sign area permitted by this ordinance.

~~b)c)~~ 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.

~~c)~~ 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.

~~c)~~ No materials or signage may hang from an awning. A vertical clearance of no less than 8 feet shall be maintained for all parts of an awning.

#### 2. Building Directory Signs

a) A building directory sign shall be attached at a building entrance to identify the business occupants for pedestrians entering the building and shall be not be included in the total building sign area permitted by this ordinance.

b) A building directory sign shall not exceed a total of 6 square feet in size.

~~b)c) A building directory sign located in the GM6 shall be made of wood or material that appears to be wood.~~

- ~~1. A directory sign may be mounted to the ground, one or more poles, walls, or may project from a wall at an angle.~~
- ~~2. 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.~~
- ~~3. Only one directory sign per 250 feet of lot frontage is permitted.~~
- ~~4. In the GM1, GM2, GM3, GM4, GM5, GM7, GM8, and G1 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.~~
- ~~5. In the GM6 District, only one directory sign is permitted, and its total sign area shall not exceed 56 square feet.<sup>2</sup>~~
- ~~6. 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.<sup>3</sup>~~
- ~~7. In all other districts, directory signs shall be prohibited.~~

### **3. 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 educational facilities, are permitted the following signage:

a) Main entrance signs. A freestanding pole or monument sign may be located at main vehicular entrances and unless otherwise permitted, such signs shall be limited to a symbol and/or name identifying the campus. The following additional standards must be met:

- 1) Freestanding pole signs shall not exceed 25 square feet in total sign area nor exceed a height greater than 15 feet.

<sup>2</sup> Currently this provision applies to only some TC districts, but has been extended throughout GM6.

<sup>3</sup> Currently this provision applies to only some TC districts, but has been extended throughout GM6.

- 2) Freestanding monument signs shall not exceed 32 square feet in total sign area nor exceed a height greater than 10 feet.
  - 3) Such signs shall be sited within the 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.
  - 4) For a campus-type parcel with 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.
- b) Campus destination signs. Interior campus signs providing detailed directional and/or informational assistance to on-site destinations.
- 1) 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.
  - 2) Such signs shall be sited within the 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.
- c) Campus directory map. Map directions graphically identifying the various destinations across the campus.
- 1) Such signs shall only be located along private vehicular or pedestrian access ways or parking areas to prevent unsafe conditions along public ways.
  - 2) Such signs shall not be located within the right-of-way of any public street.
  - 1)3) Such signs shall not exceed 32 square feet in total sign area and exceed a height greater than seven feet above grade.

#### **1. 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.~~

#### **4. Changeable Message Signs**

- a) Changeable message signs shall only be permitted in the GM4, GM5 and GM8 (lots with Bath Road frontage only) districts.**
- b) Such signs shall meet the dimensional requirements as allowed per Section 4.11 of this ordinance.**
- c) Messages shall remain 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 of contact.**
- d) Such 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 foot candles. 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 Department.**
- e) Such signs may consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images. ~~and~~ They shall not include animated or video content.**
- f) Such signs ~~may~~ shall not be located so that the message is readable from a controlled-access highway or ramp.**

#### **4-5. Development Signs**

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

#### **6. Directory Pole Signs**

- a) Directory Pole Signs are allowed at major entrances to commercial, business, retail, multi-tenant or industrial developed properties.**
- b) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 and GI Districts a directory pole sign may consist of 25 square feet per non-residential use not to exceed 200 square feet of total sign structure area and 15 feet in height.**

~~b)c)~~ In the GM6 District a pole sign may consist of 18 square feet per non-residential use not to exceed 54 square feet of total sign structure area and 12 feet in height.

### **2.7. Gasoline Sales Canopy Signs**

Gas station canopy signs are allowed in addition to other types of signs permitted by this ordinance. They shall not extend beyond the edges of the canopy and shall comply with one of the two following alternative provisions:

a) The total area of signs on a gas station canopy shall not exceed 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.

~~a)b)~~ 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.

~~b) The total area of signs on a gas station canopy shall not exceed nine 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.~~

### ~~D. Marquee Signs~~

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

### **3.8. Monument Signs**

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

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

c) Only one monument sign per 250 feet, or less, of lot frontage is permitted.

d) ~~Monument signs are prohibited in the GM6 District.~~<sup>4</sup>

### **4.9. 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.~~

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<sup>4</sup>Currently this provision applies to only some TC districts, but has been extended throughout GM6.

#### ~~5.10.~~ On-Premise Directional Signs

- a) An on-premise directional sign may not exceed ~~two~~2 square feet in area.
- b) An on-premise directional sign shall be placed so as not to impede sight distance.

#### ~~6.11.~~ Pole Signs

- a) Only one pole sign per 250 feet of lot frontage is permitted.
- b) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only) 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.
- c) In the GM6, GM8, GC1-4 Districts, the height of a pole sign shall not exceed 10 feet in height and size of the pole sign shall not exceed 18 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 shall not exceed ~~ten~~10 feet and the size of a pole sign 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.
- d) Pole signs shall be set back at least 5 feet from a side or rear property line.

~~5. Any use that contains a pole sign may not contain a projecting sign or a roof sign.~~

~~6. Pole signs are not permitted in the GM6 District.<sup>5</sup>~~

#### ~~7.12.~~ Projecting Signs

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

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<sup>5</sup> ~~Currently this provision applies to only some TC districts, but has been extended throughout GM6.~~

projecting sign shall not project more than three feet beyond the wall to which they are attached.

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

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

~~— Religious Institution Signs~~

~~8. 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.~~

~~9.~~

~~10.13.~~ Wall Signs

a) 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.

b) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8, GC1-4 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.

c) 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.

d) In all other districts, each nonresidential establishment shall be allowed wall signage not to exceed a total of 126 square feet provided, however, that establishments occupying a portion of the building’s principal facade shall be allowed wall signage not to exceed 126 square feet or ten percent of that portion of the principal façade occupied by that establishment, whichever is greater.

**4.11.4 Temporary Signs Allowed and Not Subject 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.

#### **A. Contractor Signs**

1. The size of a contractor sign shall not ~~to~~ exceed 2432 square feet.
2. 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.

#### **B. Farm Stand Signs**

Farm stand signs are permitted provided that each sign is no greater than 10~~ten~~ square feet in area and ~~they~~ displayed only during the season when the premises are open for business. Farm stand signs may have a changeable copy and shall only be located on the property at which the farm stand exists.

#### ~~C. Household Signs~~

~~A household sign shall not require a permit.~~

#### ~~D.C.~~ **Signs for Lawn, Yard, or Garage Sales**

1. 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.~~
2. ~~No sign for a lawn, yard, or garage sale~~ Signs shall not 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.~~
3. ~~The size of a lawn, yard, or garage sale sign is~~ Signs are limited to 4 square feet in area.

#### **D. Motor Vehicle Signs**

The use of business logos, identification or advertising on registered motor vehicles primarily and actively used for business purposes is permitted.

#### **E. Political Campaign Signs**

~~Political campaign signs are 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, not to exceed 8 square feet in size. Political signs shall not be located on or in front of Town owned property including, but not limited to, schools, parks, cemeteries, road rights of way and municipally owned buildings.

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

## **F. Real Estate Signs**

1. 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 non-residential properties ~~all other uses and vacant land~~ shall not exceed 32 square feet in area.
2. 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.

## **H. Sandwich Signs**

- ~~1. A sandwich sign shall not exceed seven square feet in area.~~
- ~~2. A sandwich sign shall be made of wood or materials that appear to be wood.~~
- ~~3. A sandwich sign may be displayed only when the premises it advertises are open for business.~~
- ~~4. 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.~~
- ~~5. Sandwich Signs located in the Village Review Zone do not require review by the Village Review Board.~~

## **G. 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. Temporary Business Signs located in the Village Review Zone are reviewed by the Development Staff and do not require review by the Village Review Board.

## **G-H. 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 windows on which the sign is to be placed.

#### 4.11.5 Signs *Requiring Written Notification to Codes Enforcement Officer*

##### A. Special Events or Notice Signs

- ~~3.1.~~ 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.
2. 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.
- ~~1.3.~~ Special events or notice signs shall not interfere with pedestrian or vehicular access.

#### 4.11.6 *Special Requirements Signs*

The following signs are permitted subject to special requirements without obtaining a permit from the Code Enforcement Official.

##### A. Public Safety Signs

Governmental bodies may erect and maintain signs necessary for the public safety and welfare, or as required by law, ordinance or government regulation.

##### ~~A.~~B. Banners

Town Council permission is required to raise a banner over a Town owned public right of way and the Town Council or its designee ~~has the right to~~ may restrict where and when such banners may be displayed.

##### ~~B.~~C. Nonprofit Organization Fund Raising Signs

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

1. The sign shall be a ~~ground~~ freestanding sign, with an area not exceeding 32 square feet.
2. The height of such sign shall not be greater than ~~eight~~ 8 feet.
3. The sign shall not be illuminated.
4. The sign shall be removed one week after the fund raising event has ended.

## **C.D. 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.

### **1. 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~~ Village Review Overlay District, or the Maine Street or Park Row right-of-way:

- a) Public and private schools and colleges.
- b) Airports.
- c) Cultural facilities and historic monuments.
- d) Recreational facilities.
- e) Municipal and other government facilities.
- f) Nonprofit organizations.
- g) Public accommodations and commercial businesses.
- h) Retail agricultural operation.

### **2. Number of Signs**

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

### **3. Placement of Signs**

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

### **4. Additional Requirements**

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

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

e)b) 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.

e)c) 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.

e)d) 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.

### **5. 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.

**Sign:** An object, device, or structure, or part thereof, situated outdoors or displayed in a window, freestanding or attached to a structure or registered 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.

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 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 Pole:** A pole sign that advertises more than one use or establishment on single parcels developed with multiple uses; or multiple uses located on four or fewer adjacent properties and share access ~~A sign that advertises more than one use or establishment.~~

**Sign, Dissolve/Fade:** a mode of message transition on an electronic sign accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity or appears 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, Motor Vehicle: Any sign displayed on a registered motor vehicle where the primary purpose is to advertise a product, service business, or other business related activity.

~~**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 by the Maine Department of Transportation 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.<sup>6</sup>

**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.

**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.<sup>7</sup>

**Sign, Projecting:** A sign attached to a wall at a right 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 or wall mounted signs projecting above the roof line. 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.

<sup>6</sup> Definition revised to clarify that this is an off-premises sign.

<sup>7</sup> ~~Current definition revised to avoid overlap with Sandwich Sign.~~

February 13, 2015

**To:** ZORC

**From:** Catherine Ferdinand, Bowdoin College

**Re:** Proposed Sign Ordinance Draft language 1/29/2015

Enclosed for your review are comments on the draft sign ordinance language discussed at the January 29, 2015 ZORC meeting.

**Definition of Sign** (1/29/15 draft page 12)

The ZORC discussed striking the new language narrowing the definition of a sign to signs 'visible from a public way'. For campus type facilities under single ownership like the College, the limitation of regulation to those signs visible from a public way reduces the regulatory burden significantly. The College uses numerous signs within the main campus that are not visible from public ways including wall signs, parking signs and other pole signs, directional signs and numerous temporary signs.

**Recommendation:** To address the concerns of MRRA and other campus type areas that may have private roads and individual owners, we'd ask the ZORC to consider keeping the proposed new definition of sign for most zoning districts but broadening the definition for signs in GA, GI and GM-7 to include signs 'visible from a way designated for vehicle use' versus a 'public way'.

**Temporary Signs Allowed and Not Subject to Permit** (1/29/15 draft pages 7-9)

Bowdoin uses a number of temporary signs that are visible from a public way, primarily to provide direction to locations of on-site activities and events such as first year arrival/orientation, admissions events, alumni activities, various events and summer programs' sponsored off campus group events (e.g., meetings, registrations, conferences, etc.), or upon occasion to announce campus initiatives. These include banners hung from buildings (typically sheets decorated by residents of first year dorms and College houses and hung at the beginning of an academic year or banners on buildings announcing specific class headquarters during Reunion Weekend) and free standing portable signs.

