



**TOWN OF BRUNSWICK**

**ZONING ORDINANCE REWRITE  
COMMITTEE**

85 Union Street, Brunswick, ME 04011-1583

**WORK SESSION  
AGENDA  
TOWN HALL COUNCIL CHAMBERS  
85 UNION STREET  
THURSDAY, MARCH 26, 2015, 5:30 PM**

1. Public Comment
2. Discussion Topics:
  - a. Recreation Requirements (1<sup>st</sup> Draft – still under review by Recreation Commission)
  - b. Open space-related provisions: Final draft review
  - c. Development Review Thresholds/Process
3. ZORC work session meeting schedule
  - a. Friday, April 3<sup>rd</sup>: 1-4pm in Town Hall Room 206
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.

**Town Of Brunswick  
Recreational Facilities Impact Fee Methodology**

This methodology establishes the impact fee that should be paid by residential development for expanded active recreational facilities. In developing the fee, we looked at the need for new or expanded infrastructure to provide adequate active recreation facilities for a growing population and the potential costs of those facilities.

1. **Current Supply of Parks and Active Recreational Facilities** – As of the March 2015, the Town of Brunswick had a total of approximately 185 acres of parks and active recreational facilities available for public use (see attached inventory). Most of these facilities are owned by the Town while a few are leased or are used through agreements with other agencies. This figure includes only developed facilities. Where a portion of a site is undeveloped, only the portion available for active recreational or park use is included. The following is a brief summary of the current supply of these facilities.

A. **Recreational Facilities** – The Town has approximately 177 acres that is used for active recreational activities including developed trails. This does not include the significant acreage in open space and conservation land owned by the Town. These recreational facilities include the Coffin Pond swimming facility, the Androscoggin River bikeway, and a number of boat launches and water access points. Most of the Town's recreational fields are concentrated at a small number of locations including Edwards Field, Lishness Park, Shulman Field, Crimmins Field, and facilities adjacent to schools that are available for public use. Most of the facilities are intensively developed with little potential for the creation of new or expanded facilities. With a 2010 household population of 18,545 (not including group quarters population), this is approximately 0.0095 acres of recreational area per household resident or 9.55 acres per 1000 year-round household residents.

B. **Parks** – The Town has approximately 7.5 acres of park land. The majority of this land is in the Mall. This is approximately 0.00041 acres of parks per capita or 0.4 acres per 1000 year-round household residents.

C. **Combined Facilities** – Taken together, the Town currently has 184.61 acres of parks and active recreational land and facilities. This is 0.0995 acres per household resident or 10 acres per 1000 year-round household residents.

2. **Adequacy of Current Parks and Recreational Facilities** -- The current supply

of approximately 185 acres of parks and recreational facilities allows the community to meet its current recreational needs but there is demand for additional facilities including more facilities for sports and active recreation, an improved and expanded swimming facility, additional bicycle/pedestrian connections, and expanded trail development. The Town has been able to relocate the Recreation Center to the former Naval Air Station Brunswick (NASB) facility and obtain the use of a ball field at NASB through a lease with Southern Maine Technical College. The Town has also been able to recently expand Crimmins Field to include two full-size soccer fields. However, as the household population of the Town grows as a result of residential development, there will be a need to continue to expand the supply of park and active recreational facilities to maintain the current level of service.

**3. The Need for Expanded Facilities** – The need for community recreation facilities and parks is a function of the size of the community’s population. As the community grows, it needs more recreation land, fields, facilities, playgrounds, and parks. The Town’s adopted Parks, Recreation, and Open Space Plan identifies the need to expand the supply of recreational facilities to serve a growing population. The action plan identified the following needed improvements:

- Acquire approximately 50 acres in East Brunswick for active and passive recreation
- Acquire the former Merrymeeting Park should it become available
- Acquire and develop more water access points
- Convert the A-B wing of the old high school into a community center
- Construct the first phase of the bike path extension
- Construct the second phase of the bike path extension
- Develop at least three multi-purpose fields and parking on the East Brunswick land
- Build a new playground at Lishness Field
- Expand the playground at Davis Park
- Demolish the C-D wing at the old high school and develop additional recreational facilities
- Develop a playground and building on the East Brunswick land
- Construct tennis and basketball courts in East Brunswick
- Install a playground at the Androscoggin River Bike Path
- Install a playground at the old high school
- Construct 5 lighted tennis courts

A number of these needs have been addressed through recent projects including the NASB facilities, Crimmins Field, public use facilities at the former high school, and new recreation facilities adjacent to Stowe School.

Historically, the National Recreation and Park Association published standards for the amounts and types of park and recreational facilities per capita. The “old” national standard called for 10 acres of park and recreation land per 1000 residents or 0.010 acres per capita. The Town currently provides 10 acres of parks and active recreation area per 1000 year-round household residents. In the 1990s, this standard was replaced by a recommendation for a locally derived standard to recognize local and regional differences. Even allowing for the currently identified needs, the estimated need of 0.010 acres per capita is at the low end of currently accepted standards for Maine communities. Developing new facilities as the population grows that will allow the Town to maintain a standard of 0.010 acres of land and facilities per capita or 10 acres per 1000 population will serve as a reasonable basis for the recreational facilities impact fee as long as these areas are developed to allow intensive utilization similar to the use of current Town facilities.

