



**TOWN OF BRUNSWICK**

**ZONING ORDINANCE REWRITE  
COMMITTEE**

85 Union Street, Brunswick, ME 04011-1583

**WORK SESSION  
AGENDA  
TOWN HALL ROOM 206  
85 UNION STREET  
MONDAY, APRIL 13, 2015, 2:00 PM**

1. Public Comment
2. Discussion Topics:
  - a. Recreation requirements draft section
  - b. Use table (revised)
  - c. Density standards (continued discussion)
  - d. Dimensional and density table (revised)
  - e. Neighborhood Protections Standards (continued discussion)
  - f. Responses to public comments
3. Next Steps
  - a. Submit revisions to Clarion Associates by May 1<sup>st</sup>
  - b. Work sessions on mapping revisions and other public comments during May
  - c. Introduce 2<sup>nd</sup> draft in June
4. Approval of meeting summaries

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.

### 4.5.3 Residential Recreation Areas (4/13/15 draft to be reviewed by Recreation Commission)

#### A. General Standard

New dwelling units shall reserve land or pay a fee to avoid the creation of additional burdens on the Town's ability to provide recreational services.

#### B. Applicability

Any residential construction that creates one or more new dwelling units shall reserve land to be used by the Town for recreational purposes or shall be subject to a fee in lieu of reservation of recreation areas, based upon the expected population of the proposed development 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, fee shall apply only to the new dwelling units.

#### C. Specific Standards

##### 1. Fee in Lieu of Reservation of Recreation Area

- a. The fee in lieu of recreation reservation areas shall be calculated in accordance with the "Recreation Facilities Impact Fee Methodology, as amended" separately adopted by the Brunswick Town Council and attached in Appendix \_\_\_\_.
- b. All fees in lieu of recreation reservation areas collected under these provisions shall be segregated and accounted for in a separate impact fee account designated for the particular improvements in question.
- c. The Town shall use collected fees for the construction of a new, or improvement of an existing, recreation or conservation area. Fees may be used for any of the following types of capital related costs:
  - i. Acquisition of land or easements;
  - ii. Engineering, surveying, and environmental assessment services directly related to the design, construction, and oversight of the construction of the improvement;
  - iii. The actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment;
  - iv. Environmental mitigation costs;
  - v. Legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project;
  - vi. Debt service costs including interest if the Town borrows for the construction of the improvement;
  - vii. Recreation facility or equipment relocation costs; and
  - viii. Additional costs that are directly related to the project.

- d. 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.

## **2. Reservation of Recreation Area**

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:

- a. An estimate of the number of anticipated residents of the development based on occupancy rates acceptable to the Town is submitted by the applicant.
- b. 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.
- c. The designation of the land for recreational facilities shall be indicated on the plan for the development.

## **3. Improvement of Recreation Area**

If the Recreation Commission determines that the proposed reservation area meets the standards in subsection a, the reserved recreation area shall be improved in accordance with the requirements of the Review Authority. In determining these requirements, the Review Authority shall consider the Comprehensive Plan and the long-range plans of the Recreation Commission.

## **4. Ownership and Maintenance of Reserved Recreation Area**

The developer and Review Authority shall agree on the means of future ownership and control, which shall be one or more of the following:

- a. The recreation area may be held and maintained in common by the future owners of the development, under the by-laws of a homeowners' association, as approved by the Review Authority.
- b. The recreation area may be held and maintained in perpetuity by a land trust or other suitable private organization.
- c. The recreation area may be deeded to the Town for future maintenance and improvement, if acceptable to the Town Council.



STAFF RECOMMENDATIONS 4/1/15; revised 4/3/15

**Table 3.2: Permitted Use Table for Growth Area Base Districts<sup>1</sup>**

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited  
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Land Use	NEW ZONE	GR1	GR2	GR3	GR4 <sup>2</sup>	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 <sup>3</sup>	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN <sup>4</sup>	Supplementary Use Standards	
	CURRENT ZONE	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	CC, MU1	HC1 & 2	IC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN		
Day care facility, small		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X		
Day care facility, large		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Hospital		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Library, museum, or art gallery		X	X	X	C	C	P	X	X	C	P	C	C	P	P	P	P	P	P	P	P	P	X	C	X	X		
<b>Staff Change</b>							C																					
Municipal facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P	P	X		
<b>Staff Change</b>																			P									
Park or conservation area		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Religious institution		X	X	X	C	C	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	X	X		
School		P	P	P	C	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X		
<b>Staff Change</b>			X																									
<b>Communication Uses</b>																												
Telecommunication tower		Permitted only in Telecommunications Overlay District																										
Telecommunication tower, small-scale																											Error! Reference source not found.	
<b>Staff Change</b>		X	X	X	X	X	X	X	X	X	X	X	C	X	X	X				X	X	X	X	X	X	X		
<b>Commercial Uses</b>																												
<b>Agriculture and Animal Care Uses</b>																												
Aquaculture		X	X	X	X	X	X	X	X	X	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		
Equestrian facility		X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	P	P	X	P	X		
Farm		X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	P	X	X	P	X	
Kennel		X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	X	X	X	X	X	X	X	C	X	X		
Plant nursery		X	X	C	P	P	P	C	X	X	P	P	C	P	P	X	C	P	P	X	X	P	P	X	P	X		
<b>Urban Agriculture</b>																											Error! Reference source not found.	
Veterinary office		X	X	X	X	X	X	X	X	X	P	C	P	P	P	P	P	P	P	X	X	X	X	P	X	X		
<b>Staff Change</b>													P															
<b>Food, Beverage, and Entertainment</b>																												
Adult entertainment establishment		X	X	X	X	X	X	X	X	X	X	X	X	X	P*	X	X	X	X	X	X	X	X	X	X	X	Error! Reference	