The College's events are not often long in duration (i.e. Reunion Weekend, Family Weekend, etc.). The free-standing portable signs are often only employed for a day at a time – i.e. to direct people to the Admissions parking lot on accepted students' day. Temporary College signs are used by a wide variety of departments and organizations within the College and their deployment is very decentralized. Currently, these types of signs meet the definition of signs that are either expressly forbidden (portable signs) or that require prior notification to the Codes Enforcement Officer as to installation and removal.

**Recommendations:**

1. Define this type of sign and include it in the category of *Temporary Signs Allowed and Not Subject to Permit*. For example: **Sign, Temporary College:** A temporary sign, free-standing or mounted to a building, intended to advertise or announce events, or give direction or information about on-site College activities.

2. Add **Temporary College Sign** to type of sign excluded in definition of Sign, Portable.

**Standards for Sign Types** (1/29/1 draft page 2)

The inclusion of standards for the signs listed implies some type of permit/review process but there is no language describing the process for obtaining a sign permit when the sign is not linked to a larger development project. The permit process for signs included in section 603 of the current ordinance was not carried forward to the draft ordinance.

**Recommendations:**

1. Include the procedure for obtaining a Sign permit in Chapter 5 - Section 5.2.1 Specific Procedures – Permits;
2. identify the reviewing authority by including sign permits under duties of Codes Enforcement Officer in Chapter 5 –Section 5.1.1.E (and other sections if applicable);
3. make the categories of signs more concise (i.e. signs subject to permit, signs allowed not subject to permit, prohibited signs); and
4. since all signs in the category Allowed Not Subject to Permit must be temporary, add some definition for ‘temporary’ i.e. not permanently installed, moveable, duration, etc.

**Pole Sign standards** (1/29/15 draft page 2-3)

There are many materials available on the market that are easier and less costly to maintain and provide better visibility for signage than wood and/or faux wood.

**Recommendation:** Delete the standard for pole signs in GM6 and all other districts that requires pole signs to “be constructed of materials that are made of or resemble wood or wood carving” or amend this standard to include metal and composite materials.

The standard regarding location of pole signs is unclear with regard to lots with less than 250 feet of frontage. Bowdoin has pole signs identifying parking areas at properties along Maine Street. These lots do not have 250 feet of frontage. In some cases, parking areas are on adjacent lots well within 250 feet of each other.

**Recommendation:** Clarify language of distance standard for small and corner lots.

**Wall Sign standards** (1/29/15 draft page 4)

(Third paragraph) In the current ordinance the standard that wall signs “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” applied only to TC2 (Fort Andross). Expanding this standard to all wall signs within GM6 (TC1, TC2 and TC3) may have unintended consequences. This requirement would not be practical or appropriate for Bowdoin’s new administration building, located in what is currently TC1 (new GM6).

**Recommendation:** Review the application of this standard regarding location of wall signs to the new district. We also recommend amending the requirement that signs be made of wood (see comment above).

**Campus-type signs** (1/29/15 draft page 5)

The language of the introductory paragraph which states that parcels of land developed in campus-type settings “are permitted the following additional signage” suggests that main entrance signs, destination signs and a directory map, might not otherwise be permitted or are limited in some way. It is unclear how these types of signs would be considered ‘additional’. Currently the signs described in this section would be considered monument or pole signs which are allowed subject to permit and standards.

“2. Campus destination signs “ - the modifier “interior” for campus signs is not defined and there is no corresponding standard for “exterior” campus signs. Section 2 (a) requiring a sign size maximum of 6 square feet per destination is problematic for Bowdoin. The College has a sign standard that guides the design and construction of our destination and directional signs. Most of our directional signs are pole signs that comply with the size standards of the current ordinance (not exceeding 15 square feet and 10 feet in height). This standard applies to pole signs in the CU districts and in the abutting residential districts in both the current and proposed ordinance. The College has signs in the CU districts and in some abutting residential districts such as TR-5 (GR9).

In a campus setting, uniformity in design, size, shape, and color contribute to the effectiveness of the directional sign for the user. Our destination/directional signs are designed to be consistent in size and shape regardless of the number of destinations included on the sign. Limiting the size of directional signs to 6 square feet per destination would require the College to have different sized directional signs, compromising the effect of uniformity (Photos of College signs attached).

**Recommendations:** Clarify intent of this section and strike the language in section 2 that restricts sign size per destination, i.e. “shall not exceed 6 square feet per destination”.

The College would welcome any method of streamlining the permitting process for campus-type or institutional signs and we look forward to continued discussion of this topic. Thank you for consideration of these comments.

Cc: Don Elliot  
S. Catherine Longley



Visitor, Faculty,  
and Staff

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POLAR LOOP

Bowdoin

↗ Admissions

Coles Tower

Recital Hall

Visitor 

↑ Field House

Pool/Arena

Bowdoin



## C. Open Space Developments<sup>1</sup>

### 1. Description<sup>2</sup>

An open space development is a subdivision ~~or lot split~~ that is designed with the express intent of integrating open space and naturally occurring features into the siting of buildings and lots. Open space developments require that a minimum portion of the development site be set aside as conservation land and allows the remainder of the site to be divided into lots ~~that are smaller~~ have less restrictive dimensional standards than what would otherwise be required. The area set aside for conservation may be owned in common by the ~~residents of the development~~ property owners or ~~may be owned~~ by a third party, ~~but shall be~~ and may be subject to a conservation ~~an~~ easement or covenant ensuring that it will be conserved as open space. ~~To accommodate these smaller lots and their development, open space developments are subject to less restrictive dimensional standards than generally applicable in the zoning district. To encourage open space developments as an option to conventional subdivisions,~~ Open space developments that protect important conservation values are also eligible for density bonuses. See Section 4.1.4.E. (Density Bonuses)

### ~~2. Single Lot Split Open Space Developments~~<sup>3</sup>

~~An open space development in the form of a single lot split allows the reduction of the minimum lot area requirement to 20,000 square feet, as long as the balance of the site is placed in permanent conservation protection by filing an Indenture for Division of Land form with the Codes Enforcement Office and recording the Indenture in the Cumberland County Registry of Deeds. Review and Approval~~<sup>4</sup>

### 2. Review and Approval

An open space development in the form of a subdivision is reviewed and may be approved in accordance with the Development Review procedures in Section 5.2.7. (Development Review). ~~The remaining provisions of this subsection pertain to open space developments in the form of subdivisions involving the approval of lots for sale and/or development or planned unit developments involving the approval of building footprints for the sale and development of individual units.~~

<sup>1</sup> Revisions to this section implement numerous Comprehensive Plan Goals, including Policy Area 3, Key Objective 3, Key Action 1 and Policy Area 6, Key Objective 3, Key Action 2 (p. 38).

<sup>2</sup> Simplified from the first two paragraphs of current Sec. 308, modified to delete redundant or otherwise unnecessary wording and to incorporate current Sec. 308.6 and add an explanation for the reduced dimensional standards that follow.

<sup>3</sup> ~~From the last paragraph of current Sec. 308.~~

<sup>4</sup> ~~From current Sec. 308.1. The rest of that section, which describes applicable procedural and submission requirements, is relocated to Chapter 5, Administration.~~

### 3. Protected Conservation Land<sup>5</sup>

Conservation lands set aside in an open space development shall comply with the following standards:

#### **General**

a. The land set aside as conserved open space shall include one or more of the following and related buffers, if they appear on the property:

- ~~i. Floodplains;~~
- ~~ii. Moderate and high quality wetlands;~~
- ~~iii. Significant vernal pools;~~
- ~~iv. Wildlife habitat and corridors (including deer wintering areas);~~
- ~~v. Steep slopes, rock outcroppings, and other unique topographic features on the site;~~
- ~~vi. Stands of mature trees; and/or~~
- i. Areas of rare plant communities. All areas that are excluded from the calculation of Net Site Area, section 4.1.4.A.
- ii. Areas in active agricultural or forestry use or having that potential, including areas containing soils of statewide significance..
- iii. Important ecosystem and/or rare and endangered species habitat, including buffers.
- iv. Scenic assets accessible for public view, including buffers.
- v. Areas having historical value close to such a property.
- vi. An area that offers significant relief from urban closeness and/or helps define a village center.
- vii. Areas adjacent to or close by land that is already protected under one or more of the above categories.
- viii. Areas that fall under one or more of the above categories and could accommodate public access and/or passive recreational use.
- ix. Frontage on the ocean or local streams and rivers.

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<sup>5</sup> From current Sec. 308.8-10, modified to reorder subsections to a more logical sequence, group miscellaneous provision into a "General" subsection, add reference to buffers, and require (rather than suggest) that open space be from these areas. Subsection a.ii. allows other forms of open space to be conserved if priority open spaces are not present on the property.

- ~~b. If none of the areas listed in subsection i. above are present on the property, Conserved open space may also include other open, undeveloped areas if none of the areas in a. i. to ix. above exist on the property, including but not limited to passive recreation areas or public access areas.~~
- ~~c. To[MW1] the greatest degree practicable, conserved open space beyond those that the applicant would otherwise be required to protect from development pursuant to Sections or pursuant to state or federal law shall be located contiguous to any protected areas on the parcel or to any conserved open space on an adjacent lot or parcel.<sup>6</sup>~~
- ~~d. Protected conservation land may be owned in any manner consistent with fulfilling the purposes of this Section CC1.1.1.A.<sup>7</sup>~~
- ~~e. No dwelling units, structures associated with dwelling units, or uses accessory to a dwelling unit shall extend into the required minimum protected conservation land unless expressly allowed in the terms of a conservation easement and approved by the holder of the conservation easement.~~

**4. Dimensional Standards for Open Space Developments ~~in Growth Area Districts~~<sup>8</sup>**

**a. Minimum Conservation Land**

An open space development ~~located in a Growth Area zoning district~~ shall set aside the minimum percentage of the development site area shown in Table 1.1.1.A.41.1.1.A.41.1.1.A.5 below as protected conservation land. The minimum protected conservation area requirement may not be waived.

<sup>6</sup> New standard.

<sup>7</sup> Revised to make this provision applicable to all open space developments (not just non-residential developments).

<sup>8</sup> ~~This combines current Sec. 308.4 and 308.2, and adds a statement requiring the set-aside of conservation land (implied, but not express in the current provisions). It modifies the dimensional standards allowed to substitute specific minimum yard depths for the current reliance of prevailing or average setbacks along the street to determine front and side yard depths (which may not be applicable if there are no prevailing or average setbacks). It also adds specific reduced standards for minimum rear yard depth and maximum impervious surface coverage—standards that usually need to be modified to reasonably accommodate structures on smaller lots. The maximum building footprint standards in current table 308.4A are deleted because they either match or are less than the maximums generally applicable in the zoning district. Also deleted is the standard in current Sec. 308.4.B.2 stating that setbacks for nonresidential uses abutting residential uses may be increased to 50 feet. New Section 4.9, Neighborhood Protection Standards, addresses compatibility between adjacent nonresidential and residential uses.~~

b. **Modified Dimensional Standards and Density Bonus<sup>9</sup>**

i. ~~For lots within an open space development if the protected conservation area meets the standard in Table 4.1.4.C.5. below, in a Growth Area zoning district, the modified dimensional standards shown in the Table 4.1.4.C.5 shall apply instead of the comparable standards generally applicable in the district, unless the generally applicable standard is less restrictive.~~ For dimensional standards and zoning districts not shown in the table, the standards generally applicable in the base zoning district shall apply. Dimensional standards may be waived by the Review Authority in accordance with Section 5.2.7.M. (Waiver Provisions).

Developments may count conservation of areas excluded from the net site area calculation in determining eligibility for modification of dimensional standards.

ii. Density bonuses are only allowed for Open Space Developments that protect land from development in addition to protecting land that is excluded from the Net Site Area calculation. See 4.1.4.A. Developments may not count conservation of areas excluded from the net site area calculation in determining eligibility for density bonuses.

The maximum number of allowable units for Open Space Developments shall be increased only if the development conserves the minimum percentage of the net site area shown as provided in Table 4.1.4.E. (Density Bonuses Density Bonuses Density Bonuses [MW2]).