- 4. The Estimated Cost for Expanded Facilities** – The cost of recreational facilities is related to the type of facility and the intensity of development. The estimated cost for active recreational facilities of the type needed by the Town to serve future growth typically is in the range of \$50,000 to \$150,000 per acre. When the Androscoggin River Bikeway was developed over a decade ago, the construction cost was around \$50,000 per acre. The recent reconstruction of Crimmins Field cost \$741,320 for the development of 5.634 acres of the site for a per acre cost of approximately \$131,500. Construction of trails is much less expensive. Since the need for additional facilities is primarily for facilities that will support intensive use, it is reasonable to plan for a relatively high intensity of development for new facilities. Therefore an estimated cost of \$100,000 per acre for expanded recreational facilities is used as the basis for the calculation of the impact fee. This strikes a balance between the cost for sports fields similar to the Crimmins Field project, bikeways, and some lower cost trail development.

Applying the cost per acre for new recreation facilities (\$100,000/acre) to the need of 0.010 acres per capita, results in a base cost for providing new recreational facilities of \$1,000 per capita. This figure should serve as the basis for the recreational facilities impact fee.

- 5. The Share of Need Attributable to Growth** – The population residing in the existing housing stock has dropped significantly since the 90s as a result of decreasing household size. During the decades of the 1990s, declines in the population in the existing housing stock essentially offset the population increase resulting from new housing development. The trend to smaller household sizes continued between 2000 and 2010 but at a smaller rate of decline as the average household size dropped from 2.34 to 2.19. This trend is likely to continue but at an even slower rate going forward. As a result, the population living in the existing housing stock will continue to decrease but at a slower rate than

experienced over the past two decades. This decrease will continue to reduce the impact of new residential development on household population growth and thus, the need for expanded recreational facilities. Therefore, the recreational facilities impact fee should be established at about 2/3s of the fee that would apply using the per capita basis and estimated costs, or \$650 per capita.

6. **Who Should Pay The Fee** – Any residential development activity should pay this impact fee based upon the expected population of the project considering typical occupancy rates. This includes single-family homes that are not part of a subdivision, conversions of non-residential buildings to residential use, and modifications to existing buildings that increase the number of dwelling units.
  
7. **Calculation of the Fee** – The recreational facilities impact fee should be the adjusted per capita cost of providing additional recreational facilities (\$650) multiplied by the anticipated number of residents in the unit. Based upon national studies of occupancy levels of various types of housing in the northeast and the Maine State Planning Office’s Impact Fee Handbook, the following occupancy factors are applied to determine the impact fee per unit. This results in the following recreational facilities impact fee based upon the type of unit and the typical occupancy of that type of unit:

<b>Type of Housing</b>	<b>Occupancy</b>	<b>Impact Fee</b>
<b><i>Single-Family Home</i></b>		
- 2 or less bedrooms	1.58 per/du	\$1,027
- 3 bedrooms	2.57 per/du	\$1,670
- 4 or more bedrooms	3.02 per/du	\$1,963
<b><i>Attached or Multifamily Housing</i></b>		
- 1 bedroom	1.17 per/du	\$760
- 2 bedrooms	1.85 per/du	\$1,202
- 3 or more bedrooms	2.14 per/du	\$1,391
<b><i>Mobile Homes in a MH Park</i></b>		
- 1 bedroom	1.39 per/du	\$487
- 2 bedrooms	1.93 per/du	\$1,254
- 3 or more bedrooms	3.29 per/du	\$2,138
<b><i>Age Restricted Housing including Elderly Housing, Assisted Living, and Retirement Communities</i></b>		
- 1 bedroom	1.05 per/du	\$682
- 2 or more bedrooms	1.50 per/du	\$975