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																											source not found.	
Golf course		X	X	X	P	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X	X	
Recreation facility, as a principal use		X	X	X	C	C	C	X	X	X	P	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X		
Restaurant or dining facility		X	X	X	X	X	C	X	X	X	P	P	C	P	P	P	P	P	P	X	X	P*	P*	C	X	X	Error! Reference source not found.	
Theater		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	P	P	X	X	P	P	X	X	X		
Lodging																												
Campground		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	C	C	C	C	C	X	X	X	P	X	
Hotel		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	P	X	X	X	X	X	X	X	X	Error! Reference source not found.	
Staff Change																						X						
Retail Sales and Services																												
Bank		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	P	X	X	X	X	P	C	X	X		
Neighborhood store		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	X	X	X	X	Error! Reference source not found.	
Office		X	X	X	X	C	C	X	X	X	C	P	P	P	P	P	P	P	P	X	X	P	P	P	A	X	Error! Reference source not found.	
Staff Change																				P								
Retail, Class I		X	X	X	X	X	C	X	X	X	P*	C	P*	P*	P*	P*	P*	P*	X	X	X	P*	P*	P*	X	X	Error! Reference source not found.	
Retail, Class II		X	X	X	X	X	X	X	X	X	P*	C	C	P*	P*	P*	P*	P*	X	X	X	X	X	P*	X	X	Error! Reference source not found.	
Service business, Class I		X	X	X	X	C	C	X	X	X	P	C	C	P	P	P	P	P	X	X	X	P	P*	P	X	X	Error! Reference	

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																											source not found.	
Service business, Class II		X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P	P	X	X		X	X	P*	P	X	X	Error! Reference source not found.
Studio		X	X	X	C	C	C	C	C	C	P	P	P	P	P	P	P	P	X			P	X	P	X	X		
Staff Change		C	C	C																								
<b>Transportation and Vehicle-Related Uses</b>																												
Aviation operations		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Aviation-related business		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	X	C	C	C	C	C	C	C	C	C	
<b>STAFF CHANGE</b>																												
Bus or rail station		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Staff Change														P														
Car wash		X	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	X	X	X	X	X	X	X	X	
Marina or boat storage		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Staff Change																							C					
Parking facility as a principal use		X	X	X	X	C	X	X	C	P	P	P	P	P	P	P	P	P	P	C		P	P	P	P	X	X	
Staff Change						X		X																				
Ultra-light airpark		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
<b>STAFF CHANGE</b>																												
Vehicle fueling station		X	X	X	X	X	X	X	X	X	C	X	X	C	P	X	P	C	X	X		X	X	P*	P	X	X	Error! Reference source not found.
Vehicle sales, rental, or storage		X	X	X	X	X	X	X	X	X	P*	X	X	P*	P*	X	X	X	X	X	X	X	X	C*	X	X	Error! Reference source not found.	
Vehicle service or repair		X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	P	C	X	X		X	P	X	P	X		
<b>Industrial Uses</b>																												
Contractor's space		X	X	X	X	X	X	X	X	X	C	C	C	C	C	P	P	C	X	X		C	X	A*	P	X	X	Error! Reference

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																											source not found.	
Industry, Artisan		X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	X		X	X	P	X	X		
Industry, Class I		X	X	X	X	X	X	X	X	X	P	C	C	C	C	X	P	C	X	X		X	X	P	P	X	X	
Industry, Class II		X	X	X	X	X	X	X	X	X	C	C	C	C	X	X	P	C	X	X		X	X	P	P	X	X	
<b>STAFF CHANGE****NOTE TO ALLOW INDUSTRIAL AS PERMITTED SOUTH OF ROUTE 1 (FORMER I1)</b>																												
Junkyard or automobile graveyard		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	Error! Reference source not found.
Marine activity		X	X	X	X	X	X	X	X	P	X	P	P	P	P	P	P	P	X	X		X	X	P	P	P	X	Error! Reference source not found.
Mineral extraction		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	P	X	X	Error! Reference source not found.
Recycling collection facility, as a principal use		X	X	X	X	X	X	X	X	X	P	C	C	C	C	P	P	C	X	X		X	X	P	P	X	X	
Renewable energy generating facility, as a principal use		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	P	C	X	Error! Reference source not found.
Utility facility, major		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	P	C	X	
Utility facility, minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	
Warehousing and storage		X	X	X	X	X	X	X	X	X	P	C	P	P	C	A	P	C	P	A		A	P	P	P	X	X	
<b>Staff Change**Note P north of Route 1 (Fort Andross area)</b>																												
<b>Accessory Uses</b>																												
Accessory apartment		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	X	A	X	X	Error! Reference source not found.
<b>Staff Change</b>																												

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Bed and breakfast		X	X	X	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	AC	A	A	X	A	X	X		
Day care facility, small		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	
Day care facility, large		AC	AC	AC	AC	AC	AC	AC	AC	AC	A	A	A	A	A	A	A	A	A	A	A	A	AC	AC	AC	AC	X	
Drive-through service		X	X	X	X	X	X	X	X	X	A	X	X	A	AC*	AC	AC	A	A	X	X							Error! Reference source not found.
<b>STAFF CHANGE: HELIPAD AS AN ACCESSORY USE</b>														AC				AC							AC			
Home occupation		A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	X	Error! Reference source not found.
Parking facility, as an accessory use		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Recreation facility, as an accessory use		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Renewable energy generating facility, as an accessory use		A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	Error! Reference source not found.
<b>Temporary Uses</b>																												
Garage and yard sales		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	X	Error! Reference source not found.
Outdoor sales		X	X	X	X	X	X	X	X	X	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	X	Error! Reference source not found.
Special event		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Temporary construction office or yard		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	X	Error! Reference source not found.
Temporary movable storage		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	X	Error!

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container		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									Reference source not found.
Temporary real estate sales office		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Error! Reference source not found.