Combine the Tables 4.1.4.C. 5. And 6.– no need to distinguish between Growth Area and Rural Area OS Developments here. Also combine last two columns of the Rural Districts into one column per ZORC

**4.1.4.C.55: Dimensional Standards for Open Space Developments in Growth Area Districts**

Standard	Zoning Districts <sup>10</sup>		
	GR6, GR7, GR8, GR9, GM1, GM2, GM5, GC1, GC2, GC3, GC4	GR1, GR2, GR3, GR4, GR5, GM3, GM4, GI	GM8
Protected conservation area <del>(in addition to lands required to be protected from development by Sections 4.2, 4.3, or state or federal law, min. (% of total development site area) includes area excluded from net site area calculation plus additional</del>	15	30	15

<sup>9</sup> From current Sec. 308.2, modified per Town staff and ZORC.

<sup>10</sup> The first two columns of districts reflect the districts listed in the current table 308.4.A, as translated to their comparable new consolidated districts. Because lot area and other dimensional standards for the consolidated district incorporating I districts are so much less than those in the last column of table 308.4A, the GI district is moved to the second column. The only Growth Area district with a large minimum lot area and dimensional standards is the GM8 district, which is shown in the third column with reduced standards.

### **4.1.4.C.55: Dimensional Standards for Open Space Developments in Growth Area Districts**

Standard	Zoning Districts <sup>10</sup>		
	GR6, GR7, GR8, GR9, GM1, GM2, GM5, GC1, GC2, GC3, GC4	GR1, GR2, GR3, GR4, GR5, GM3, GM4, GI	GM8
<del>protected areas)</del>			
Lot area, min. (square feet)	4,000	6,000	<del>10,000</del> 7,500
Lot width, min. (feet)	40	60	100
Front yard depth, min. (feet) <sup>1</sup>	10	15	20
Rear yard depth, min. (feet)	10	15	20
Side yard depth, min. (feet)	10	<del>15</del> 10	<del>20</del> 10 [MW3]
Impervious surface coverage, max. (% of lot area)	50	50	80
Density Bonus	See Section <del>1.1.1.B1.1.1</del> <del>Error! Reference source not found.</del> (Density Bonuses <del>Error! Reference source not found.</del> )		
NOTES: 1. This may be reduced further in accordance with Section <del>Error! Reference source not found.</del> <del>Error! Reference source not found.</del> ( <del>Error! Reference source not found.</del> <del>Error! Reference source not found.</del> ).			

### **6. Dimensional Standards for Open Space Developments in Rural Area Districts<sup>11</sup>**

#### **a. Minimum Conservation Land**

An open space development located in a Rural Area zoning district shall set aside the minimum percentage of the development site [MW4] area shown in Table 1.1.1.A.5 below as protected conservation land. The minimum protected conservation area requirement may not be waived.

#### **b. Modified Dimensional Standards and Density Bonuses<sup>12</sup>**

For lots within an open space development in a Rural Area zoning district, the modified dimensional standards shown in Table 6 shall apply instead of the comparable standard generally applicable in the district, unless the generally applicable standard is less restrictive. For dimensional standards and zoning districts not shown in the table, the standards generally applicable in the base zoning district shall apply. Dimensional standards may be waived by the Review Authority in accordance with Section

<sup>11</sup> This duplicates the structure used to depict dimensional standards for Growth Area districts. The standards reflect the standards and districts listed in the current table 308.3.A, as translated to their comparable new consolidated districts.

<sup>12</sup> From current Sec. 308.2, modified per Town staff and ZORC discussions in April 2014 to provide an additional density bonus (up from 15%). This implements numerous Comprehensive Plan Goals, including Policy Area 3, Key Objective 3, Key Action 1 and Policy Area 6, Key Objective 3, Key Action 2 (p. 38). It also implements guidance from the Brunswick Tomsham ~~Topsham~~ Land Trust on this topic.



- b. ~~Where appropriate, the A~~ community water or sewer system may be located within the required open space. No portion of a private community water or sewer system shall be located within any public right of way. The Review Authority ~~may require~~ shall require the applicant to present data showing the location of those soils best suited for sewage disposal fields.
- c. ~~An adequate~~ homeowners' or property owners' association or other appropriate mechanism shall be established to oversee the permanent maintenance and repair of any community water or sewer facility.

**7. Ownership of Protected Conservation Land**

**a. General**

~~i. Protected In-Growth Area zoning districts, C~~protected conservation land ~~shall~~ may be owned in a variety of ways so long as it is protected from future development. Potential forms of ownership include, but are not limited to, individuals or entities, property owners' associations, non-profit conservation organizations, or governmental entities. A conservation easement may be required depending upon the environmental, aesthetic, recreational, cultural or historic significance of the land.

~~ii. In Growth Area zoning districts, whenever possible protected conserved land shall~~ be set aside in one or more parks, greens, or other recreational conservation land areas. ~~The Review Authority shall refer any such project to the Recreation Commission for their review pursuant to section [redacted] that are owned by a homeowners' or property owners' association or, at the owner's option, dedicated to the Town or other governmental entity. A conservation easement may be required depending upon the environmental, aesthetic, recreational, cultural or historic significance of the land.~~

~~iii. In Rural Area zoning districts, protected conservation land shall be set aside in one or more parcels owned by private landowner(s) — including individuals, families, partnerships, trusts, non-profit organizations, and homeowners' or property owners' associations — or by a governmental entity, as long as it is protected from development by a conservation easement. The protected conservation land~~ may be included as a portion of one or more parcels on which dwellings and other structures are permitted, provided that the Review Authority approves the configuration of the conservation land and finds that the proposed development plan will not compromise its conservation value.

**b. Conservation Easements or Fee Simple Transfer to the Town**

When a conservation easement or fee simple transfer is offered to the Town as a result of Development Review, the following process shall be followed:

- i. The Town will only consider accepting conservation easements or fee simple transfer on parcels larger than ten contiguous acres in size, and only if the offer is accompanied by stewardship funds sufficient to offset the costs to the Town of monitoring and managing the easement or parcel for a period of at least 20 years.<sup>16</sup>
- ii. The offer of a conservation easement or fee simple transfer to the Town during Development Review may only be initiated by the applicant.
- iii. The Review Authority shall refer the request to the Conservation and/or Recreation Commissions.
- iv. If referred to the Recreation Commission, it shall evaluate the land upon which the conservation easement or fee simple transfer is proposed pursuant to section [REDACTED].
- v. If referred to the Conservation Commission, it shall evaluate the land upon which the conservation easement or fee simple transfer is proposed and it shall make an evaluation regarding whether the proposed easement or fee simple transfer provides public benefits as determined by the Comprehensive Plan and Parks, Recreation, and Open Space Plan[MW5].
  - a) **In making this determination, the Conservation Commission shall identify which of the categories of 4.1.4.C.3.a. i. through ix. are protected and determine their relative priority. It shall evaluate long-term stewardship and maintenance requirements of future Town ownership as well as the adequacy of alternative ownership mechanisms to protect important conservation or recreation values.**
  - b) A property for consideration for the dedication of an easement or fee simple transfer to the Town may satisfy the criteria above and not be recommended by the Conservation Commission if one or more of the following conditions are found to apply:
    - (1) The property poses stewardship and maintenance issues that the Commission finds to be impractical to protect "in perpetuity." The Town may not have capacity to perform needed monitoring and management.

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<sup>16</sup> New standard to address growing financial burden of Town monitoring and management of small conservation easements.

(2) The property owner insists on retaining rights to the land that are inconsistent with relevant protected conditions in subsection 4.1.4.C.3.a. i. through ix..

(3) The development of the property or adjacent properties is possible or likely and would diminish its value as conserved land.

(4) The property is part of an overall development proposal that would impinge on one or more of relevant criteria in 4.1.4.C.3.a. i. though ix.

(5) The property contains areas of unmitigated contamination or environmental hazards.

(c) The Conservation Commission, Director, and Town Attorney shall review the language of an easement. If they find that the easement satisfies the standards of this Section 4.1.4.C., Staff shall refer the applicant and the easement language to the Town Council.

b.c. Conservation Easement or Fee Simple Transfer to Qualified Not-for-Profit Conservation Organization or Land Trusts, State or Federal Agency

- i. A perpetual conservation easement or fee simple transfer restricting development may be granted to a qualified not-for-profit conservation organization, ~~the State of Maine, or~~ a land trust, the State of Maine, or a federal agency.
- ii. ~~Such Any~~ conservation easement or deed shall be approved by the Review Authority, after review by the Conservation Commission and Town Attorney, and shall be required as a condition of Subdivision or Site Plan Approval.
- iii. ~~The Any~~ conservation easement or deed shall be recorded in the Registry of Deeds prior to or simultaneously with the filing of a Final Subdivision Plan or Site Plan. In the case of minor Site Plans, a deed restriction enforceable by the Town may be substituted for a conservation easement.
- iv. ~~The Any~~ conservation easement may permit only those uses authorized through the Development Review process.

d. Ownership of Protected Conservation Land by Individuals, entities, or property owners' associations

i. Protected conservation land may be owned by a home-owners or property owners association. The documentation for the association shall be completed prior to approval of the final subdivision plan and recorded prior to the sale of the first lot.

ii. Maintenance Standards

Standards for the ongoing maintenance of protected conservation lands that are enforceable by the Town against the home-owners or property owners association ~~a private owner of conservation land~~ shall be established as a condition of Development Review Approval.

**MAW Query: do we have the provisions of current section 522 incorporated into the new ordinance draft. We should reference them here but I don't know where they are.**

**D. Affordable Housing Developments**

**8. Purpose<sup>17</sup>**

The Town of Brunswick has developed this subsection to help promote and stimulate the creation of affordable housing units in the community. Such a need was identified in the 2004 Action Plan for Housing and the 2008 Comprehensive Plan. Measures permitted in this subsection are aimed at reducing development costs, defraying development costs over a greater number of units, and providing flexibility for denser development patterns in return for guaranteed affordability of certain units for a set period of time. Greater affordability is rewarded with greater cost reductions and more development flexibility.

**9. Definition of Affordable Housing<sup>18</sup>**

For purposes of this subsection, “affordable housing” is housing located in the Growth Area and served by public water and sewer services that is designed with the express intent of providing decent, safe, and sanitary living accommodations affordable to lower income and moderate income households, in accordance with the following definitions:

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<sup>17</sup> From the first and third paragraphs of current Sec. 310.

<sup>18</sup> From current Sec. 310.1

- a. An owner-occupied housing unit is "affordable" to a household if the unit's proposed sales price results in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs, real estate taxes, and basic utility and energy costs) that do not exceed 38 percent of the maximum gross monthly income of a lower income or moderate income household. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to lower and moderate income households.
- b. A renter-occupied housing unit is "affordable" to a household if the unit's proposed monthly housing costs (including rent and basic utility and energy costs) do not exceed 33% of the maximum gross monthly income of a low income or moderate income household.
- c. A "lower income household" is a household with a gross income less than or equal to 80% of the applicable Non-Metro Cumberland County median income. Lower income households also include very low income households. A "very low income household" is a household with a gross income less than or equal to 50 percent of the applicable Non-Metro Cumberland County median income. A "low income household" is a household with a gross income over 50 percent, but less than or equal to 80 percent, of the applicable Non-Metro Cumberland County median income.
- d. A "moderate income household" is a household with a gross income more than 80 percent, but less than or equal to 120 percent, of the applicable Non-Metro Cumberland County median income.
- e. The "Non-Metro Cumberland County median income" is the median family income most recently published by the U.S. Department of Housing and Urban Development for Non-Metro portion of Cumberland County. Where appropriate to use this definition, median family income may be adjusted for family size.
- f. A household's "gross income" includes the income of all household members from all sources.

**10. Benefits Provided Affordable Housing Projects<sup>19</sup>**

The Town may provide the following benefits to developments providing additional affordable housing unit, including new construction and renovation of existing units, but not existing projects that have already been deemed "affordable" by regulatory agencies as of September 19, 2005.

**a. Reduction of Fees<sup>20</sup>**

The Town shall reduce fees for affordable housing units as provided below:

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<sup>19</sup> This combines provisions for fee reductions, bonus densities, and dimensional standards modifications in current Sec. 310.3, 310.4, and 310.5, incorporating the second paragraph of current Sec. 310.

<sup>20</sup> From current Sec. 310.3, modified to clarify wording and to use the defined household types in the table rather than percentage of median household income. Reference to Cook's Corner Fire Station fees replaced by generic reference to other impact fees.