TOWN OF BRUNSWICK, MAINE		3/25/2004 - Updated 3-6-15							
RECREATION INVENTORY									
	Map/Lot	Total	Recreation	Park	Open Space/ Pas Rec Area	Future Rec	Total Park	Acres per Capita (HH)	Other
		Area	Area	Area		Area	Rec & OS		
<b>ACTIVE RECREATIONAL FACILITIES</b>									
Androscoggin River Bicycle Path		32.00	18.80		13.20		32.00		Paved bikeway, picnic area, 2 outhouses, soccer field, dog park
Barnes Point Landing		0.17	0.17				0.17		Boat launch, parking (4). Scenic overlook
Bay Bridge Landing Wetland Park		5.93	1.99		3.94		5.93		Walking loop, parking
Coffin Pond Recreation Area		40.90	10.99		29.91		40.90		Freshwater swimming area w/ slide and building, lighted skating rink, playground, fishing, trails, parking
Coffin's Ice Pond		6.26	0.94		5.32		6.26		trail, pedestrian footbridge
Cox Pinnacle		103.40	7.67		95.73		103.40		
Edward's Field		11.00	11.00				11.00		3 multi-use athletic fields, basketball court, playground, Running track, concession stand, benches, parking (75)
Fish Viewing Facility		0.00	0.00				0.00		Parking (8)
Furbish Preserve		591.00	9.90		581.10		591.00		Trails (by golf course only)
Greater Commons		144.63	10.37		134.26		144.63		Trails
Hambleton Avenue Playground		0.67	0.67				0.67		Playground
Harriet Beecher Stowe gym		0.24	0.24				0.24		Oversize gym.
Lishness Park (on land leased from the Brunswick Sewer District)		15.70	9.58		6.12		15.70		2 multi-use athletic fields (one lighted), ice rink, concession stand, children's trail, parking (80)
Longfellow Playground		0.40	0.40				0.40		Playground, basketball court
Maquoit Bay Conservation Land		124.60	4.48		120.12		124.60		Trails, parking lot
Maquoit Landing		6.00	0.91		5.09		6.00		Boat launch
McKeen Street Housing common areas		8.95	8.95	0.00			8.95		Paved basketball court, 4 playground locations, little league baseball field, paved paths
Mere Point Boat Launch		7.47	7.47				7.47		Deep water boat launch, parking, scenic overlook.
Mill Street Canoe Portage		3.40	3.40				3.40		
Nathaniel Davis Park		2.40	2.40	0	0	0	2.40		Playground;
Orion Field		1.58	1.58				1.58		Softball field
Princes Point Boat Launch (State)		1.00	1.00		0.00		1.00		Boat Launch
Recreation Center		7.30	7.30				7.30		Large indoor gym and track space, parking lots, preschool
Sawyer Park		21.40	6.10		15.30		21.40		Boat launch, trails, picnic area, parking, access road
Senior Gardens		1.01	1.01				1.01		Community garden plots.
Shulman Park		18.55	6.26		12.29		18.55		Soccer field, Parking (63)
Simpson's Point		0.40	0.40				0.40		Boat Launch
Town Commons		71.00	6.33		64.67		71.00		Trails, parking lot
Water Street Landings		3.04	3.04				3.04		Boat launches, large parking lot
Wildwood Field		3.82	3.82				3.82		soccer field, parking
High School			12.90				12.90		Tennis courts, track w/infield, 3 athletic fields
Jordan Acres School			1.93				1.93		Athletic field
Hawthorne School			0.13				0.13		Playground
Coffin School			0.36				0.36		Playgrounds
Junior High School			3.90				3.90		Athletic fields
Crimmins Field			6.82		7.18		14.00		2 multi-use athletic fields, school access paths
Stowe Field			3.86				3.86		Lighted multi-use athletic field, large playground
<b>Subtotal Active Recreational Facilities</b>		<b>1234.22</b>	<b>177.07</b>	<b>0.00</b>	<b>1094.23</b>	<b>0.00</b>	<b>1271.30</b>	<b>0.0686</b>	
<b>PARKS</b>									
Maine Street Station		0.32	0.32	0.00			0.32		Intown park w/benches and performing area
Mall - Upper and Lower		7.06	7.06	0.00			7.06		Gazebo, large event lawn space, Benches, lighted skating rink
Swinging Bridge Park		0.16	0.16	0.00			0.16		Scenic overlook, benches, parking
<b>Subtotal Parks</b>		<b>7.54</b>	<b>7.54</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>7.54</b>	<b>0.0004</b>	
<b>Total Recreation and Parks</b>		<b>1241.76</b>	<b>184.61</b>	<b>0.00</b>	<b>1094.23</b>	<b>0.00</b>	<b>1278.84</b>	<b>0.0690</b>	

Revised March 12, 2015

PROPOSED ZONING ORDINANCE LANGUAGE  
RELATING TO A RECREATIONAL FACILITIES IMPACT FEE  
TOWN OF BRUNSWICK

Section XXX: RECREATIONAL FACILITIES IMPACT FEE

PURPOSE

The purpose of these impact fee provisions is to ensure that new development in Brunswick will be accomplished in a safe and healthful manner and that such development will bear a proportional or reasonably related share of the cost of new, expanded, or modified park and active recreational facilities necessary to serve the needs of the development through: 1) the payment of an impact fee that shall be dedicated to paying for the needed recreational improvements, or 2) the construction of appropriate improvements as provided for herein.

AUTHORITY

The Town under the authority of 30A M.R.S.A §4354 and its statutory and constitutional home rule provisions adopts these impact fee provisions.

PAYMENT OF IMPACT FEE

The Recreational Facilities Impact Fee provided for under this provision shall be determined in accordance with the provisions for the calculation of the impact fee as established set forth below. The impact fee shall be paid to the Town of Brunswick in care of the Code Enforcement Officer. The fee shall be paid prior to the issuance of any building, plumbing, or other permit for the project subject to the fee.

IMPACT FEE ACCOUNT

All Recreational Facilities Impact Fees collected under these provisions shall be segregated and accounted for in a separate impact fee account designated for the particular improvements in question.

USE OF IMPACT FEES

Impact fees collected under these provisions only be used to pay for the capital cost of the infrastructure improvements specifically associated with the fee as described below. No portion of the fee shall be used for routine maintenance or operation activities.

The following costs may be included in the capital cost of the infrastructure improvement:

1. Acquisition of land or easements,
2. Engineering, surveying, and environmental assessment services directly related to the design, construction, and oversight of the construction of the improvement,
3. The actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment,
4. Mitigation costs,
5. Legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,
6. Debt service costs including interest if the Town borrows for the construction of the improvement,
7. Relocation costs, and
8. Additional costs that are directly related to the project.