1.1 Rural Area Permitted Use Table

Table 3.3: Permitted Use Table for Rural Base Districts <sup>5</sup>								
P = Permitted    C = Allowed Only with a Conditional Use Permit    X = Prohibited A = Allowed Only as an Accessory Use    T = Allowed Only as a Temporary Use * = Subject to Supplementary Use Standards								
Land Use	NEW ZONE	RN <sup>6</sup>	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2	CP1, FF3	CP2	MU5	
<b>Principal Uses</b>								
<b>Residential Uses</b>								
<b>Household Living</b>								
Dwelling, 1- or 2-family		X	P*	P*	P*	P*	P*	Error! Reference source not found.
Dwelling, multifamily		X	P*	P*	X	P*	P*	Error! Reference source not found.
Mobile home		X	P	P	P	P	P	
<b>Group Living</b>								
Assisted/Congregate Living Facility		P	P	P	P	P	P	
Boarding house		X	C	C	X	C	C	

<sup>5</sup> Where the consolidated districts apply different standards, the proposed standard is shaded in blue. Where we propose to change the current standard (other than through consolidation rules), the proposed designation is shaded in magenta.

<sup>6</sup> This district includes only those BCN lands located in the Growth Area.

STAFF RECOMMENDATIONS 4/1/15; revised 4/3/15

<b>Table 3.3: Permitted Use Table for Rural Base Districts<sup>5</sup></b> P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use * = Subject to Supplementary Use Standards								
Land Use	NEW ZONE	RN <sup>6</sup>	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2	CP1, FF3	CP2	MU5	
Nursing home		X	X	X	X	X	X	
Residence hall		X	X	X	X	X	X	
<b>Public, Institutional, and Civic Uses</b>								
<b>Community, Cultural, and Educational Uses</b>								
Club or lodge		X	C	C	P	C	P	
<del>College facility not listed</del>		<del>X</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	
Community center		X	C	C	X	C	P	
Day care facility, small		X	P	P	P	P	P	
Day care facility, large		X	C	P	C	C	C	
Hospital		X	X	X	X	X	X	
Library or museum, or art gallery		X	C	P	P	C	P	
Municipal facility		P	P	P	P	P	P	
Park or conservation area		P	P	P	P	P	P	
Religious institution		X	C	C	C	C	C	
School		X	P*	P*	P*	P*	P*	
<b>Communication Uses</b>								
Telecommunication tower		Permitted only in Telecommunications Overlay District						
Telecommunication tower, Small-scale							P	Error! Reference source not found.
<b>Staff Change</b>		X	X	X	X	X		
<b>Commercial Uses</b>								
<b>Agriculture, Aquaculture, and Animal Care Uses</b>								
Aquaculture		X	P*	P*	P*	P*	P*	Error! Reference source not found.
Equestrian facility		X	P*	P*	P*	P*	P*	Error! Reference source not found.
Farm		X	P*	P*	P*	P*	P*	Error! Reference source not found.
Kennel		X	C	C	X	C	C	
Plant nursery		X	P	P	P	P	P	
Veterinary office		X	P	P	X	P	P	

STAFF RECOMMENDATIONS 4/1/15; revised 4/3/15

<b>Table 3.3: Permitted Use Table for Rural Base Districts<sup>5</sup></b> P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use * = Subject to Supplementary Use Standards								
Land Use	NEW ZONE	RN <sup>6</sup>	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2	CP1, FF3	CP2	MU5	
<b>Food, Beverage, and Entertainment</b>								
Adult entertainment establishment		X	X	X	X	X	X	
Golf course		X	C	C	X	C	C	
Recreation facility, as a principal use		P*	C	C	C	C	C	
Restaurant or dining facility		X	X	X	X	X	X	Error! Reference source not found.
Theater		X	X	X	X	X	X	
<b>Lodging</b>								
Campground		X	C	C	C	C	C	
Hotel		X	X	X	X	X	X	
<b>Retail Sales and Services</b>								
Bank		X	X	X	X	X	C	
Neighborhood store		X	P*	P*	P*	P*	P*	Error! Reference source not found.
Office		X	X	X	C	X	P	
Retail, Class I		X	X	P*	X	X	P*	Error! Reference source not found.
Retail, Class II		X	X	X	X	X	X	
Service business, Class I		X	C	X	C	C	P	
Service business, Class II		X	C	X	X	C	P	
Studio		X	P	P	C	P	P	
<b>Transportation and Vehicle-Related Uses</b>								
Aviation operations		X	X	X	X	X	X	
Staff Change							C	
Aviation-related business		X	X	X	X	X	X	
Bus or rail station		X	X	X	X	X	X	
Car wash		X	X	X	X	X	X	
Marina or boat storage		X	C	C	C	C	C	
Parking facility, as a principal use		X	X	X	X	X	C	
Ultra-light airpark		X	X	X	X	X	C	Error! Reference source not found.
Vehicle fueling station		X	X	X	X	X	X	
Vehicle sales, rental, or storage		X	X	X	X	X	C	
Vehicle service or repair		X	X	X	X	X	C	