- i. Only projects that require Major Development Review are eligible for fee reductions.
- ii. Application fees for any project may not be reduced.
- iii. Percentage reduction of Building Permit fees and impact fees for recreation, solid waste, and other facilities imposed by the Town<sup>21</sup> shall be:
  - a) A 50% reduction in the regular fee for each unit affordable to Moderate Income households;
  - b) A 75% reduction in the regular fee for each unit affordable to Low Income households; and
  - c) A 100% waiver of the regular fee for each unit affordable to Very Low Income households.
- iv. If a traffic impact fee would exceed \$10,000, the Town Council may reduce the fee on finding that the reduction is required to make the project economically viable.

**11. Modification of Dimensional Standards<sup>22</sup>**

All dimensional standards other than density (which is determined by the density bonus provisions in subsection 5 below) and building height may be modified by the Review Authority if it finds that:

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<sup>21</sup> Reference to Cook's Corner Fire Station broadened to apply to other facility fees.

<sup>22</sup> From current Sec. 310.5. The reference to appearance assessment standards in current Sec. 515 (which was not carried over in the staff/Planning Board recommended revisions) was changed to a reference to architectural compatibility standards.

- a. The proposed modification is necessary to make the project economically viable;
- b. The proposed modification is necessary to accommodate any bonus units (i.e., no alternative layout that better meets the dimensional standards can accomplish the same); and
- c. The proposed development pattern meets the standards of Section 4.9 (Architectural Compatibility).

**12. Bonus Density<sup>23</sup> [MW6]**

- a. The maximum number of allowable units allowed for affordable housing projects shall be increased as provided in Section [1.1.1.B1.1.1.B1.1.1.C](#) (~~Density Bonuses~~~~Density Bonuses~~~~Density Bonuses~~). The amount of density bonus depends on the affordability of the units relative to household categories defined in Section [1.1.1.A.91.1.1.A.91.1.1.B.2](#).
- b. Projects that receive a density bonus are required to meet the dimensional standards to the greatest extent practical.
- c. All bonus units shall be additional affordable housing units.
- d. ~~The final calculation that determines the total number of bonus units is rounded downward.~~

**13. Maintaining Affordability of Units<sup>24</sup>**

The affordability for all units receiving benefits from the Town under subsection ~~10 above~~~~10 above~~~~3 above~~ this subsection shall be guaranteed in accordance with the following requirements.

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<sup>23</sup> From current Sec. 310.4, modified to clarify wording and to use the defined household types in the table rather than percentage of median household income.  
<sup>24</sup> From current Sec. 310.2, relocated to after the main provisions.

- a. The period of affordability shall be individually determined by the Town based upon the amount of subsidy or density bonus but shall be at least 10 years for ownership units and 30 years for rental units. These minimums shall increase to up to 50 years according to the amount of subsidy or density bonus obtained from the Town.
- b. The method of guaranteeing affordability is determined on a case by case basis by the Town using guidelines set by the Maine State Housing Authority in Affordable Housing Tax Increment Financing Program Guide, May 2004, as revised.<sup>25</sup>
- c. The period of enforceability shall be guaranteed by the developer in a document recorded at the Cumberland County Registry of Deeds and satisfactory to the Town. The document shall include, but not be limited to, authorization for the Town to seek the penalties outlined in the document and to seek injunctive relief, including attorney’s fees and costs, or both.

**B. Density Bonuses**

**1. Bonus development density is available for:**

- a. Projects that preserve Wildlife Habitat Blocks or Wildlife Corridors pursuant to Section [Error! Reference source not found.](#)[Error! Reference source not found.](#)[Error! Reference source not found.](#); and
- b. Projects that **both** meet the standards for an Open Space Development in Section [CC1.1.1.A](#) and **permanently protect a minimum of an 50% of the developable net site area;** and
- c. Projects that provide affordable housing units pursuant to Section [001.1.1.B](#).

**2. Bonuses for projects that meet more than one of the categories in Section [1.1.1.B.11.1.1.B.11.1.1.C.1](#) may be combined, but no combination of bonuses shall increase the maximum number of lots on a parcel by more than 35 percent above the number of lots that would otherwise be permitted pursuant to Sections [Error! Reference source not found.](#)[Error! Reference source not found.](#) ([Error! Reference source not found.](#)[Error! Reference source not found.](#)) or [Error! Reference source not found.](#)[Error! Reference source not found.](#) ([Error! Reference source not found.](#)[Error! Reference source not found.](#)), as applicable.**

**3. The final calculation that determines the total number of bonus units is rounded downward.**

**4. Density bonuses awarded for development meeting the criteria in Section [1.1.1.B.11.1.1.B.11.1.1.C.1](#) are shown in the table below.**

<b>Table 4.1.4.E: Density Bonuses Available<sup>26</sup></b>		
	<b>Growth Districts GR1 through GR9, GM1 through GM5, GM8, GC1 through GC4, and GI</b>	<b>Rural Districts</b>

<sup>25</sup> Reference will be checked and updated if necessary.

<sup>26</sup> New table consolidating density bonus provisions from various Ordinance sections.

**Table 4.1.4.E: Density Bonuses Available<sup>26</sup>**

	Growth Districts GR1 through GR9, GM1 through GM5, GM8, GC1 through GC4, and GI	Rural Districts
<b>Wildlife Habitat Blocks</b> (% increase in number of lots permitted in base zone district)		
If 51-75% of original parcel is covered by Wildlife Habitat Block, and 0% of the Block is disturbed	15	15
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 0% of the Block is disturbed	20	20
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 1-15% of the Block is disturbed	15	15
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 16-25% of the Block is disturbed	10	10
<b>Wildlife Corridors</b> (% increase in number of lots permitted in a subdivision that avoids mapped corridors)	15	15
<b>Open Space Developments<sup>27</sup></b> (% increase in number of lots permitted in base zone district <u>if more than 50% of the developable net site area is permanently protected. Note: preservation of area excluded from net site area calculation does not qualify for this density bonus.</u> )	25	<del>30</del> 25 <sup>28</sup>
<b>Affordable Housing:</b> (Bonus units per affordable housing unit)		
Affordable to Moderate Income	.50	<del>.500</del>
Affordable to Low Income	.75	<del>.750</del>
Affordable to Very Low Income	1.00	<del>1.000</del>

<sup>27</sup> Revised from current requirement that these lands be “worthy of conservation”, which has proved too vague to result in the intended conservation of sensitive/significant open spaces.

<sup>28</sup> Rural area bonuses increased from 15% to 25% to reflect Comprehensive Plan focus on encouraging open space development.

**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.

**Review and acceptance of meeting summary from December 17, 2014:**

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.

#### **Continue review of public draft general comments/questions:**

- **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 staff recommended expansion of the footprint from 7,500 to 10,000 sq. ft. 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 the entire 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 text 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

## **BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION**

**JANUARY 15, 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.

Mr. Frizzle closed the general public comment session.

### **Outdoor Storage Discussion:**

Mr. Hutchinson has rewritten this section, and asks the Committee if they have any questions. He has added needed definitions, including watercraft and seasonal storage. Mr. Frizzle was not able to find a definition for motorized watercraft, which he assumed was ski-doo's and crafts of that nature. Mr. Hutchinson said the watercraft definition included motorized and non-motorized craft. Mr. Frizzle asked what he is going to allow people to park in the setbacks. He asked if a rowboat with a small motor is considered motorized watercraft, and Mr. Hutchinson replied that it is. According to the definition, virtually no boat with a motor in it or on it can be stored. Mr. Hutchinson stated he believed that the concern was long-term storage in the setbacks, and seasonal storage of motorized watercraft is allowed, as well as motor vehicles. The Committee had a discussion about the different aspects of this ordinance, including the relevance of a motor, the size of the watercraft, and revising section headings. It was suggested to allow watercraft less than 16 feet, with exclusions for kayaks, canoes, and rowing shells. Mr. Hutchinson will work on this and bring it back to the Committee. He will be removing the definition of motorized watercraft from motor vehicles because it is covered in watercraft.

### **Review comments from Conservation Commission:**

- **4.1.4.C. –Open Space Development** – The Conservation Commission believes that “*land set aside as conserved open space*” should be additional, developable land the builder sets aside to generate density bonuses, not unbuildable, already protected land. Ms. Breinich believes this falls into a policy issue discussion, along with affordable housing outside the growth area and the thresholds, because they would be changing a long-term practice of acceptance. Although Mr. Doxsee stated that it could be viewed as less development-friendly, Ms. Wilson said this has been a complaint for a long time

from the Conservation Commission and other conservation groups. Ms. Breinich mentioned allowing no more than a given percentage, and Ms. Wilson added using a net site area as computations. Ms. Breinich believed they should develop the language for the next draft. Ms. Wilson read the applicable sections and discussed revised language, unclear language and language that needed to be deleted. Mr. Frizzle mentioned that just because land is undevelopable, that doesn't make it undesirable or without value. Ms. Wilson had a question about developable site area, and if it needed to be clarified. Mr. Frizzle talked about eliminating a density bonus for an undevelopable portion of land. Ms. Wilson agreed. Mr. Frizzle suggested basing their bonus on what part of the developable piece of property the builder is willing to set aside.

**Carol Liscovitz, 11 Berry Street**, thinks that providing a bonus for maintaining trees and the natural aspect of a site, as opposed to clearing the land first and then putting features in. Ms. Wilson replied that there is new buffer language in the ordinance, and she thinks that covers what Ms. Liscovitz is talking about.

Ms. Breinich asked for Ms. Wilson's assistance in this rewrite, especially keeping consistent with rural Brunswick's Smart Growth program, where a bonus is given for preservation. Mr. Visser asked about maintenance fees that the Conservation Commission commented about, and Ms. Breinich said that Mr. Doxsee has provided the Conservation Commission with a number of examples and new language just received from the Brunswick/Topsham Land Trust, and they are reviewing that information. The fee is another policy issue; if the Committee feels there should be a fee, it can just be referenced. Mr. Frizzle asked what fee were they talking about, and Ms. Breinich and Ms. Wilson replied that it's the stewardship fee, which covers staff time and legal requirements not necessarily incurred with fee property. Ms. Wilson noted that calculations of stewardship fees can be \$10,000 or more, because it is perpetual and has long-term costs.

**Carol Liscovitz, 11 Berry Street**, asked if the fee for an easement or dedication by a developer was offset by taxes, and Committee members replied that it could be.

Ms. Breinich mentioned that only one monitoring visit every three years was required by law, and it tends to take most of the Town Planner's time during the summer months, because it takes 1-2 trips per easement and the Town has 15 easements. Council asked several years ago that this be a staff function rather than a Conservation Commission function, because of concerns raised by property owners that it becomes a public meeting with 3 or more Commission members present. Easements were discussed by the Committee.

Mr. Doxsee brought up the fact that at last meeting, Charlie Wiercinski disagreed with adding roads that the developer is planning to build to net site area. Mr. Doxsee researched this using surrounding communities and found that they all include roads in their calculations, and Ms. Breinich agreed with this. Ms. Wilson feels if other communities calculate this the same way, then the Committee should leave it alone, but they should include that comment by Mr. Wiercinski in their spreadsheet with their response. The Committee agreed.

Ms. Breinich stated that the last comment by the Conservation Commission, recommending that the Table 4.1.4.C.6. columns be combined, has already been recommended by ZORC, so they are in agreement. Ms. Wilson asked if anyone could clarify the comment from the Conservation Commission that the unbuildable land

language should go in 8.5, which doesn't exist. Mr. Doxsee will attempt to clarify this. He believes what they're saying is that the language about unbuildable land should be stated earlier in the section so that it's very clear from the outset. Ms. Wilson doesn't believe the policy they desire – fee vs. easement – can be put into the ordinance.