#### REFUND OF IMPACT FEES

Impact fees shall be refunded in the following cases:

1. If the building or other permit is surrendered or lapses without commencement of construction, the permit holder, its successor, or the developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the Town Manager and the refund shall occur within ninety (90) days of the request.
2. Any fees collected that are not spent or obligated by contract for the specified improvements by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid together with interest calculated at three (3) percent per year from the date of the payment of the fee. Upon a written request from the Town Manager, the current owner may authorize the Town to retain the fees paid, plus interest, for the specified improvements following the ten-year period.

## MODIFICATION OF THE IMPACT FEE

- A. The Recreation Facilities Impact Fee may be reduced in whole or in part in accordance with the following provisions. Where there is uncertainty as to the amount of the impact fee required to be paid in conjunction with any project after analysis by the Recreation Commissions under B. and C. below, the amount of the fee shall be determined by the Planning Board, with the recommendation of the Town Planner, based upon the fee calculation methodology.
- B. The Recreation Commission, by formal vote, may waive the payment of the required impact fee, in whole or in part, upon a finding that the developer or property owner is required, as part of a development approval by the Town, or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee.
- C. The Recreation Commission may, by formal vote, waive the payment of a required impact fee, in whole or in part, if it finds that the requirement for additional recreational facilities can be met in whole or in part within the development. The following standards shall apply:
  - 1. An estimate of the number of anticipated residents of the development based on occupancy rates is submitted by the applicant.
  - 2. The Recreation Commission shall determine if the reserved land and/or proposed facilities are suitable for recreational use and if the proposed facilities are appropriate given community-wide recreation needs and the needs of the residents of the development.
    - a. The designation of the land for recreational facilities shall be indicated on the plan for the development.
    - b. The following are examples of appropriate improvements:
      - i. Water access points;
      - ii. Multi-purpose fields;
      - iii. Playgrounds;
      - iv. Tennis and basketball courts; and
      - v. Pedestrian and bicycle trails especially trails that provide connections to other trails or trail networks

## REVIEW AND REVISION

The Town Council shall periodically review the Recreational Facilities Impact Fee established by these provisions. If the Council finds that the anticipated cost of the improvements has changed or that the identification of developments subject to the fee is no longer appropriate, the Council may adopt changes in the impact fee. Any changes adopted as a result of such review shall apply to all future development but shall not be applied retroactively to projects that have already paid an impact fee.

## RECREATIONAL FACILITIES IMPACT FEE

### 1 Description of the Improvements

The Town is planning to expand the recreational facilities in the community to serve the needs of a growing population. The Town will use the revenue generated from the recreational facilities impact fee to undertake improvements to expand the supply of community-wide outdoor recreation facilities. These improvements are identified on a Recreation Facilities Improvements List developed by the Recreation Commission and adopted by the Town Council, as amended from time to time.

### 2 Need for the Improvements

The need for community recreation facilities and parks is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, facilities, playgrounds, and parks. As of 2015, the Town has approximately 177 acres that are used for active recreational activities. This does not include significant acreage in conservation land or the undeveloped portions of sites. These recreational facilities include the Coffin Pond swimming facility, the Androscoggin River bikeway, and a number of boat launches and water access points. Most of the Town's recreational fields are concentrated at a small number of locations including Edwards Field, Lishness Park, Shulman Field, and Crimmins Field. In addition, the Town has approximately 7.5 acres of parks. The Town's supply of approximately 0.0010 acres of park and active recreation land per capita in 2015 is below state and national standards. Developing new facilities as the population grows that will allow the Town to maintain a standard of 0.010 acres of land and facilities per capita or 10 acres per 1000 population is a reasonable basis for the Recreational Facilities Impact Fee as long as these areas are developed to allow intensive utilization similar to the use of current Town facilities.

### 3 Activities Subject To the Fee

Any residential construction that creates one or more new dwelling units shall pay this impact fee based upon the expected population of the project considering typical occupancy rates. This includes single-family homes that are not part of a subdivision, conversions of non-residential buildings to residential use, and modifications to existing buildings that increase the number of dwelling units. In the case of an activity that increases the number of dwelling units in a building, the impact fee shall apply only to the new dwelling units.

#### 4 Amount of the Fee

The recreational facilities impact fee shall be the adjusted per capita cost of providing additional recreational facilities (\$650) as determined in the Recreational Facilities Impact Fee Methodology, dated March 12, 2015, multiplied by the anticipated number of residents in the unit. Based upon national studies of occupancy levels of various types of housing in the northeast and the Maine State Planning Office's Impact Fee Handbook, the following occupancy factors are applied to determine the impact fee per unit. This results in the following recreational facilities impact fee based upon the type of unit and the typical occupancy of that type of unit:

<b>Type of Housing</b>	<b>Occupancy</b>	<b>Impact Fee</b>
<b><i>Single-Family Home</i></b>		
- 2 or less bedrooms	1.58 per/du	\$1,027
- 3 bedrooms	2.57 per/du	\$1,670
- 4 or more bedrooms	3.02 per/du	\$1,963
<b><i>Attached or Multifamily Housing</i></b>		
- 1 bedroom	1.17 per/du	\$760
- 2 bedrooms	1.85 per/du	\$1,202
- 3 or more bedrooms	2.14 per/du	\$1,391
<b><i>Mobile Homes in a MH Park</i></b>		
- 1 bedroom	1.39 per/du	\$487
- 2 bedrooms	1.93 per/du	\$1,254
- 3 or more bedrooms	3.29 per/du	\$2,138
<b><i>Age Restricted Housing including Elderly Housing, Assisted Living, and Retirement Communities</i></b>		
- 1 bedroom	1.05 per/du	\$682
- 2 or more bedrooms	1.50 per/du	\$975

#### 5 Effective Date of the Fee

Notwithstanding the provisions of 1 M.R.S.A. §302 or any other law, this section, when enacted, shall govern any plan or application for approval or

permits under the Zoning Ordinance submitted on or after the date of adoption of these provisions, and any such plan or application submitted before that date, but which had not received at least one substantive review, within the meaning of §302, on or before that date, by the Town board or official having authority to grant any such permit or approval.

DRAFT

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

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

An open space development is a subdivision or a single-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 have less restrictive dimensional standards than what would otherwise be required. The area set aside for conservation may be owned in common by the property owners or by a third party, and may be subject to a conservation easement or covenant ensuring that it will be conserved as open space. 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>

Review and Approval

An open space development is a form of subdivision that is reviewed and may be approved in accordance with the Development Review procedures in Section 5.2.7. (Development Review).

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

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

- 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. All areas that are excluded from the calculation of Net Site Area, (See Section 4.1.4.A).
  - ii. Areas in active or potential agricultural or forestry use, including areas containing soils of statewide significance.

<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>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.

- iii. Important ecosystem and/or rare and endangered species habitat, including buffers.
  - iv. Scenic assets, as defined in the 2002 Parks, Recreation and Open Space Plan, ROs, as amended, that are accessible for public view, including buffers.
  - v. Areas having historical value ~~close to such a property.~~
  - vi. ~~An a~~ Areas that help define ~~a village center in the Rural Area~~ the downtown.
  - vii. Areas adjacent to land ~~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. Areas with frontage on the ocean tidal waters or local streams and rivers.
- b. Conserved open space may also include other open, undeveloped areas if none of the areas in subsections a.i. through ix. above exist on the property.
  - c. To the greatest degree practicable, conserved open space shall be located contiguous to any protected areas on the parcel or to any conserved open space on an adjacent lot or parcel, including without limitation any lands protected under Sections 4.2 (Natural and Historic Areas), and 4.3 (Flood Hazard Areas).<sup>6</sup>
  - d. Protected conservation land may be owned in any manner consistent with fulfilling the purposes of this Subsection 4.1.4.C.<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

##### a. Minimum Conservation Land

An open space development shall set aside the minimum percentage of the development site area shown in Table 4.1.4.C.5 below as protected conservation land. The minimum protected conservation area requirement may not be waived.

##### b. Modified Dimensional Standards and Density Bonus<sup>8</sup>

i. If the amount of protected conservation area meets the standard in Table 4.1.4.C.5. below, the modified dimensional standards shown in that Table shall apply instead of the comparable standards generally applicable in the district. For dimensional standards and zoning

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

districts not shown in the table, the standards generally applicable in the base zoning district shall apply.

- ii. Density bonuses are only allowed if the development protects lands beyond those that are excluded from the Net Site Area calculation (See Section 4.1.4.A). Any areas excluded from the net site area calculation may be counted to determine eligibility for dimensional flexibility, but may not be counted in determining eligibility for density bonuses.

4.1.4.C.5: Dimensional Standards for Open Space Developments					
Standard	Zoning Districts <sup>9</sup>				
	GR6, GR7, GR8, GR9, GM1, GM2, GM5, GC1, GC2, GC3, GC4	GR1, GR2, GR3, GR4, GR5, GM3, GM4, GI	GM8	RF, RR	RP1, RP2, RM
Protected conservation area <u>(as a percent of total site area)</u> (includes area excluded from net site area calculation plus additional protected areas)	15	30	15	45	50
Lot area, min. (square feet)	4,000	6,000	7,500 <sup>10</sup>	n/a <sup>[1]</sup>	n/a <sup>[1]</sup>
Lot width, min. (feet)	40	60	<u>100</u> <sup>75</sup> <u>footnote</u>	<u>n/a</u> <sup>75</sup> <u>footnote</u>	<u>n/a</u> <sup>75</sup> <u>[MW1] footnote</u>
<u>Frontage on a primary road, min. (feet)</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>100</u>	<u>150</u>
<u>Frontage of a secondary road, min. (feet)</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>75</u> <sup>[2]</sup>	<u>75</u> <sup>[2]</sup>
Front <u>yard depth setback</u> , min. (feet) <sup>[2]</sup>	10	15	20	n/a	n/a
Rear <u>yard depth setback</u> , min. (feet)	10	15	20	20	20
Side <u>yard depth setback</u> min. (feet)	10	10 <sup>11</sup>	10 <sup>12</sup>	10	10
Impervious surface coverage, max. (% of lot area)	50	50	80	n/a	n/a
Density Bonus <u>(based on areas protected beyond those required to be excluded from net site area) calculation)</u>	See Section 4.1.4.E (Density Bonuses)				
NOTES:					
[1] For lots containing septic systems and/or <u>wells</u> , lot area must be sufficient to accommodate the septic system and/or well. Septic systems must be set back at least 15 feet from any lot line.					
<u>[2] This may be reduced further in accordance with Section 4.1.4.B.4.a (Reduction of Minimum Front Yard Depth to Average Yard Depth).</u>					
<u>[23] This may be reduced further in accordance with Section 4.1.4.B.4.a (Reduction of Minimum Front <u>Yard Depth Setback</u> to Average <u>Yard Depth Setback</u>).</u>					

<sup>9</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.