STAFF RECOMMENDATIONS 4/1/15; revised 4/3/15

<b>Table 3.3: Permitted Use Table for Rural Base Districts<sup>5</sup></b> P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use * = Subject to Supplementary Use Standards								
Land Use	NEW ZONE	RN <sup>6</sup>	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2	CP1, FF3	CP2	MU5	
<b>Industrial Uses</b>								
Contractor's space		X	C	C	X	C	C	
Industry, Artisan		X	X	X	X	X	P	
Industry, Class I		X	X	X	X	X	P	
Industry, Class II		X	X	X	X	X	X	
Junkyard or automobile graveyard		X	X	X	X	X	X	
Marine activity		P*	P*	P*	P*	P*	P*	Error! Reference source not found.
Mineral extraction		X	P	P	P	P	P	Error! Reference source not found.
Recycling collection facility, as a principal use		X	X	X	X	X	C	
Renewable energy generating facility, as a principal use		X	C	C	C	C	C	Error! Reference source not found.
Utility facility, major		X	C	C	C	C	C	
Utility facility, minor		P	P	P	P	P	P	
Warehousing and storage		X	X	X	X	C	P	
<b>Accessory Uses</b>								
Accessory apartment		X	A*	A*	A*	A*	A*	Error! Reference source not found.
Bed and breakfast (as accessory to a dwelling)		X	A	A	A	A	A	
Day care facility, small, as an accessory use		X	A	A	A	A	A	
Day care facility, large, as an accessory use		X	AC	AC	AC	AC	AC	
Drive-through service		X	X	X	X	X	X	
Home occupation		X	A*	A*	A*	A*	A*	Error! Reference source not found.
Parking facility, as an accessory use		X	A	A	A	A	A	
Recreation facility, as an accessory use		A	A	A	A	A	A	
Renewable energy generating facility, as an accessory use		X	A*	A*	A*	A*	A*	Error! Reference source not found.
<b>Temporary Uses</b>								
Garage and yard sales		X	T*	T*	T*	T*	T*	Error! Reference

<b>Table 3.3: Permitted Use Table for Rural Base Districts<sup>5</sup></b> P = Permitted    C = Allowed Only with a Conditional Use Permit    X = Prohibited A = Allowed Only as an Accessory Use    T = Allowed Only as a Temporary Use * = Subject to Supplementary Use Standards								
Land Use	NEW ZONE	RN <sup>6</sup>	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2	CP1, FF3	CP2	MU5	
								source not found.
Outdoor sales		X	T*	T*	T*	T*	T*	Error! Reference source not found.
Special event		CT	CT	CT	CT	CT	CT	
Temporary construction office or yard		X	T*	T*	T*	T*	T*	Error! Reference source not found.
Temporary movable storage container		X	T*	T*	T*	T*	T*	Error! Reference source not found.
Temporary real estate sales office		X	T*	T*	T*	T*	T*	Error! Reference source not found.

**Growth Area Dimensional AND DENSITY Standards –Staff Recommendations 4/1/15;  
rev. 4/3/15**

<b>Table 0: Dimensional AND DENSITY Standards for Growth Area Base Districts<sup>1</sup></b>																											
Standard	New Zone	GR1	GR2	GR3	GR4 <sup>2</sup>	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 <sup>(1)</sup>	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN <sup>(2)(3)</sup>	
	Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 1, 1-4 <sup>4</sup>	CC, MU1	HC1 & 2	TC1, 2, 3	R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3 & R-B&TJ	R-R&OS	BCN	
Lot area, min. (1,000 square feet)	<del>4</del> <sup>[3]</sup>	<del>8</del>	<del>4</del>	<del>4</del>	<del>8</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>4</del>
Staff Change	7,000 square feet																										
Density, max. (dwelling units per acre of net site area)	8	3	5 <sup>[4]</sup>	5 <sup>[3]</sup>	7	10	4	5	5	5	10	10	15	5	n/a	24			12	24 <sup>[5]</sup>	10 <sup>[6]</sup>	24	n/a	n/a	n/a	<sup>[2]</sup>	
Staff Change			6	6				6	6																		
DENSITY, MAX. FOR LOT SPLITS (DU'S PER ACRE)																											
Lot width, min. (feet)	40 <sup>[3]</sup>	65	75	75	100	65	65	65	65	60	65	75	60	75	n/a	n/a	150		65	65	65	40	50 <sup>[2]</sup>	50 <sup>[3]</sup>	n/a	<sup>[2]</sup>	
Building frontage, min. (% of lot width)	80 <sup>[3]</sup>														75 <sup>[3,7]</sup>	80 <sup>[2]</sup>						n/a	n/a	n/a	n/a	<sup>[2]</sup>	
Building frontage, max. (% of lot width)	100 <sup>[3]</sup>														100	100						n/a	n/a	n/a	n/a	<sup>[2]</sup>	
STAFF CHANGE TO BUILDING FRONTAGE MIN AND MAX ***NOTE AS N/A TO PARK ROW																											
Front yard setback, min. (feet)	n/a	15	20	20	15	15 <sup>[8]</sup>	20	20	20	20	15	30	0	15	n/a	0	30		15	15	15	10	0	10 <sup>[3]</sup>	0	<sup>[2]</sup>	

<sup>1</sup> Where the consolidated districts apply different standards, the proposed standards is shaded in blue. Where we propose to change the current standard (other than through consolidation rules), the proposed designation is shaded in magenta.

<sup>2</sup> This also consolidates the Growth Area part of the CR2 District.

<sup>3</sup> This district includes only those BCN lands located in the Growth Area.

<sup>4</sup> This also consolidates the Growth Area part of the MU1 District.