**Continue review of public draft general comments/questions:**

- **1.7.2. – Outdoor Storage** – The Committee clarified that it wasn't necessary to specify Bowdoin's outdoor storage use as an accessory; it was an accessory use, thus permitted.
- **2.1 District Summary Table R-1 and R-8** – the staff has begun research on this item.
- **2.1 District Summary Table** – The Committee requested staff to research origins of CU-1 and CU-2 and revisit consolidations 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. ZORC confirmed its agreement with this process.
- **2.4.3.** – The comment asserts that the Shoreland Protection setbacks are too restrictive. The setbacks are mandated by the Maine Shoreland Protection Law. The Committee recognizes and confirms this. The Committee discussed the difference between the Town of Brunswick and the State's definition of stream. Mr. Hutchinson replied that it was coming from the State Natural Resource Protection Act, not the State Shoreland Zoning, and they're both state standards. Mr. Frizzle stated that unless someone could come up with a compelling reason to deviate from the Shoreland Zoning Protection, he's comfortable with it. Mr. Hutchinson said ultimately, locally, we need to mirror the Shoreland Zoning definition of stream, but we are not obligated to mandate it to include the definition of stream as per NRPA.
- **2.4.2.F.2.g. and 2.4.3.i.ii.** – There is no definition for scarified or unscarified vegetation in the NRPZ section of the zoning ordinance, so the staff is suggesting that we leave the regulations alone and provide a definition for scarified. The Committee agrees. There is similar language in the timber harvesting regulations under the Shoreland Zoning, so Mr. Frizzle suggested they also provide a definition for scarified.
- **2.4.5. – Wildlife Protection Overlay; 4.2.2. – Protection of Significant Plant and Animal Habitat** – ZORC confirms its agreement of support for wildlife protection standards, with no changes being proposed to lessen existing protections.
- **2.4.6.B.** – This item is on the to-do list.
- **2.4.9.A., 2.4.9.A.2., 2.4.9.B.1.a.i.(D)** – VRB will be discussing at their meeting tomorrow.
- **Footnotes 208 and 210** - This item is on the to-do list.
- **3.2 Use Table** - This item is on the to-do list.
- **3.2 Use Table** – The question deals with whether a music studio would be permitted in GR-3. Ms. Breinich stated that the person who had submitted the question was afraid they would not be able to continue their business. Ms. Breinich explained that there is nothing in the current ordinance that would prevent this resident from running her business. The Committee answered questions from the audience on home occupations and studios. The Committee endorses this response. Ms. Breinich did mention that currently home occupations are allowed only in single and two-family dwellings. She

asked if the Committee would like to expand that to multi-family dwellings. Mr. Hutchinson added that they would need more stringent guidelines. Mr. Frizzle said if no one has asked for it, then leave it alone. Ms. Breinich said there were some preexisting examples.

**Catherine Ferdinand, Bowdoin College**, asked about exterior alterations for a home occupation, and members of the Committee answered.

**Carol Liscovitz, 11 Berry Street**, asked for clarification for studio use and daycares. Committee members responded that studios are permitted in mixed-use districts and will be conditional in all residential zones. Small daycares are permitted in all residential districts; large daycares are conditional in all residential districts.

- **3.2 Use Table, 4.1 Dimensional Standards** – This question addressed concerns from Katherine Street area residents, and staff had responded that no residential districts surrounding that area were going to be changed, and also there were going to be very little change in the existing uses. ZORC agreed with staff's response. They are confirming that endorsement today.
- **3.2 Use Table** – ZORC confirmed their agreement with staff's recommendations for the GC-1, GC-2 and GC-3 districts dealing with aviation uses.
- **3.2 Use Table, 3-2 – Residence Hall** – ZORC confirmed its agreement with Bowdoin-designated residence halls being allowed where they are permitted, as either multi-family dwelling units or residence halls per ordinance definition.
- **3.4.1.U.** – Ms. Breinich explained that Clarion took the Small Wind Energy Systems (SWES) provisions and renamed it Renewable Energy Generating Systems, which is what we wanted it to address, but it still only addresses Small Wind Energy Systems. This was meant to be for supplementary standards for permitted uses, and these are principal uses. The provisions as written are for accessory uses. What staff did in 2009 was very carefully crafted through a large amount of research to deal with the negative impacts, and there were no concerns raised by the public at that time. They are currently having no problems with the ordinance as written. There is a huge difference between the size of what could be installed as an accessory in the growth area districts versus the rural area districts, and we have one installation now in Brunswick. It was added because there are changes in technology, there are changes in the types of turbines that are coming out that have less flicker, and they may also have capacity for being able to capture more wind. In response to Ms. Wilson's question about the Renewable Energy Generating Facility, Ms. Breinich said the intent was to cover by the name, the REGF. That was to be as a principal use. They used only what was in our present ordinance, the SWES, for an accessory use. Ms. Breinich said what we need is supplemental standards for Renewable Energy Generating Facilities with principal use and accessory use standards under one heading.

**Carol Liscovitz, 11 Berry Street**, asked why REGF would be allowed as an accessory use but not conditional, because the change in technology is fluid, and there is the chance for negative impacts on neighbors. Mr. Frizzle understood that she was advocating for eliminating REGF as a permitted use, even as an accessory, and make all REGF conditional uses. Ms. Breinich does not agree, because the REGF now includes solar panels, and is someone expected to go through a conditional use for solar panels. Mr. Frizzle also disagrees with Ms. Liscovitz. He believes the restrictions they have in place now are certainly adequate, with respect to windmills, and they do not restrict things like

solar panels as an accessory use. Restrictions on windmills as an accessory use were discussed, and the Committee was comfortable with those. Ms. Wilson asked if any specific protections were needed for abutters for geothermal applications. Mr. Frizzle said no more so than you would have to restrict well drilling, because that's all geothermal is. Ms. Breinich's idea is to, as an accessory, we differentiate, and just say for small wind energy systems it's an accessory, and these supplemental standards apply. For the larger REGFs, that would be a principal use. Mr. Frizzle asked what they were going to do about the solar panels. Ms. Breinich replied that if they're serving other buildings or selling back, that is a principal use. A question about wood boilers was discussed. Mr. Frizzle stated that what they need is a section that deals with renewable energy as a primary use, and a secondary section that deals with accessory small wind systems. Ms. Breinich says they have that now; they just need to refine it. Mr. Hutchinson believes they may have to further define terms for clarification. Mr. Frizzle mentioned a section defining free-standing solar units; still an accessory use, but with some restrictions with the setbacks and impervious surface.

**Carol Liscovitz, 11 Berry Street**, asked about the noise ordinance, height and reflection in regards to these systems. Mr. Frizzle said the questions with respect to noise and windmills have all arisen from the large installations, and the noise is a low level droning sound, which is unpleasant, but you don't get that from small, accessory uses. Ms. Breinich adds that we are requiring that they cannot exceed a height of 80 feet, and they would have to have 80 feet of lot if they were 80 feet in height. Mr. Frizzle suggested they try to define reflection to deal with Ms. Liscovitz's concern, and appropriately incorporate some sort of limit on it in our standards, possibly by the use of a nonreflective surface. Clarion will draft new language, and this item will be continued.

- **Chapter 4 (relative to Maine Street sidewalks)** - This item is on the to-do list.
- **4.1.2 Dimensional Standards** - This item is on the to-do list.
- **4.1.2. Dimensional Standards 4-3/4-4** – ZORC confirmed their agreement to this section.
- **Table 4.1.2. Dimensional Standards** – This will be discussed at the 1/27/15 meeting.
- **Table 4.1.2. Dimensional Standards - (added 1/13)** – ZORC confirmed its response and staff will complete additional follow up work on this item.
- **Table 4.1.2. Dimensional Standards** – ZORC confirmed its agreement with staff that they are supportive of smaller lot sizes.
- **4.1.4.D., 4.1.4.D.2. and 4.1.4.E. – Bonus Density Units** – Mr. Frizzle and Mr. Visser agreed with most of the staff's recommendations, but Mr. Frizzle is not sure he wants to restrict density bonuses to the growth area for affordable housing. He believes they ought to be able to look at density bonuses for that particular use, no matter where it is located in town. It is not an easy task to build affordable housing, and lots are difficult to find, so when they need more density, they should be able to take a look at that. Ms. Breinich could not find anything in the Comprehensive Plan limiting affordable housing bonus densities to the growth area, however, the way the overall vision is presented, even discussing limiting the overall building permits for new construction within the rural area, gave her the indication that they should be targeting as much growth and development within the growth area rather than the rural area. That is why the only bonus densities currently in the rural areas are to promote open space development, conservation of land and Rural Brunswick Smart Growth. Mr. Frizzle agrees, but believes

if a lot is found for affordable housing in the rural area that might work, perhaps the bonus density would help them out with the extra cost of sewer and water. He understands, as Ms. Breinich pointed out, that this is deviating from current case. Mr. Frizzle is recommending a change to that, which would allow affordable housing to be considered for a density bonus regardless of its location in town, and not be restricted to the growth area. He doesn't feel this is going to be a common occurrence because of the expense. Ms. Breinich would agree if it is done as part of an open space development. Ms. Wilson said the point is to keep sprawl from the rural areas. Mr. Frizzle said a developer would not be able to come up with the open space requirement because they typically use every bit of the development for houses.

**Carol Liscovitz, 11 Berry Street**, asked if there was a definition of affordable housing, and the Committee told her there was a very specific and strict definition in the ordinance. She also asked a question about the density bonus with affordable housing, which members of the Committee answered.

Ms. Breinich states she still has an issue with density outside the growth area, as suggested by the Comprehensive Plan, and mentions that they have increased the density in developments for open space in the rural areas as an incentive to get that kind of development without sprawling. Ms. Wilson would like to look back at the affordable housing section of the Comprehensive Plan. The Committee agrees that this is a policy issue, and would like to think about it and discuss it again at a later meeting. Ms. Breinich discussed a possible middle ground, and stated that the whole section of density bonus needs to be reviewed. Ms. Wilson said the town had an excess of available affordable housing and because of this does not care for the idea of offering incentives to build outside of the growth area. The Committee discussed affordable housing and decided to bring this item up again.

- **4.2.1.** – Ms. Wilson feels this needs to be clarified; identify what the scenic resources are that need to be referenced. Mr. Frizzle said they needed to make reference to the applicable documents and standards.
- **4.2.5., 4.4.2., Appendix D** – Mr. Frizzle explained that this item deals with the many deed restrictions that have been built into the conveyances from the Navy to MRRA, MRRA to landowners, Navy to Bowdoin College, etc. All of these deeds have very specific restrictions with respect to what can be done on the property in the areas with concern about water quality, plumes, etc. At one time, it was proposed that we regulate this by means of an overlay system. He and Ms. Breinich met with representatives of the Navy, MRRA and EPA and discussed this issue. The problem with an overlay zone is that these restrictions are not consistent from one property to the next. They are consistent in terms of meeting the EPA requirements, but they are different depending on how far away from the plume you are, or what the concern is in that area. That cannot be captured in one overlay zone. They felt the best way to make sure those deed restrictions are met in perpetuity was to require that any development process on Brunswick Landing provide us with copies of all of the applicable deed restrictions associated with that property. The Town has gotten deed restrictions from the Navy and from MRRA, and believes Bowdoin would be willing to provide theirs, so they will compile a library in case a developer doesn't know what the restrictions are. Part of the review and approval process for any development in Brunswick Landing will be to confirm that the developer is aware of the restrictions and will agree to comply. Mr. Frizzle believes that this the

best the Committee can do to in terms of making sure people stay aware of these standards in the future. The Committee then discussed where to put this information, probably in the Property Development Standards, and any references. Ms. Breinich will discuss this with Mr. Elliott, and Ms. Breinich will procure a map of the CERCLA sites. ZORC agrees with that approach.

- **4.2.7. – Historic Resources** - This item is on the to-do list.
- **4.5.2.B.1. – Street Trees** – ZORC, with Mr. Hutchinson objecting, confirmed their agreement of their response of 1/8/15.
- **4.7.1.B.2.** - This item is on the to-do list.
- **4.7.2.B.** - This item is on the to-do list.
- **4.7.4.B.1. – Parking in Lieu** - This item is on the to-do list as a policy discussion issue.
- **4.10.1., 4.10.2.C. – Neighborhood Protection Standards** - This item is on the to-do list as a policy discussion issue.

Mr. Visser had asked Ms. Breinich yesterday whether they had gotten any updates from Rec on the Rec impact fees. Ms. Breinich had requested an update but hasn't gotten it yet, and she is going to follow up before the next meeting.