<sup>10</sup> Revised from 10,000 sq. ft. in prior draft.

<sup>11</sup> Revised from 15 ft. in prior draft.

<sup>12</sup> Revised from 20 ft. in prior draft.

## 5. Community Water and Sewer Facilities<sup>13</sup>

- a. Community water and sewer systems in open space developments are subject to all applicable State and federal regulations, and the following standards:
  - i. 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 shall require the applicant to present data showing the location of those soils best suited for sewage disposal fields.
  - ii. A 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.

## 6. Ownership of Protected Conservation Land

### a. General

- i. Protected Conservation land 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].
- iii. In Rural Area zoning districts, 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. Except as stated in subsection ii below, 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

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<sup>13</sup> From current Sec. 308.7.

Town of monitoring and managing the easement or parcel for a period of at least 20 years.<sup>14</sup>

ii. Notwithstanding subsection i. above, if an area of land proposed for conservation protection is of exceptional significance to the Town, the Recreation Commission and/or the Conservation Commission may recommend to the Council that the area be accepted for ownership and/or maintenance by the Town because of its exceptional contribution to the Commission's purposes and proprieties. Upon receipt of any such request, the Council shall hold a public meeting on the request and may approve, approve in part, or deny the request to accept ownership and/or maintenance of those areas.<sup>15</sup>

~~ii. The offer of a conservation easement or fee simple transfer to the Town during Development Review may be initiated by the applicant or the Town.~~<sup>16</sup> [MW2]

iii. The Review Authority shall refer the request to the Conservation and/or Recreation Commissions.

iv. If referred to the Recreation Commission, it ~~which~~ shall evaluate the land upon which the conservation easement or fee simple transfer is proposed pursuant to section [REDACTED]

~~iii-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, as amended.

<sup>14</sup> New standard to address growing financial burden of Town monitoring and management of small conservation easements.

<sup>15</sup> New provision

<sup>16</sup> Revised to allow requests from the Town as well.

- a) In making this determination, the Conservation Commission shall identify which of the categories of **Sections 4.1.4.C.3.a.iii. through vi. 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 values.
- b) A property for consideration for the dedication of an easement or fee simple transfer to the Town may satisfy the criteria **in subsections a. i. through vix.** 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 **and (such as the existence of external pressures that will compromise the conservation value of the area in ways that cannot be addressed through stewardship funds).**
  - (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.

~~iv-vi.~~ 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.

- c. **Conservation Easement or Fee Simple Transfer to Qualified Not-for-Profit Conservation Organization or 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, a land trust, the State of Maine, or a federal agency.
  - ii. 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. 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. Any conservation easement may permit only those uses authorized through the Development Review process.
- d. **Ownership of Protected Conservation Land by Individuals, Property Owners' Associations, or Another Entity or**
  - i. Protected conservation land may be owned by an individual, a homeowner or property owners association, or another entity. 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. Standards for the ongoing maintenance of protected conservation lands that are enforceable by the Town against the individual, homeowner or property owners association, or other entity shall be established as a condition of Development Review Approval.

## D. Affordable Housing Developments

### 1. 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.

### 2. 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:

- 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.

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

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

- 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.

### **3. 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.<sup>20</sup> The Town shall reduce fees for affordable housing units as provided below:<sup>21</sup>

- a. Only projects that require Major Development Review are eligible for fee reductions.
- b. Application fees for any project may not be reduced.
- c. Percentage reduction of Building Permit fees and impact fees for recreation, solid waste, and other facilities imposed by the Town<sup>22</sup> shall be:
  - i. A 50% reduction in the regular fee for each unit affordable to Moderate Income households;
  - ii. A 75% reduction in the regular fee for each unit affordable to Low Income households; and
  - iii. A 100% waiver of the regular fee for each unit affordable to Very Low Income households.
- d. 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.

<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.

<sup>22</sup> Reference to Cook's Corner Fire Station broadened to apply to other facility fees.

#### 4. Modification of Dimensional Standards<sup>23</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:

- 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).

#### 5. Bonus Density<sup>24</sup>

- a. The maximum number of allowable units allowed for affordable housing projects shall be increased as provided in Section 4.1.4.E (Density Bonuses). The amount of density bonus depends on the affordability of the units relative to household categories defined in Section 4.1.4.D.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.

#### 6. Maintaining Affordability of Units<sup>25</sup>

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

- 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>26</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.

<sup>23</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.

<sup>24</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. Rounding rule was moved to the bonus density table.

<sup>25</sup> From current Sec. 310.2, relocated to after the main provisions.

<sup>26</sup> Reference will be checked and updated if necessary.