**Table 0: Dimensional AND DENSITY Standards for Growth Area Base Districts<sup>1</sup>**

Standard	New Zone	GR1	GR2	GR3	GR4 <sup>2</sup>	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 <sup>[1]</sup>	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN <sup>[2]</sup> <sup>[3]</sup>
	Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 1, 1-4 <sup>4</sup>	CC, MU1	HC1 & 2	TC1, 2, 3	R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	2, 13 & R-B&T <sup>1</sup>	R-R&OS	BCN
Staff Change * Note allowance for block average front yard setback							*	*	*	*	*					*	*	*		*	*					
Build-to Zone (feet)		5 <sup>[3]</sup>												[9]		0-5 <sup>[10]</sup>	5 <sup>[11]</sup>					n/a	n/a	n/a	n/a	[2]
Rear yard setback, min. (feet)		0	20	20	20	20	15 <sup>[8]</sup>	20	20	20	20	20	30	15	15	n/a	0	30	15	15	15	10	20	20 <sup>[3]</sup>	20 <sup>[3]</sup>	[2]
Side yard setback, min. (feet)		0	15	15	15	15	15 <sup>[8]</sup>	15	15	15	15	15	15	0	20	n/a	0	30	15	15	15	10	15	15 <sup>[3]</sup>	10 <sup>[3]</sup>	[2]
Impervious surface coverage, max. (% of lot area)		100 <sup>[3]</sup>	30	35	35	30	50 <sup>[8]</sup>	35	35	35	75	50	60	80 <sup>[11]</sup>	70	100 <sup>[12]</sup>	100	50	60	50	50	50	80 <sup>[2]</sup>	80 <sup>[3]</sup>	10 <sup>[3]</sup>	[2]
Staff Change		45																								
Building height, min. (stories/feet) – both minimums apply <sup>[13]</sup>		2/ 24														2/ 24 <sup>[14]</sup>	2/ 24 <sup>[14]</sup>					n/a	n/a	n/a	n/a	[2]
Building height, max. (stories/feet or feet) – both maximums apply <sup>[15,16]</sup>		4/ 50	35	35	35	35	35 <sup>[8]</sup>	35	35	35	40	35	60	40	45	40 <sup>[17]</sup>	4/ 50 <sup>[18]</sup>	40	70	45	n/a	70	100	60	35	[2]
STAFF CHANGE – Allow 40' north of Longfellow Avenue																					35					
Building footprint per structure, max. (1,000 square feet)		20 <sup>[3]</sup>	5 <sup>[14]</sup>	5 <sup>[14]</sup>	5 <sup>[18, 19]</sup>	5 <sup>[18, 19]</sup>	7.5 <sup>[8]</sup>	5	5	5	20	5 <sup>[19]</sup>	n/a	50 <sup>[20]</sup>	20	n/a	n/a		30 <sup>[14]</sup>	10	20 <sup>[20]</sup>	n/a	n/a	n/a	n/a	[2]
STAFF CHANGE * NOTE TO LIMIT FOOTPRINT TO 5,000 SF FOR FORMER CU4 AREA																			N/A		* sho uld be <sup>[20]</sup>					

NOTES:

**Table 0: Dimensional AND DENSITY Standards for Growth Area Base Districts<sup>1</sup>**

Standard	New Zone	GR1	GR2	GR3	GR4 <sup>2</sup>	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 <sup>[1]</sup>	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN <sup>[2]</sup>
	Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 1, 1-4 <sup>4</sup>	CC, MU1	HC1 & 2	TC1, 2, 3	R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	2, 13 & R-B&T <sup>11</sup>	R-R&OS	BCN

[1] All new, enlarged, or redeveloped buildings and additions in the GM4 District subject to Development Review shall also be consistent with the Cook's Corner Design Standards, unless such design standards are waived in accordance with Section **Error! Reference source not found.** (**Error! Reference source not found.**).

[2] See Section **Error! Reference source not found.** (**Error! Reference source not found.**) for alternative standards applicable in the GN District.

~~[3] Not applicable to buildings or structures that are part of and in conformance with a Common Development Plan approved by the Planning Board in accordance with Section **Error! Reference source not found.**—~~ STAFF COMMENT: AS CDP IS RECOMMENDED TO BE APPLICABLE THROUGHOUT GROWTH AREA, FOOTNOTE SHOULD APPLY TO ENTIRE GROWTH AREA TABLE.

[4] 1 du per ~~30,000~~ 20,000 sf of net site area for developments using subsurface wastewater disposal systems.

[5] Except that lands north of Bath Road shall be limited to 8 du/ac.

[6] Except that parcels between South Street and Grove Street shall be limited to 5 du/ac.

[7] Applicable only to the first floor of buildings along Maine Street.

~~[8] Except for lots fronting Pleasant Street, where minimum front, side and rear yard depth shall be 10 feet, maximum lot coverage shall be 80%, maximum height is 45 feet, and there is no maximum building footprint.~~

[9] See Cook's Corner Design Standards for maximum front yard setback applicable along Bath Rd., Gurnet Rd., proposed Perimeter Rd, Thomas Rd., and all public and private connector roads.

[10] Applicable only to the first floor of buildings along Maine Street. For all other buildings in the GM6 District, the build-to zone shall be determined by the range of front yard depths of principal buildings on the nearest occupied lots on either side on the same block face.

[11] Limited to 50% impervious coverage and maximum building footprint of 20,000 sq. ft. north of Route 1.

[12] Except that parcels adjacent to Park Row shall have a maximum lot coverage of 45%.

[13] Where minimum building height is expressed in stories or feet, both minimums shall apply.

[14] Minimum height is triggered if floor area is being increased by 50%, and must be met at front lot line.

[15] Where maximum building height is expressed in stories and feet, both maximums shall apply.

[16] Unless restricted to a lower height by Flight Path Overlay (FPO) District regulations (see Section **Error! Reference source not found.**).

[17] Except that lands north of U.S. Highway 1 shall have a maximum building height of 60 ft.

[18] May be increased to up to 30,000 square feet ~~for single-family dwellings that constitute for~~ a community living arrangement under facility as defined by 30-A M.R.S.A § 4357-A, with a Conditional Use Permit approved in accordance with Section **Error! Reference source not found.** (**Error! Reference source not found.**).

[19] 10,000 square feet for multifamily dwellings.

[20] 250,000 square feet if the structure meets one of the conditions listed in Section **Error! Reference source not found.**.