- **4.11.3.E.1. –** Waiting for staff rewrite. Mr. Hutchinson will make this available next week as a draft, and it will be presented at the next meeting.
- **4.11.4.H. –** Waiting for staff rewrite. Mr. Hutchinson will make this available next week as a draft, and it will be presented at the next meeting.
- **4.12. – Performance Standards** - This item is on the to-do list.
- **4.8 – Outdoor Lighting** - This item is on the to-do list.
- **5.2.2. – Conditional Use Permit and 5.2.3. – Special Use Permit** – The Committee discussed changing the language. Ms. Breinich has been looking at other ordinances for guidance, and will also ask Mr. Elliott about more standards and clarification for Conditional Use Standards and Special Permits.
- **5.2.6.C. – Review Standards** – This item will be addressed by VRB at their next meeting.
- **5.2.6.C.2.b. viii. and xii.** - This item will be addressed by VRB at their next meeting.
- **5.2.6.C.4.a. & b.** - This item will be addressed by VRB at their next meeting.
- **5.2.7. –** The staff recommendation is to include the Marine Resource Committee in any pertinent development review, and staff would also like to add the Conservation Commission, the Bicycle & Pedestrian Advisory Committee, and the Recreation Commission. They would like to state when such reviews are needed to better inform the applicant and the public. With those additions, ZORC agrees with the staff recommendations.
- **Table 5.2.7.B. – Review Authority** – This item will be further reviewed by ZORC at a later date.
- **Access points** – ZORC confirmed their agreement that the zoning ordinance does not identify future access points, regarding a general comment about limiting access points to Rossmore Road.

At the next meeting, Ms. Breinich would like to have a basic presentation and discussion on the sign chapter by Mr. Hutchinson, VRB comments, affordable housing and the development threshold. The meeting after that (January 29) will be to catch up on everything else.

In response to a question from Ms. Liscovitz, Ms. Breinich expects the next draft to be available in late March. The Committee will still be meeting to draft language and work on mapping, but they will still also be addressing any additional comments they receive.

**ZORC work session meeting schedule:**

**January 22, 2015**, Work Session, Town Hall, Room 206, 3:00 pm – 6:00 pm – revised time/location

**January 27, 2015**, Work Session, Town Hall, Council Chambers, 6:00 pm – 9:00 pm

**January 29, 2015**, 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

**BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION**

**JANUARY 22, 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 to anyone with general comments on subject matters not covered on today's agenda.

Mr. Frizzle closed the general public comment session.

**Review and acceptance of meeting summary:**

A meeting summary was received for January 8, 2015. Ms. Wilson had a change on page 9, and Mr. Frizzle would like a change on page 8. Mr. Visser asked for a change on page 7. These changes will be made.

**Margaret Wilson moved, Richard Visser seconded, approval of the January 8, 2015, meeting summary. The motion was approved unanimously.**

Ms. Breinich stated that the VRB comments are incorporated into the table, so she suggested handling those comments at the same time as the review and confirmation of the ZORC responses from the 1/15/15 meeting.

**Review and confirmation of ZORC responses from their 1/15/15 meeting and Village Review Board comments from their 1/16/15 meeting:**

- **Historic Resource** – VRB discussed this and recommended that the definition of “Contributing Resource” remain as is. The “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 its availability at the Planning and Development Department. Specific criteria already included in the survey will be deleted from the definition. ZORC endorsed this recommendation by the Village Review Board.
- **1.7.2. – Outdoor Storage** – ZORC approved Mr. Hutchinson's revised draft of this section. He deleted the last sentence in the proposed motor vehicle definition, included a definition of motorized watercraft, and revised 4.12.7 to exclude canoes, kayaks and sculls and they will be an accessory use for Bowdoin.

- **2.1. – District Summary Table** – ZORC confirmed their agreement with staff’s review of the R-1 and R-8 zoning districts, and plans additional talks during the mapping discussion. In response to a question from Carol Liscovitz, the Committee will continue with the planned consolidation of these districts, and if there is strong reason to keep them separate after the discussion when the next draft is provided, they will decide then.
- **2.4.3.** – ZORC confirmed their agreement on 1/15/15.
- **2.4.2.g. and 2.4.3.12.i.ii.** – ZORC confirmed their agreement from 1/15/15 to add the definition of scarify.
- **2.4.9.A., 2.4.9.A.2.** - VRB recommended using maximum footprint when restricting building size rather than restricting combining existing lots. VRB will consider the Secretary of the Interior’s Standards and Guidelines after completion of the zoning ordinance, and recommended changes to Section 5.2.6.C.1.

In response to a question from **Jane Millett, 10 Franklin Street**, Mr. Frizzle replied that the VRB wants to use the Secretary of the Interior’s Standards as guidelines, because the only enforceable standards are zoning ordinances, such as setbacks. Ms. Breinich added that once the Committee finishes the zoning ordinance, they can begin discussing the Village Review’s Design Guidelines, and if there is a desire by Council to make Design Guidelines into Design Standards, that is always open to discussion. Ms. Wilson added that, in general, the guidelines are what VRB considers to evaluate a project, and once they decide, it becomes part of the approval process and the owner is obligated to abide by what is approved. The guidelines let the applicant know what the Board is going to consider. ZORC is in agreement with using the maximum footprint for restricting building size and rewriting Section 5.2.6.C.1. with an a, b, and possibly c, format.

Don Elliott joined the meeting.

- **2.4.9.B.a.i.(D) – VRO District** – VRB recommends the listing of contributing resources of local and regional significance be made available through the Planning and Development Department, but not be included in the zoning ordinance. ZORC agreed with the VRB’s recommendations.
- **3.2 Use Table** – ZORC confirmed their agreement from 1/15/15.
- **3.4.1.U.** – ZORC confirmed their agreement with staff’s recommendations from 1/15/15. Clarion will be researching updated standards and best practices, including, but not limited to, reflective light and noise. Mr. Elliott asked if they wanted to address wind, solar and geothermal, and Ms. Breinich confirmed this. The Committee would like Clarion to address flicker if they can, more so for accessory use, and wind on a small scale. Mr. Elliott believes it would be faster to go through the use tables and propose to the Committee changes that need to be made, both in the use-specific standards and the tables themselves. Clarion will do that as part of the full rewrite. The Committee agrees with this approach.
- **Table 4.1.2. – Dimensional Standards** – ZORC agrees with VRB response. There will be further review as part of the interim draft.
- **Table 4.1.2. – Dimensional Standards** – VRB agreed with keeping the existing 7,500 square foot footprint standard and will remain vigilant on this issue, as they are concerned with the scale of development on inner Pleasant Street.

- **Table 4.1.2. – Dimensional Standards** – VRB would like to the Committee to consider Mr. Frizzle’s suggestion of setting front setbacks to what is an existing average setback within the block for in-fill development in established neighborhoods. Mr. Elliott says with many clients this idea proves to be unworkable. The language he hears most frequently is to either say the nearest occupied lot on either side, so if there’s a vacant lot it is skipped over, or the nearest occupied lot within 75, 100 feet, etc., but don’t be looking all the way to the end of the block to establish a setback for something that is very close to the other end of the block, where the number may make no sense. He would urge a smaller rather than a larger distance, and the Committee agrees. He suggests a certain number of feet, but only occupied lots are counted. The Committee will leave it to staff to work out some reasonable numbers based on this discussion.

**Jane Millett, 10 Franklin Street**, asks whether someone would be prohibited from building further back than the prevailing, because on her street the houses are close to the road, and Mr. Frizzle told her it is allowed to go back further.

Mr. Frizzle said the Committee is concurring with the suggestion to use averaging, and staff needs to develop some language.
- **4.1.4.C.4.a.i.** – ZORC confirmed its agreement from the 1/15/15 meeting on determining net site area.
- **4.1.4.C.4.a.iii.** – Ms. Breinich stated that the concern from the Conservation Commission is receiving small, unconnected strips of land through easement or fee simple and they are of no benefit. She provided an example of an easement which can only be monitored by boat, and there is not much left of it because it has been diminished by erosion. The Committee will need to discuss connectivity and quality at the broader, Open Space discussion.
- **Tables 4.1.4.C.6.** – ZORC agreed with the Conservation Commission that columns for RP-1, RM and RP-2 should be combined.
- **Table 4.1.4.C.8.** – Ms. Breinich explained that the Conservation Commission has concerns about costs associated with easements and fee simple land; ideally they would like the town to be able to recoup these costs. These concerns will be more appropriately dealt with when the Open Space discussion is held. Ms. Breinich did note that the criteria did need to be applicable to fee simple land, and not just easements. Ms. Wilson pointed out that it was unlikely to have this done before the interim draft, and Ms. Breinich agreed.
- **4.1.4.C.8.c.i.** – The Conservation Commission believes the section reading for parcels “*larger than 10 acres*” requirement should read “*contiguous parcels larger than 10 acres*”. ZORC agrees, but will again talk about this at the Open Space discussion.
- **4.1.4.D., 4.1.4.D.2. and 4.1.4.E.** – This comment deals with awarding density bonuses for affordable housing units in the rural areas. Ms. Wilson appreciated the discussion at last meeting, and states if the Town is interested in affordable housing, the current draft restricts affordable housing bonuses. There are no density bonuses allowed for affordable housing in the rural area. Mr. Frizzle’s point was if we want affordable housing, we should be thinking of this as a way to do that. Ms. Wilson was asked to go back to the Comprehensive Plan for guidance. The Comprehensive Plan is clear that we want to, to the extent possible, encourage development of new residences in the growth area, and not in the rural area, although there is Policy Area 5 that deals with the necessity of having affordable housing in town. The transfer of the Naval Air Station has

provided hundreds of units of what is essentially affordable housing to the Brunswick market, and that is the main reason Ms. Wilson would suggest that they do not expand this density bonus to the rural area. The first key objective in Policy Area 5, which is the affordable housing section of the Comprehensive Plan, is to support the transition of BNAS-associated housing to meet the workforce and affordable housing needs of the community. Key Action 1 was to create zoning for the BNAS property that allows for increased density and flexibility to private development of workforce housing. We have done that. Key Action 3 is to create an environment that supports the development of new, affordable housing for both public and private sectors, and allow denser development in the growth area by drafting and adopting zoning ordinance revisions to permit increased housing density at all price levels. The Comprehensive Plan is quite clear that affordable housing is appropriate in the growth area. In the current ordinance, affordable housing is defined as housing in the growth area.

**Jane Millett, 10 Franklin Street**, said there is a thought that various price levels should be integrated around, and development outside the growth area is generally high-priced. She believes that needs to be considered. The 2004 Housing Committee, which she was on, felt that the bonus that was given was very small.

Ms. Breinich says you also have to consider that it's a mix of both discounted impact fees and bonus densities, and dimensional standards are reduced, so there is a significant cost savings to a developer, especially if it's habitat, where there may be next to nothing in impact fees, such as recreation and solid waste fees. Water and sewer, because they are by district, are not reduced, but we can ask them if it's something the water and sewer districts would consider doing.

**Carol Liscovitz, 11 Berry Street**, asked questions about affordable housing and density bonuses that Mr. Frizzle answered, and Ms. Wilson read the current definition of affordable housing.

**Jane Millett, 10 Franklin Street**, asked the Committee to consider the amount of land left in the growth zone, which is not a lot. Ms. Breinich said there had been five affordable housing proposal approvals for the growth area in the past seven years, so she believes it's working. Ms. Wilson doesn't believe there's any reason to change that approach, and Mr. Frizzle was willing to agree. The Committee agrees to leave as is for now. Ms. Breinich will check with water and sewer about reduced fees.

- **4.2.1.** – ZORC confirms its agreement from the 1/15/15 meeting on mapping scenic areas.
- **4.2.5., 4.4.2., Appendix D** – ZORC confirms its agreement with staff recommendation from 1/15/15.
- **4.2.7. Historic Structures** - This item is on the to-do list.
- **4.7.1.B.2.** - This item is on the to-do list.
- **4.7.2.B.** - This item is on the to-do list.
- **4.7.3.A.2. and A.3.** – The VRB requests no parking in the front yard within VRZ district, and the staff agrees. The current ordinance is contradictory. Clarion will change the language to meet the VRB and staff recommendations. Ms. Breinich asked if they would like to continue the allowance of side yard parking in the GM-6 (downtown) district. The issue that had come up was parking in the side yard by CEI, which was the basis for the opinion from the Town Attorney. Mr. Frizzle clarified that they are talking about changing what is proposed so as to allow side yard parking if properly screened. Mr.