## E. Density Bonuses

1. Bonus development density is available for:
  - a. Projects that preserve Wildlife Habitat Blocks or Wildlife Corridors pursuant to Section [2.4.5](#); and
  - b. Projects that both meet the standards for an Open Space Development in Section [4.1.4.CC](#) 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 [4.1.4.D](#).
2. Bonuses for projects that meet more than one of the categories in Section [4.1.4.E.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 [4.1.2 \(Growth Area Dimensional Standards\)](#) or [4.1.3 \(Rural Area Dimensional Standards\)](#) as applicable.
3. The final calculation that determines the total number of bonus units results in a fraction of a unit, the bonus shall be rounded downward to the nearest whole number.
4. Density bonuses awarded for development meeting the criteria in Section [4.1.4.E.1](#) are shown in the table below.

**Table 4.1.4.E: Density Bonuses Available<sup>27</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>28</sup></b> % increase in number of lots permitted in base zone district	25	25 <sup>29</sup>

<sup>27</sup> New table consolidating density bonus provisions from various Ordinance sections.

<sup>28</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>29</sup> Rural area bonuses increased from 15% to 25% to reflect Comprehensive Plan focus on encouraging open space development. Revised from 30% in prior draft.

**Table 4.1.4.E: Density Bonuses Available<sup>27</sup>**

	Growth Districts GR1 through GR9, GM1 through GM5, GM8, GC1 through GC4, and GI	Rural Districts
Note: preservation of area excluded from net site area calculation does not qualify for this density bonus		
<b>Affordable Housing:</b>		
Bonus units per affordable housing unit		
Affordable to Moderate Income	.50	0 <sup>30</sup>
Affordable to Low Income	.75	0 <sup>31</sup>
Affordable to Very Low Income	1.00	0 <sup>32</sup>

<sup>30</sup> Revised from .5 unit in prior draft.

<sup>31</sup> Revised from .75 unit in prior draft.

<sup>32</sup> Revised from 1 unit in prior draft.

**BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION**

**MARCH 13, 2015**

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

**CONSULTANT ABSENT:** Don Elliott of Clarion Associates

Mr. Frizzle opened the meeting. One set of minutes is provided but is not on the agenda.

**Review and approve meeting summary:**

A meeting summary is provided for February 26, 2015.

Mr. Hutchinson asked for a correction on page 1. There were no other comments.

**MOTION BY MARGARET WILSON, SECONDED BY JEFF HUTCHINSON, TO APPROVE MINUTES OF THE ZONING ORDINANCE REWRITE COMMITTEE MEETING HELD ON FEBRUARY 26, 2015. THE VOTE WAS APPROVED UNANIMOUSLY OF THOSE PRESENT.**

Mr. Frizzle opened the meeting to public comments on items not included on the agenda. There were no public comments, and Mr. Frizzle closed the public comment section of the meeting.

Mr. Frizzle opened the nominations for the Committee Chair and Vice Chair.

**Elect Chair and Vice Chair of Committee**

**MOTION BY MARGARET WILSON TO NOMINATE CHARLIE FRIZZLE TO CHAIR OF THE BRUNSWICK ZONING REWRITE COMMITTEE, SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.**

**MOTION BY CHARLIE FRIZZLE TO NOMINATE MARGARET WILSON TO VICE CHAIR OF THE BRUNSWICK ZONING REWRITE COMMITTEE, SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY AMONG THOSE PRESENT.**

**Sign chapter review of final draft:**

The Committee discussed the 3/13/15 draft of the sign chapter and offered comments to Mr. Hutchinson.

**Catherine Ferdinand, Bowdoin College**, stated that in the section for monument signs, the section is silent on districts including the college use district and residential districts where the

college places signs, and she wonders if they are not allowed or if it is an oversight. Mr. Hutchinson said currently they are not allowed in the residential districts, and that language was carried over to the draft ordinance. Mr. Hutchinson will add the use of monument signs in the college use districts.

Mr. Visser stated that the 2-year timeframe given to restore or reconstruct a nonconforming sign after the destruction seemed too long. The Committee believed that 1 year was sufficient, and Mr. Hutchinson will change the language.

Mr. Hutchinson stated that they will further discuss placement of temporary signs after the next draft is prepared. One possibility is dictating where in town these types of signs can be placed, and limit them to those locations. The Committee will also need to discuss placement and amount of sandwich signs, and possible kiosk signs for advertisement of side street businesses. Ms. Wilson brought up comments from MRRRA on the last draft, and Mr. Hutchinson said he had been able to satisfy them for the most part. He has added signage to the General Aviation district, which they requested. MRRRA was concerned whether proposed language would allow them to install a secondary monument pole sign between the air strip and Bath Road for advertising purposes. That is currently allowed in the ordinance and will be allowed in the new draft. MRRRA requested language to allow a map directory sign housed in a structure, and Mr. Hutchinson said that depended on what type of structure they intended to build. A small roof structure could be incorporated into the sign design, but a gazebo-type structure, for example, would require a building permit.