**STAFF CHANGE: ADDRESS FOOTPRINTS OVER 10,000 SF IN GR/GM DISTRICTS (REQUIRE CONDITIONAL USES)?**

## Rural Area Dimensional Standards

**Table 4.1.3: Dimensional AND DENSITY Standards Table for Rural Base Districts<sup>5</sup>**

Standard		New Zone	RN <sup>[1]</sup>	RF	RR	RP1	RP2	RM
		Current Zone	BCN <sup>6</sup>	FF1, CR1	CR2	CP1, FF3	CP2	MU5
Minimum Lot Area	Residential		[1]	2 ac	1.5 ac	2 ac	20,000 sf	2 ac
	<b>STAFF CHANGE</b>					20,000 sf		
	Nonresidential					4 ac <sup>[1]</sup>	4 acres <sup>[2]</sup>	
Maximum Density	Developments subject to Development Review		[1]	1 du per 2 ac	1 du per 1.5 ac	1 du per 4 ac	1 du per 4 ac	1 du per 2 ac
	Developments not subject to Development Review					1 du per 5 ac	1 du per 5 ac	
Lot width, min. (feet)			[1]	150	150	150	125	150
<b>STAFF CHANGE</b>						125		
Front yard, max. (feet)			[1]	25	25	30	30	25
Rear yard, min. (feet)			[1]	30	30	30	30	30
Side yard, min. (feet)			[1]	30	30	30	25	30
<b>STAFF CHANGE</b>						25		
Impervious surface coverage, max. (% of lot area)			[1]	20%	20%	25%	Lesser of 40% or 21,780 sf	25%
<b>STAFF CHANGE</b>						LESSER OF 35% OR 10,890 sf		
New lawn area for wooded sites (1,000 square feet)			[1]			20	20	
Building height, max. (stories/feet or feet) <sup>[3]</sup>				40	40	40	40	40
Building footprint per structure, max. (1,000 square feet)				10	10	10	10	10

NOTES: ac = acre(s) sf = square feet

[1] See Section **Error! Reference source not found.**, **Error! Reference source not found.**, for alternative standards applicable in the RN District.

[2] 20,000 sf for lots created by the division of a lot existing on November 6, 2001, and having an area of at least 3.5 ac but less than 7 ac, into two lots.

[3] 20,000 sf for lots created by the division of a lot existing on October 9, 1991, and having an area of at least 160,000 sf, but less than 10 ac, into two lots.

<sup>5</sup> Where the consolidated districts apply different standards, the proposed standards is shaded in blue. Where we propose to change the current standard (other than through consolidation rules), the proposed designation is shaded in magenta.

<sup>6</sup> This district includes only those BCN lands located in the Rural Area.

February 20, 2015

Anna Breinich  
Town Planner  
Zoning Rewrite Committee Members and Planning Board Members  
85 Union Street  
Brunswick, ME 04011

Proposed zoning ordinance rewrite

Dear Ms. Breinich and Members of the Zoning Rewrite Committee and Members of the Planning Board:

As a MacMillan Drive homeowner, I am writing to express my strong concern about the proposed zoning ordinance rewrite's change of the Medical Use Zone to the GM8 zone and the misleading representation of this change in the Table 3 charts.

As you know, the area along either side of Baribeau Drive is currently designated as a Medical Use zone (MUZ). Uses in the MUZ are limited to the following: medical office, hospital, congregate care facility, boarding care facility and nursing home, as well as a number of accessory uses.

However the proposed zoning ordinance would allow many new uses in this area that are completely incompatible with the existing neighboring residential area. I provide a partial list below of the new uses I have found listed in table 3.2.

- Restaurant (establishment or facility having as its predominant use the on-premises consumption of food and beverages, including an institutional or college dining facility)
- Theatre (a facility for viewing of movies or live presentations of musicians or other performing artists, but not including any Adult Entertainment Establishment)
- Hotel (a facility that provides sleeping accommodations for transient guests, with or without a dining room or restaurant, including a motel ...)
- Bank (not defined)

- Neighborhood store ( a retail store of not more than 2,000 square feet, located on a collector street, offering primarily grocery items and that may also offer takeout food items)
- Retail Class 1 ( a business whose principal use is the retail sale of consumer goods, having less than 5000 square feet of gross floor area)
- Retail Class 2 a Retail Class 1 ( a business whose principal use is the retail sale of consumer goods, having 5000 square feet or more of gross floor area)
- Service Business Class 1 ( a business under 2000 square feet in gross floor area where the principal use is the providing of personal services, including but not limited to barber shops, beauty salons, shoe repair shops, tailors, mail services, and laundries)
- Service Business Class 2 ( a business 2000 square feet or more in gross floor area where the principal use is the providing of personal services, including but not limited to barber shops, beauty salons, shoe repair shops, tailors, mail services, and laundries)
- Parking Facility as principal use ( parking lot or garage used for parking vehicles of occupants, visitors, employees, customers or patrons of a building, structure or use on a different parcel)

In addition, the following conditional uses are proposed to be allowed:

- Aviation operations
- Aviation related business
- Boat storage
- Ultra light air park
- vehicle fueling station
- Vehicle service and repair
- Contractors Space
- Industry Class 1
- Industry Class 2
- 

Clearly these uses are not currently permitted in the MUZ, and for good reason. They are not compatible with the surrounding neighborhood; nor are they related somehow to medical uses.

It was explained to me, that the move away from a medical use zone was to allow other types of offices as well as medical offices. While this seems like a reasonable objective, I

*page 3*

question the basis for allowing the uses listed above in the current MUZ. There is simply no justification for allowing restaurants, retail uses, hotels and banks in this area. Such a change could dramatically change this area from one that is primarily residential with some existing medical uses to an area akin to outer Pleasant Street.

Moreover, Table 3.2 does not represent most of these new uses as new uses. Therefore, someone doing a quick search to see what has changed would not realize just how radical the proposed change is. Accordingly, this table needs to be revised and a thorough discussion of these proposed changes as well as others not discussed in this letter need to be discussed with the surrounding neighborhood.

I look forward to a more transparent representation of the proposed changes as well as a thorough and open discussion of whether it is appropriate to make the radical changes proposed for the current MUZ.