Visser didn't see a problem if it were properly screened. Ms. Breinich spoke of a possible proposal for a parking lot in this area, and Mr. Elliott said this should be addressed through the Use Table. Mr. Frizzle sees no difference between a dedicated lot and allowing parking in the side lots, with proper screening, and a definition for proper screening. It is accepting of what already exists along a significant stretch of GM-6. Mr. Elliott raised the fact that in some older cities and towns there are buildings built pre-automobile that almost extend so far back on the lot that there is no room behind them, and they have no choice, if they're going to keep those historic buildings occupied, to park beside the building. He believes they need to use language like "*to the degree practical*", rather than require a parking variance, so if they just can't get it on the lot then parking beside the building is fine. He also stated that he has had a few codes where a caveat has been put in to state that if a historic building is taken down to use the area as your parking lot, we will not allow it as your parking lot.

**Carol Liscovitz, 11 Berry Street**, asked if the Committee was saying there was no parking allowed in the front, and Mr. Frizzle confirmed that, and said they were still trying to debate allowing parking in the side setbacks.

**Jane Millett, 10 Franklin Street**, wondered if the phrase "*if there is no other option*" could be used for side parking, so applicants would look at other options, rather than going for the easiest or cheapest option. The Committee agreed that restrictions could be added. Mr. Elliott replied that he could come up with wording to that effect. Mr. Frizzle stated that the Committee needs to make sure that the wording reflects their desire to have parking at the rear of the building whenever possible. They are willing to challenge the design of a building that goes all the way to the back and leaves nothing but the side. Mr. Hutchinson said they may also want to define "*front of building*", because under the current ordinance, for CEI, they've got a corner lot, so they've got two fronts and two sides. Technically the rear of the building, where their parking is, is actually in the side setback of Center Street. Mr. Elliott thinks the Committee needs to have a separate exception for fronts of buildings on two different streets, with staff making a determination of which is the predominant street, etc., through higher traffic or higher width or something else. If you say someone can't park on any side of the building facing the street, you have just created an undevelopable lot. Mr. Hutchinson said he believes what they are leaning toward is not to allow any parking in front of the building, but this particular building has two fronts. Mr. Hutchinson asked if the Committee would like to allow parking in front of the building on side streets, and some Committee members answered no. Mr. Frizzle said a corner lot has two fronts and two sides. There is no rear, so they can't park in the rear, so we will have to permit parking in one of the two side setbacks – which side do we permit it on? The one that is behind the primary front of the building, stated Mr. Frizzle. Mr. Elliott suggested it would probably be helpful to have a drawing for parking. The Committee agreed and felt it should be part of the ordinance. There is another part of the ordinance that states in some places, mostly in the mixed use areas and the college zones, a row of parking in front is allowed as well. Ms. Wilson asked if there was any reason to change this. Mr. Elliott responded that this works fine with one exception; any highly-rated commercial districts. He asked the Committee if they are really going to tell a new outer Pleasant Street developer that, even if they're in the growth district, that they can only have one row of parking in the front. Ms. Breinich and Ms. Wilson responded that they do that they have enforced that for 15

years. Ms. Breinich explained the problem due to space constraints with drive-thru lanes on the front of the building and then also a row of parking. Mr. Elliott said it is unpopular, but it can be prevented, by preventing drive-thrus on the front of the building. Ms. Wilson read the pertinent section of the current ordinance, which says in any mixed use zone there can be only one row of parking in the front. That is not being done on Pleasant Street, and Ms. Wilson said this is a big change from how they have been regulating Pleasant Street. This is a standard that does not currently exist. Ms. Breinich explained it is all the GM districts, not just Pleasant Street. The problem has been developers that want to orient the front of the building to the parking area. Mr. Elliott said by keeping the one row of parking in the front, the building would face front and be visually appealing, with a convenience entrance at the back. Ms. Breinich confirmed with Mr. Elliott that he would footnote that change in the next draft. The Committee discussed a few examples in the town, and answered audience questions. Mr. Elliott stated that all they needed to do was list the factors that the town uses in determining which the predominant street is, and there would be very few cases in which a judge would ever reverse the town. The Committee agreed that parking should not be permitted in front setbacks, and they will rework 2 and 3 to address comments they have gotten and a new footnote.

- **4.7.4.B.1. – Parking in lieu** - This item is on the to-do list.
- **4.10.1., 4.10.2.C. – Neighborhood Protection Standards** - This item is on the to-do list.
- **4.11.3.E.1., 4.11.4.H. – Signs** – The Committee will come back to this section.
- **4.12. – Performance Standards** - This item is on the to-do list.
- **4.8. – Outdoor Lighting** - This item is on the to-do list.
- **5.2.2. – Conditional Use Permit, 5.2.3. – Special Permits** – Ms. Wilson thought the Committee agreed with staff’s recommendations, but proposed eliminating the word “*documented*” from a sentence in Conditional Use. The Committee confirmed their agreement and this word will be deleted from the proposed draft.
- **5.2.6.C. – Review Standards** – ZORC confirmed their agreement with the VRB response.
- **5.2.6.C.2.b.** – The VRB would like the standards that apply to Maine Street be applicable to all of the Village Review Zone. Mr. Frizzle asked Ms. Breinich to bring this recommendation to the attention of the Towns’ Business Development Manager and ask her if this is going to be a detriment with respect to development in the VRZ. Ms. Breinich said the standards on Maine Street would be for new development. **Catherine Ferdinand, Bowdoin College**, asked the Committee to look carefully at this request, because things that are very appropriate for a commercial downtown location may not necessarily be right for buildings that are not in that same location. Mr. Frizzle said this needs further review, and the Committee agreed.
- **5.2.6.C.2.b.viii. and xii.** – The VRZ has design guidelines, not standards. ZORC confirms its agreement with staff and VRB.
- **5.2.6.B.5.** – Ms. Breinich explained that the VRB is asking for only one certificate of appropriateness when it is a combination demolition and rebuild instead of two separate certificates. Staff is also recommending this. Mr. Frizzle agrees as long as there is a replacement option. He does not want this written so it requires a replacement option to be in place before it can be demolished, because there could be circumstances where one

has to demo, even though there is no replacement option, for example fire, etc. He also does not want to eliminate the single determination. The Committee is in agreement.

- **5.2.7.** – ZORC confirms their 1/15/15 agreement with staff.
- **Table 5.2.7.B. – Review Authority** – To be discussed today or at the next meeting.

The Committee took a short break then resumed the meeting.

Mr. Frizzle wanted to mention a few other subjects that came up in the VRB meeting and wanted to make sure the VRB had the Committee's concurrence with the direction they are heading.

- Item #3 – they wanted to go on record supporting the Village Review Zone expansion contained in the rewrite, since it represents implementation of the Comprehensive 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. Mr. Frizzle stated to the VRB that the expansion of the VRZ that is proposed in the current ordinance is very well supported by the Comprehensive Plan, so he believes there is good solid foundation and potential political backing with respect to this expansion. He doesn't think there will be too much push back. To go beyond there at this point in time is going to invite the kind of push back that they felt some time ago, when we first brought expansion to everyone's attention. He suggested to VRB that they put that off. They're welcome to bring it up any time they want in the future, but he thinks through discussion at the meeting, they gained a realization of the fact that they need to go into the community and do some sales work before they bring another expansion of the zoning ordinance rewrite to the floor. The VRB agreed. The VRB is willing to support the expansion proposed in the current rewrite and putting off their desire for any further expansion until such time as they've had the chance to do some more homework and build more support. ZORC agreed.

### **Preliminary draft of sign chapter:**

Mr. Frizzle explained that this is a rough draft and the Committee will be confirming the general approach that Mr. Hutchinson has suggested. The comments Mr. Frizzle has heard so far from the Committee generally pertain to the organization of the section and the fact that it is not user-friendly, and he asked Mr. Hutchinson to work on that. Mr. Hutchinson replied that it is in outline form now, but is still being worked on.

Mr. Hutchinson outlined the major changes in the sign ordinance and gave an overview, periodically answering questions from the Committee. The sign ordinance will be discussed in detail at the next meeting.

**Jane Millett, 10 Franklin Street**, asked Mr. Hutchinson if temporary signs were prohibited from blocking sidewalks, and Mr. Hutchinson read the appropriate section of the sign ordinance prohibiting a position which in any manner created a hazard or nuisance to the public. Ms. Breinich believed the Sidewalk Committee or MPIC would be the best place to deal with placement of signs and seating, keeping a 5-ft. ADA-compliant width.

Ms. Breinich questioned having pole signs on Maine Street when Mr. Hutchinson got to that section, and the Committee will have further discussion regarding that.

The section on Changeable Message Signs was introduced to capture the newer LED message signs, because the current ordinance does not regulate the intensity of the lights. Mr. Frizzle's

only concern was whether the illumination was able to be measured, and Mr. Hutchinson assured him that he could with a light meter, which the department has already purchased. Mr. Elliott will send Mr. Hutchinson some Changeable Message Sign ordinances that have been adopted recently for comparison, and warned him the International Sign Association, which Mr. Hutchinson has used to draft parts of the sign ordinance, represents the billboard industry, their review of brightness is the view of the industry more than the profession. He agrees with most of the draft with one caveat; they have had problems with brightness, and most of the communities they have written sign codes for in the last few years have all converged around adjusting to ambient light, where it can't be brighter than  $x$  in the daytime and  $y$  in the nighttime. He would like Mr. Hutchinson to look at what the communities recommend versus what the ISA recommends, because they may not be the same. Mr. Hutchinson is in agreement with this. Ms. Breinich asked about the name Changeable Message Signs and Mr. Elliott replied that there is no standard, but they like to see the word *Electronic* included. Mr. Elliott also said an emerging issue is that many sign codes distinguish between electronic billboards, which are free-standing programmable, and portions of accessory signs, like gas station or church signs. It is hard to enforce the programmable signs that change often when there are messages unrelated to the business. The Committee discussed this briefly with Mr. Elliott, and Mr. Hutchinson continued with his overview. Ms. Breinich would like to take a close look at GM-8 because it is a neighborhood vs. a commercial area. The Committee agreed that more research would be done in this area.

The Campus-type signs section is new, and Mr. Hutchinson explained the definition and signage allowed in this type of environment. Mr. Frizzle voiced approval. Questions will be taken up at the next meeting.

Mr. Elliott left the meeting.

Political Campaign Signs has been rewritten, and Mr. Frizzle asked if the right-of-way next to a municipally owned street considered municipal property. Mr. Hutchinson said typically, over the years he's been here, it's been considered town property. Mr. Frizzle foresees a problem enforcing this because the property owners don't always know where the right-of-way is in relation to their property. Mr. Hutchinson replied that there is a memo developed by him and available in the clerk's office to help homeowners determine the right-of-way. He also explained that on Bath Road the property is now privately owned by MRRA. When it was previously owned by the Navy, it was public property, and no signs were allowed. A question was asked about special event signs, and Mr. Hutchinson would like to discuss that further with Ms. Breinich. He discussed what was in the current ordinance and answered questions from the Committee and the audience. Mr. Hutchinson would like to find out if there is interest to set aside certain public spaces for signs, because currently in the ordinance they are only allowed at the event site. Mr. Frizzle suggested continuing with the current policy as far as the zoning rewrite is concerned, and subsequent to the rewrite, propose a draft change that satisfied his needs in the areas of concern, and bring it first to the Planning Board, they can review it and if they agree with the recommendations, can forward it to the Town Council as a change in the sign ordinance. Mr. Hutchinson agrees, but he would like to have Town Council's opinion before bringing the change to the Planning Board. Mr. Frizzle would like to keep this separate from the rewrite, because it's going to require some discussion at the Council level. Mr. Frizzle asked if anyone on the Committee had any questions with regards to major policy issues in this section. Mr. Hutchinson discussed moving signs. He's had many complaints about these types of signs,

and they will be prohibited in the rewrite. The Committee agrees, and will see what kind of comments they receive regarding this issue.

Mr. Frizzle said there had been a concern raised about the staff's ability to support both the January 27 and January 29 meetings and still provide the materials needed. Ms. Breinich left that up to the Committee. Signs and thresholds will be discussed at the next meeting on 1/27/15, as well as a few new comments, and if discussions are not completed, they will begin again at the 1/29/15 meeting.