**Catherine Ferdinand, Bowdoin College**, commented about the necessity of wood or wood-resembling materials in the pole sign section, and requested language allowing metal or a composite material, at least in the college district, to allow Bowdoin to comply with the ordinance. Ms. Breinich suggested asking Mr. Elliott of Clarion Associates for assistance in crafting the necessary language. Ms. Ferdinand also questioned the definition of the special events sign. Bowdoin assembled a list of all of their special events and their temporary event signs, which Ms. Ferdinand supplied to the Committee. Her understanding from last meeting was that Mr. Hutchinson would accept a generic notice of their signs without the specific dates. She mentioned that the definition of special event sign states that they be attached to a building, rendering a number of Bowdoin's prohibited free-standing signs, so she requests language to allowing free-standing signs. The Committee discussed language that would allow free-standing signs, and Ms. Wilson asked if the Town still needed the requirement that Bowdoin informed them of events, which is in the current ordinance. Mr. Hutchinson believed that was the only method to alert the Town of the temporary signage, since it does not require a permit, and an email would be acceptable as a notification.

Mr. Hutchinson stated that with some fine tuning, this will be the sign ordinance for now, and they can review and make more changes with the next draft.

### **Open space-related provisions: Review of revised text:**

Ms. Breinich explained that since the last meeting, Ms. Wilson has amended the text and tried to capture any comments previously made.

The Committee reviewed the document, making minor corrections and revisions to the drafted language as they went through it. There was a question about a section of deleted language referring to the Town's prerogative to waive the usual fee to accept land of exceptional value,

and Ms. Wilson will draft that language and provide it to Ms. Breinich, who will provide that to Mr. Elliott of Clarion, for inclusion in the final draft.

### **Archeological resource protection:**

Ms. Breinich presents this material for the first time to the Committee, stating that she had been provided with specifics from the Maine Historic Preservation Commission (MHPC). She said that one suggestion had been to create an archeological overlay at Brunswick Landing. Ms. Breinich would like to expand the area without an overlay, but adding another layer of mapping to guide the findings of fact in the Development Review process. Mr. Frizzle believes that conceptually, that is all the Committee needs to do. Mr. Frizzle also stated that there was a grouping of archeological sites at the entrance to Brunswick Landing, where there is substantial development planned, and believes the new owners of these lots should be consulted now. Ms. Breinich stated that there is a redevelopment and the other sites being developed are clear of archeological significance.

**Catherine Ferdinand, Bowdoin College**, stated that in Bowdoin's experience, all of the deeds have materials attached which include an archeological and historic preservation covenant, and the problem with the overlay concept is the understanding that the areas marked are larger than on the covenant. Mr. Frizzle said that this is to deter people from the sites, and they were not going to use an overlay. The Committee will need to craft language to include archeological and historic preservation sites town wide, to be consistent with what is required for any development proposal.

**Fred Koerber** stated that he is an advocate of the overlay because it is part of a programmatic agreement with the Navy when the land was conveyed, requiring responsibility for archeological sites and historic structures to be overviewed by MHPC if there were any changes, alterations or ground disturbance. He thinks the Committee has a great plan and is not opposed to being more inclusive. He would like to make sure the Committee references the Maine Shoreline Zoning Ordinance and statute, which helps to strengthen the idea of recognizing the location of the assets. He said holding the specific information has its merit because as gatekeepers to that information, it prevents treasure hunters from getting access, where the Town may not have those specific provisions. He would also like to point out that there may be other sites added in time, and as some sort of recovery mitigation takes place, some of the sites may actually be removed.

**Jane Millett, 10 Franklin Street**, asked if the descriptions of these sites were in the deed and therefore public record. Mr. Frizzle concurred, but said it is not published information.

Ms. Breinich asked the Committee to look at the beginning language drafted by Mr. Spiess at the MHPC, and she will draft it as part of the Developmental Review revisions. The Committee likes the language, and will review it after Ms. Breinich makes revisions.

Ms. Wilson asked Mr. Koerber how to balance the desire of a party to build a structure on an archeological-marked site with the protection of the site; is there a way to evaluate an historic site for its value, and who is making that determination. **Mr. Koerber** said that is something the Committee needs to discuss, and there is absolutely an issue of relevant value. If a site turns out to have value, it goes through a recovery process, or a portion of the land may be set aside and move construction and ground disturbance to another area. Mr. Koerber explained the three phases of the recovery process; exploratory, partial recovery and total recovery. Mr. Frizzle said

this all starts with bringing the developer into the process early, and that's what they need to cover in this draft.

**Outstanding written and verbal public comments:**

Ms. Breinich would like to add these to the table of comments and present them just before the end of the process.

**ZORC work session meeting schedule:**

- Wednesday, March 18, 2015, 2:00 pm – 5:00 pm, Town Hall, Room 206 – Rec requirements and the development review process will be the key topics
- Thursday, March 26, 2015, 5:30 pm – 8:30 pm, Council Chambers – Rec/Open Space, neighborhood protection standards
- Friday, April 3, 2015, 1:00 pm – 4:00 pm, Town Hall, Room 206 – density/dimensional standards and uses with Don Elliott of Clarion Associates

Ms. Breinich stated that she gave a copy of the most recent draft to the Conservation Committee, so there may be further comments to discuss at a future meeting.

Ms. Wilson asked Ms. Breinich to establish some dates for meetings in April.

**Other business:**

None.

Mr. Frizzle adjourned the meeting.

Attest

Debra L. Blum  
Recording Secretary