# Bowdoin

April 7, 2015  
Zoning Ordinance Rewrite Committee  
Department of Planning & Development  
85 Union Street  
Brunswick, ME 04011

Dear Committee Members:

As discussed during the work session on April 3, 2015, we are submitting the following suggested edits to the definition of "College" in Section 1.7.2 of the Draft Zoning Ordinance dated July 2014:

**College:** Any building ~~consisting primarily of classroom space~~ that is used for offering courses, lectures, training seminars or other similar use of post-secondary education, or that is used in support of the educational, cultural and recreational mission of the institution, including accessory structures and uses necessary to support those activities, but not including facilities such as a kindergarten, elementary, middle, or secondary ~~education~~ school.

As discussed, the most obvious types of college development are defined. However, we believe the definition of College should be broadened to allow for some flexibility with regard to future use and development within the College Use districts. Limiting the definition of College to a "building consisting primarily of classroom space" unnecessarily restricts the creativity of future educators and designers. It is conceivable that the delivery of higher education may not be dependent upon the constructs of a "classroom" as we know it today.

The broadening of the definition has no bearing on the thresholds for development review which remain as restrictive in the College Use districts as in the Residential districts. Projects which meet those thresholds trigger the process of public input and review and approval by the Planning Board who has the authority to impose additional conditions upon the permit approval if warranted. Nor does the definition change the dimensional and density standards that would apply to any development within the College Use districts.

Additionally, the potential for adoption of new Neighborhood Protection standards offer additional mitigation of impacts to residential neighborhoods. Buffering the edges of residential neighborhoods from non-residential development should be coupled with some increase in flexibility for the College to develop within the campus core. We ask the committee to broaden the definition of College to allow for that flexibility to occur.

Sincerely,



Catherine W. Ferdinand  
Project Assistant

Cc: S. Catherine Longley  
Don Elliot

TREASURER'S OFFICE

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**BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION**

**MARCH 26, 2015**

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

**MEMBERS PRESENT RECREATION COMMISSION:** Tom Farrell, Director of Parks and Recreation;

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

Mr. Frizzle opened the meeting.

There is one meeting summary for acceptance, which is not on the agenda.

Mr. Frizzle opened the meeting to public comments on items not included on the agenda.

**Kathy Wilson, Pleasant Street**, spoke against using advertising balloons on cars for sale in a lot. She believed they are distracting and an environmental hazard, as she has witnessed them fly off cars frequently. She would like them prohibited with the exception of a provision requiring them to be taken down within 24 hours. They are not in line with Brunswick's reputation as an environmentally friendly community.

Seeing no other citizens wishing to speak, Mr. Frizzle closed the public comment section of the meeting.

Responding to Ms. Wilson's comments on balloons, Mr. Frizzle stated the Committee had been considering this item on a distraction versus sales basis, and Ms. Wilson raised environmental concerns, which they will put on the table for consideration.

**Recreation Requirements (1<sup>st</sup> Draft – still under review by Recreation Commission):**

Tom Farrell, Director of Parks and Recreation, and Mark Eyeran of Planning Decisions stated that the Recreation Commission has been spending time creating a draft of the Recreation Impact Fee methodology they are proposing, and have proposed language for the zoning ordinance that relates to facilities' impact fees. This is still in draft form, although they feel they are getting close to a final draft. They have also outlined several significant projects from 2004 that the town was interested in as part of the Parks, Recreation and Open Spaces Plan that were determined to be high priority recreation improvements that the town would desire in the coming years and they knew would need significant levels of funding from local and outside sources. The staff is working on updating that list of projects for the Committee, and the Recreation Commission spent some time at their meeting last night discussing the fact that this list may change with opportunities the Recreation Commission receives, and it would be these projects

the Recreation Department would like to fund with impact fees. The consensus of the Commission was that the primary way they would like to administer this going forward would be to gain the fees rather than the land, but if a property comes available with some critical elements like a key trail connection, the town could still have the alternative to refuse the fee to gain a key piece of property. They believe there is less need today to purchase additional lands to build recreation facilities.

Mr. Frizzle states he is less interested in details of the determination of the fee for this zoning ordinance, and the Committee agrees, but this document, which he referred to as Document X, including the purpose, authority and payment should exist in a document that can be reviewed and approved by the Recreation Commission and subsequently the Council, but the zoning ordinance does not need to be burdened by these details. His suggestion is to put into the zoning ordinance what a developer needs to know about the Rec fee; why it is there, what its purpose is, and the authority, payment of the fee, with a change in the language that references Document X, instead of see below. Impact Fee Account - the developers are not particularly concerned with the way the town is going to account for the money. Use of Impact Fees – they are not particularly interested in that. Both of those would reference Document X. He would include both sections that deal with refund of impact fees and modification of the impact fees, as this would be of importance to developers. The Committee discussed which sections they felt should go in the ordinance, and which sections should be referenced to Document X. The Committee, along with Mr. Farrell and Mr. Eyerman, discussed the housing chart in Document X, and how that impacts the rec fees. The language needs to be consistent with the ordinance language, and the chart should be consistent with the ordinance's Use Table. Ms. Breinich and Mr. Hutchinson will modify the table to be consistent with the zoning ordinance and its definitions with the housing listed. The table will then be sent to Mr. Eyerman, who will work with the Recreation Commission to turn this into what Mr. Frizzle calls "Document X". The Committee and staff will take the paragraphs mentioned by Mr. Frizzle and build them into what will be sent to the consultant, Don Elliott, and if those paragraphs happen to change after the Recreation Commission and the Council are done with it, they can change them. The Committee and Mr. Farrell discussed some questions Ms. Breinich and Ms. Wilson had about the proposed language about the stewardship fee. Mr. Hutchinson is concerned that the impact fees for a single family or two-family home will be more than the cost of the building permit, thus it is a substantial new fee. Mr. Doxsee pointed out that although this procedural change is capturing more value, it seems that the per unit cost of the rec fee is going down. Mr. Frizzle said that is exactly the effect they were looking for. Mr. Doxsee commented on the rec impact fee allowed to create infrastructure supporting new recreation, not supporting existing recreation. Mr. Eyerman replied that State Law says that impact fees have to be used going forward. Impact fees are designed to say, rather than as a condition of approval, that the applicant has to make certain improvements. They can pay money to the community that the town will then use to make improvements to provide those same sorts of facilities. Mr. Hutchinson's other comment is that the payment should not be paid to the code officer, but to the Department of Planning & Development.