**Development Review thresholds:** This item will be discussed at next meeting.

**ZORC work session meeting schedule:**

**January 27, 2015,** Work Session, Town Hall, Council Chambers, 6:00 pm – 9:00 pm

**January 29, 2015,** 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

**BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION**

**JANUARY 29, 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

Mr. Frizzle stated the Committee would not be discussing the open space-related provisions until after the Conservation Commission has a scheduled workshop with the Town Council to review their charter, overall policy and direction.

Ms. Breinich added a review and acceptance of a meeting summary from 1/15/15 to the agenda. The minutes will be tabled until next meeting in order for the Committee to get comments and corrections to Ms. Breinich.

Chair Frizzle opened the meeting to anyone with general comments on subject matters not covered on today's agenda.

Mr. Frizzle closed the general public comment session.

**Review and confirmation of ZORC responses from their 1/22/15 meeting:**

- ZORC confirmed its agreement to approve revised text regarding watercraft and outdoor storage from the 1/22/15 meeting.
- **2.4.9.A.** – ZORC confirmed their agreement from 1/22/15 to approve a revision to Section 5.2.6.C.1. to an outline form.
- **3.2 Use Table** - Staff is recommending that manufacturing as a permitted use is limited to the south side of Route 1 within the proposed GM-3 District. The Committee agrees with that approach.
- **Table 4.1.2. Dimensional Standards** – ZORC confirmed its agreement of 1/22/15 to allow staff to draft language for the purposes of reducing front setbacks within the block for in-fill development in established neighborhoods.
- **Table 4.1.4.C.6.** – ZORC confirms its agreement with the suggestion from VRB.
- **4.1.4.D., 4.1.4.D.2. and 4.1.4.E.** – ZORC confirms its approval of 1/22/15 to keep the restriction as stated and guided by the Comprehensive Plan; bonus densities for affordable housing will be limited to the growth area.
- **4.7.3.A.2. and 4.7.3.A.3.** – ZORC confirmed its approval of 1/22/15 on the treatment of corner lots and parking in front setbacks. Clarion will be providing graphics, and Clarion and the staff will revise the subsections.

- **4.10.1. and 4.10.2.C. – Neighborhood Protection Standards** – Will be discussed tonight as an agenda item.
- **4.11.3.E.1.** - Will be discussed tonight as an agenda item.
- **4.11.4.H.** - Will be discussed tonight as an agenda item.
- **5.2.2. Conditional Use Permit and 5.2.3. Special Use Permit** – ZORC confirmed its approval of 1/22/15 to remove the term “*documented*” from the Conditional Use requirements.
- **5.2.6.C.2.b.** – This item is receiving further review by planning and business development, and will come forward at a later time.
- **5.2.6.B.5.** – ZORC confirmed its approval of 1/22/15 with a VRB recommendation on changes to the procedures for demolition and new construction requests. In response to a discussion on demolition, Ms. Breinich and Mr. Hutchinson will develop language to allow demolition for other than just fire and hazard.
- **Table 5.2.7.B. – Review Authority** - Will be discussed tonight as an agenda item.

### **Sign Chapter Review:**

Mr. Frizzle explained that tonight the Committee was looking for comments on the policies that are now being proposed for the various signs. Ms. Wilson asked Mr. Hutchinson if they could talk about the definition for sign before getting into specific comments. The Committee specifically discussed balloons, and Mr. Frizzle asked staff to develop language to address this issue. The sign ordinance was then discussed page by page, with questions and comments taken on the relevant sections.

**Catherine Ferdinand, Bowdoin College**, stated that she could not find the process for obtaining a sign permit, nor the reviewing authority, in the administrative section of the ordinance. She also said there were a lot of materials besides wood that provide better visibility and are easier to maintain, so she would ask that the Committee consider that language, as well as the standards requiring wall signs to be professionally engraved. She also stated that the intent of the standard limiting pole signs to one per 250 feet of lot frontage is unclear whether the standard limits the number of pole signs on lots with less than 250 feet of lot frontage, or whether it prohibits pole signs on lots that do not have 250 feet of frontage. She mentions specifically fraternity house parking signs, entrances and exits. Mr. Hutchinson clarified the pole sign question for her and stated that this language has been carried over from the current ordinance.

The Committee discussed sign materials, as Ms. Wilson felt that might be a bit antiquated, and Ms. Breinich and Mr. Hutchinson will be conferring with Planning, the Village Review Zone and possibly the Brunswick Downtown Association.

**Carol Liscovitz, 11 Berry Street**, thought the Committee should make a decision about how restrictive they want to be and then craft supportive language.

Ms. Breinich suggested that the permitted list of internally illuminated signs in the GM-8 district include only Bath Road, not Baribeau Drive or Maine Street, and the Committee agreed. Clarification was provided to Mr. Doxsee regarding signs; all signs except for internally illuminated signs are allowed in all districts, with some restrictions. Mr. Doxsee asked about including a maintenance clause, and Ms. Breinich responded that she and Mr. Hutchinson would review that.

Mr. Hutchinson removed the section on Marquee signs, which are essentially wall signs, and will consider signage approval by type (marquee, wall, pole, etc.). After discussion, Mr. Hutchinson thought the definition of projection sign should be updated.

Mr. Hutchinson explained what he was trying to create with the Campus-type signs section, with Brunswick Landing being a priority. It would allow the advertisement of individual business at intersections, as long as the sign is on Midcoast Regional Redevelopment Authority property, and to gain the opportunity to better direct traffic. It is also applicable for hospitals, business parks, educational facilities, etc. Ms. Breinich agrees with Mr. Hutchinson that this is a good start on this section; she also has revisions and suggestions, and questions in terms of campus-type environments, which could affect Bowdoin College and other lots on Harpswell. Mr. Frizzle thought that CU-1 and CU-2 comprised Bowdoin's campus. Properties owned by Bowdoin but not on the campus should comply with the same rules as their neighbors.

Ms. Wilson wondered why Religious Institution signs are regulated differently than other signs, and perhaps that section is not needed. Mr. Hutchinson and the Committee agreed, and that section will be deleted.

Ms. Breinich introduced the idea of a campus directory-type sign for Maine Street Businesses, which would be an off-premise sign. There has been a request in the past to assist businesses on the side streets, but is not allowed under the current ordinance. If the Committee is interested in this, it is something Mr. Hutchinson and Ms. Breinich can pursue, with possible guidance from the Town Attorney regarding the legalities of this issue, or possibly not a part of the sign ordinance.

Ms. Wilson would like the Advertising Messages Incorporated into Approved Signage section reviewed, and that was acceptable to Mr. Hutchinson. Mr. Hutchinson also asked for copies of the Committee members' written statements, and the Committee agreed.

Ms. Breinich felt that allowing one sandwich sign per business rather than per feet was enough in the downtown area, and Ms. Wilson felt that Mr. Doxsee's suggestion of one real estate sign per parcel was also enough. A corner lot or business would be allowed one per side.

Mr. Doxsee discussed limiting the amount of window signs in a business, and Mr. Frizzle stated that he was reluctant to restrict the amount of signage a business would like to put in their window. Ms. Breinich replied that there are a few issues in town with this currently.

Mr. Frizzle felt that a sign was a sign no matter where you put it, and possibly some categories of signs could be deleted, like religious signs and gas station signs. The Committee discussed gas station canopy signs as essentially being wall signs, but Mr. Frizzle believe the problem was that most people did not think of canopies as having walls. Mr. Hutchinson will add some language for the Committee to review.

**Kathy Wilson, Pleasant Street**, asked a question regarding blacking out a window, which the Committee stated was not considered a sign, but translucent glass is required on Maine Street.

**An audience member** asked a question about signs being maintained by public funds, which would not be the case at Brunswick Landing. Their campus is made up entirely of private streets, which means no sign regulation. There are also private subdivisions that would be exempt. Mr. Hutchinson will review this and give the definition of sign more thought, and probably strike the last sentence about being maintained by public funds. The Committee agreed.

The Committee discussed motor vehicle advertising signs conditions, which had been taken out as a prohibition inadvertently, and will be reinstated.

**Richard Fisco, 2 Lincoln Street**, was in agreement with the statement that signs shall not interfere with pedestrian or vehicular traffic, as this is a particular problem on Maine Street. He believes it looks cluttered already, and the threshold of 8 square feet is too large. Ms. Breinich agreed there are areas with an overutilization of both sandwich signs and easel signs per business and it does clutter up the sidewalk. She believes they should restrict the signs to one per business. Mr. Hutchinson suggested one per 50 feet of frontage, but Ms. Breinich said that would only allow Tontine Mall one sign, and there are many businesses, so there is a fairness issue. Mr. Hutchinson supplied new language, which the Committee agreed to try, and Mr. Frizzle said the Committee would review the size standard.

The Committee discussed temporary business signs, and Mr. Hutchinson answered a question from **Kathy Wilson** about a walking sign, which needs licensing through the clerks' department, as it is not regulated by the sign ordinance. Ms. Breinich also informed the Committee that she was looking into the sidewalk ordinance to see if they could put ideas forward to Council through the Master Plan Implementation Committee.

**Richard Fisco, 2 Lincoln Street**, believed the Tontine Mall should have a group sign, rather than so many sandwich boards or easels. Mr. Hutchinson replied that he would like to see the size requirement enlarged for this purpose. Mr. Hutchinson and Ms. Breinich discussed sign options for this and similar sites. Ms. Wilson would like to hear feedback from the downtown area businesses. Mr. Hutchinson said temporary business signs are a sensitive issue, and he would like to review this section with the Committee.

Easel sign will be defined for consistency, as requested by Mr. Visser.

Ms. Wilson believed that flags with the word open or welcome should be allowed. Currently they are not. The Committee agreed to exclude them from the prohibited signs list.

Ms. Wilson had questions about signs projecting over the Public Right-of-Way, and Mr. Hutchinson said he believed they needed to expand on that. Mr. Frizzle asked Mr. Hutchinson if, instead of Right-of-Way, could he use in, on, or projecting over any public roadway. Mr. Hutchinson and the Committee agreed, and they will change that to any roadway, to cover private roadways as well.

**Carol Liscovitz, 11 Berry Street**, asked about the banner on Maine Street, and Mr. Frizzle and Ms. Breinich responded that the banners are approved by the Town Manager.

Mr. Visser asked that moving signs be added to the definitions, and the Committee agreed.

Ms. Wilson said the definition between a special events sign and a temporary sign is hard to determine, and they will continue to discuss that.

Ms. Doxsee discussed amortization of nonconforming signs, which is done in other communities. If there are signs they don't want or don't like, there should be an amortization date on them. Ms. Breinich was unsure if this was permitted under Maine law, but told Mr. Doxsee he could find out more information if he was interested. The Committee discussed nonconforming, replacement, and grandfathering of signs.

Mr. Doxsee asked Mr. Hutchinson if there were any thoughts about design guidelines for signs. Mr. Frizzle said they should leave that to the Village Review Board. Ms. Breinich stated that staff reviews signs in the Village Review Zone and there are design guidelines for that, but at Cook's Corner there are also design standards.

**Carol Liscovitz, 11 Berry Street**, asked if an abandoned, nonconforming building's use is no longer allowed after a certain time period. Mr. Hutchinson replied that the time period for a non-shoreland zone is three years. If a business ceases to exist for 30 or more days, the sign needs to be taken down. A new sign would need to be conforming. Mr. Hutchinson would advocate for a

sixty-day or a ninety-day period because he doesn't think the thirty days gives a property owner enough time to find another tenant. Mr. Frizzle agrees with that, as long as there is a fixed limit. Mr. Hutchinson will review the nonconforming section that Clarion put together, as Ms. Breinich found some discrepancies between what was written and what the Committee wanted. Mr. Hutchinson agreed with Mr. Visser that sign nonconformity would be better in the sign section of the ordinance, where it is currently. The Committee agreed, provided that there is some type of cross referencing.

**Development Review thresholds:** This item will be discussed at next meeting.

**Open space-related provisions preliminary discussion:** This item will be discussed at next meeting.

**Neighborhood Protection Standards:** This item will be discussed at next meeting.

**ZORC work session meeting schedule:**

**February 19, 2015**, Work Session, Town Hall, Room 206, 9:00 am – 12:00 pm

**February 26, 2015**, Work Session, Council Chambers, 5:30 pm – 8:30 pm

**Other business:**

None.

Mr. Frizzle adjourned the meeting.

Attest

Debra Blum  
Recording Secretary