Mr. Farrell and Mr. Eyerman left the meeting.

### **Open space-related provisions: Final draft review:**

Mr. Frizzle commented about a section letting a developer receive credit for another piece of land to devote to open space conservation if he didn't have any qualifying open space on the first property, and it didn't state the land must be contiguous. Ms. Wilson said it was intended to be on the same parcel and only if the other qualifying areas didn't exist. Development credits have never been done in Brunswick. This is in the existing ordinance, and Ms. Breinich and Ms. Wilson discussed removing it. Ms. Wilson said what she, Ms. Breinich, and a member of the Conservation Committee discussed in the beginning was that even in the case of property that didn't necessarily have high value, that there was a public value to allow clustering, and retaining open space even if it wasn't of a high quality. Mr. Frizzle believes if you read B that way, it negates everything said in A, because to call it open space it doesn't have to meet any of those requirements; it just needs to remain undeveloped. Mr. Frizzle asks why set out all the criteria if you are going to accept anything as open space. Ms. Wilson said it is because they come back and refer to 1-9 as a way for the town to decide what to take, and you know that non-profits are not going to take an easement on something that doesn't have any value, but the town is saying that even though it doesn't necessarily have those attributes, there is public benefit in allowing some flexibility in dimensional standards, which will allow some space to remain open just to have plants to put oxygen in the air. Ms. Wilson did not see it as negating it as much as the benefit of the town getting some land that is not developable.

**Catherine Ferdinand, Bowdoin College**, believes the confusion lies in where that section is located in the ordinance, where conservation land is discussed, and suggests it could be moved. The Committee discussed this, and Mr. Doxsee questioned the feasibility of doing a compact efficient development in the rural areas without dedicating open space, and Ms. Wilson answered not as easily. There is flexibility but not a density bonus for that scenario. Ms. Wilson would propose to leave it in and see what comments and reaction they receive. The Committee discussed Mr. Doxsee's suggestion that the developers be allowed to do the development without the density bonus with that provision. Ms. Wilson and the Committee decided to see what responses they received before any changes to this section. Ms. Breinich found some applicable language that the Committee felt should be added to the draft ordinance. Mr. Frizzle believed that allowing separate conservation areas from the lot being developed is something the Committee ought to consider. Mr. Frizzle continued with a few more language revisions and typos, as did Mr. Visser.

The Committee will be applying all of chapter 4 to projects outside Development Review, which is why they had to obtain review criteria. Ms. Wilson said why shouldn't a new home be exempt from the solid waste impact fee, and the Committee agreed. It is included in the proposed ordinance. The section including a fee is one of the sections in Development Review that the Committee has not finished.

### **Development Review Thresholds/Process:**

Ms. Breinich has composed a revised table in response to concerns that have been raised through written and oral comments. With the new draft, they had decided to use the same thresholds throughout the town, going back to the draft proposal from several years ago, which is what Brunswick Landing has currently. Ms. Breinich tried to determine what might work where, in the proposed districts, rather than a one size fits all approach. If it's in a built-up area, then it

should go to Planning Board. If it is more of an area that isn't as densely developed as Brunswick Landing and isn't quite there yet, then allow the redevelopment to continue at the pace it is going. There have been no issues and this approach has been working. Ms. Breinich started with the most restrictive review threshold in the table, which included all of the residential zones in town. She continued to explain the review thresholds and locate them on the maps. These are kept at the currently existing thresholds. The draft made everything the same, no matter the intensity of what was there, and feedback showed that citizens wanted more items from areas residential in nature going to the Planning Board for more review. Mr. Frizzle said that Ms. Breinich is now sorting out which districts need more Planning Board attention and which districts can essentially stay with the same restrictions. Mr. Frizzle is convinced the changes that Ms. Breinich has made have addressed the comments heard from the public with respect to these reduced thresholds. The changes will be made in the table for the next draft. Ms. Breinich discussed district boundary buffering, which was developed when the BNAS reuse district was done. It was meant for any development within the reuse district which was within 200 feet of a district boundary otherwise classified as minor, and it would have to go to Planning Board. It is now 6 years later, and it is unsure whether this is still needed. Ms. Breinich gave some examples of district boundaries and believes the protections are now built-in to the districts. Ms. Wilson believes the neighborhood protection standards in those districts are adequate, and the Committee agrees. Mr. Frizzle said they would need to talk to Steve Levesque about that, but he believes the neighborhood protection standards would apply. Ms. Wilson said the key thing is the neighborhood protection standards also applying to the boundaries of the Brunswick Landing development brings the zoning ordinance together. The Committee also discussed moving commercial use with operating hours between 12:00 am and 5:00 am in a residential neighborhood into the neighborhood protection standards. The Committee decided to change the hours of operation for commercial use needing development review from 11:00 pm – 7:00 am.

**ZORC work session meeting schedule:**

- Friday, April 3, 2015, 1:00 pm – 4:00 pm, Town Hall, Room 206 – density/dimensional standards and uses, and public comments, with Don Elliott of Clarion Associates

**Review and acceptance of meeting summary from March 13, 2015:**

Ms. Wilson noted a few places where minutes needed to be changed to meeting summary. Ms. Wilson also made another correction in working relative to Bowdoin's freestanding signs.

**Margaret Wilson moved, Dick Visser seconded, approval of the March 13, 2015, meeting summary. The motion was approved unanimously among those then present.**

**Other business:**

None.

Mr. Frizzle adjourned the meeting.

Attest

Debra L. Blum  
Recording Secretary