



**TOWN OF BRUNSWICK**  
**ZONING ORDINANCE REWRITE**  
**COMMITTEE**

85 Union Street, Brunswick, ME 04011-1583

**WORK SESSION**  
**AGENDA**  
**TOWN HALL ROOM 206**  
**85 UNION STREET**  
**WEDNESDAY, JUNE 10, 2015, 5:30 PM**

1. Public Comment
2. Mapping Review:
  - a. Parkview Hospital area (Medical Use District – new GM8) (ZORC-based)
  - b. Consolidation of R-1 and R-8 to new GR2 (comment-based)
  - c. Consolidation of CU1 and CU2 to new GC1 (comment-based)
  - d. Federal Street (west side Center and Mason Streets to revert back to TR2 – new GR7)) (comment-based)
3. Approval of Meeting Summary: May 21, 2015
4. Other Business
5. Upcoming ZORC work session meeting schedule  
June 17<sup>th</sup> (3-6:00pm; *ZORC Work Session*; Town Hall Room 206)

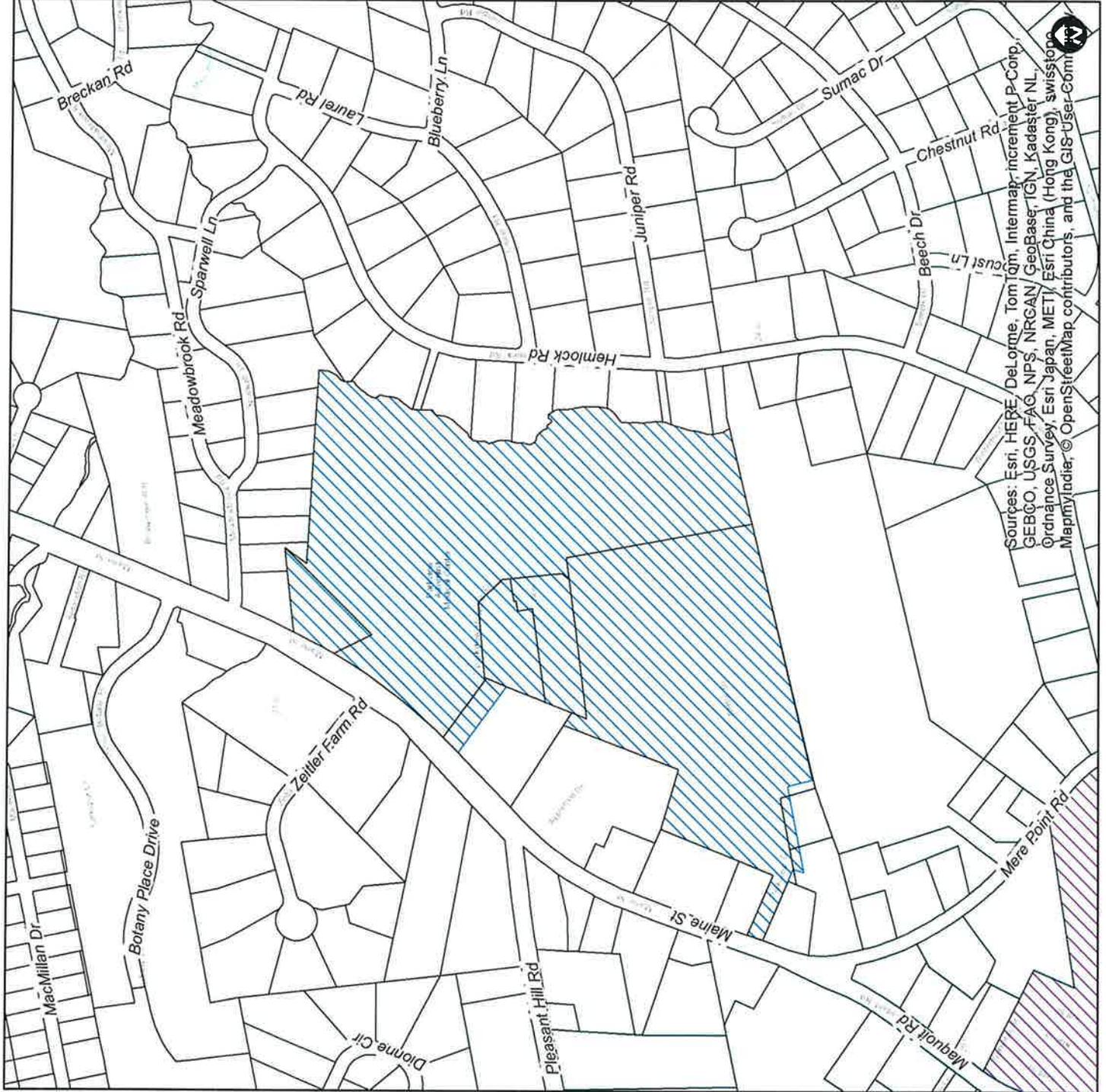
Please note that this is a Committee work session.

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

# Brunswick Maine

## PARKVIEW HOSP. - MED. USE OVERLAY

- Legend**
- Selected Parcels
  - Parcels
  - Town Boundary
  - Zoning Overlays**
  - Manufactured Housing
  - Medium Density
  - Telecommunications Zone
  - Village Review Zone



This map was generated by the Town of Brunswick's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Map generated on: 6/8/2015

Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P-Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

# Brunswick Maine

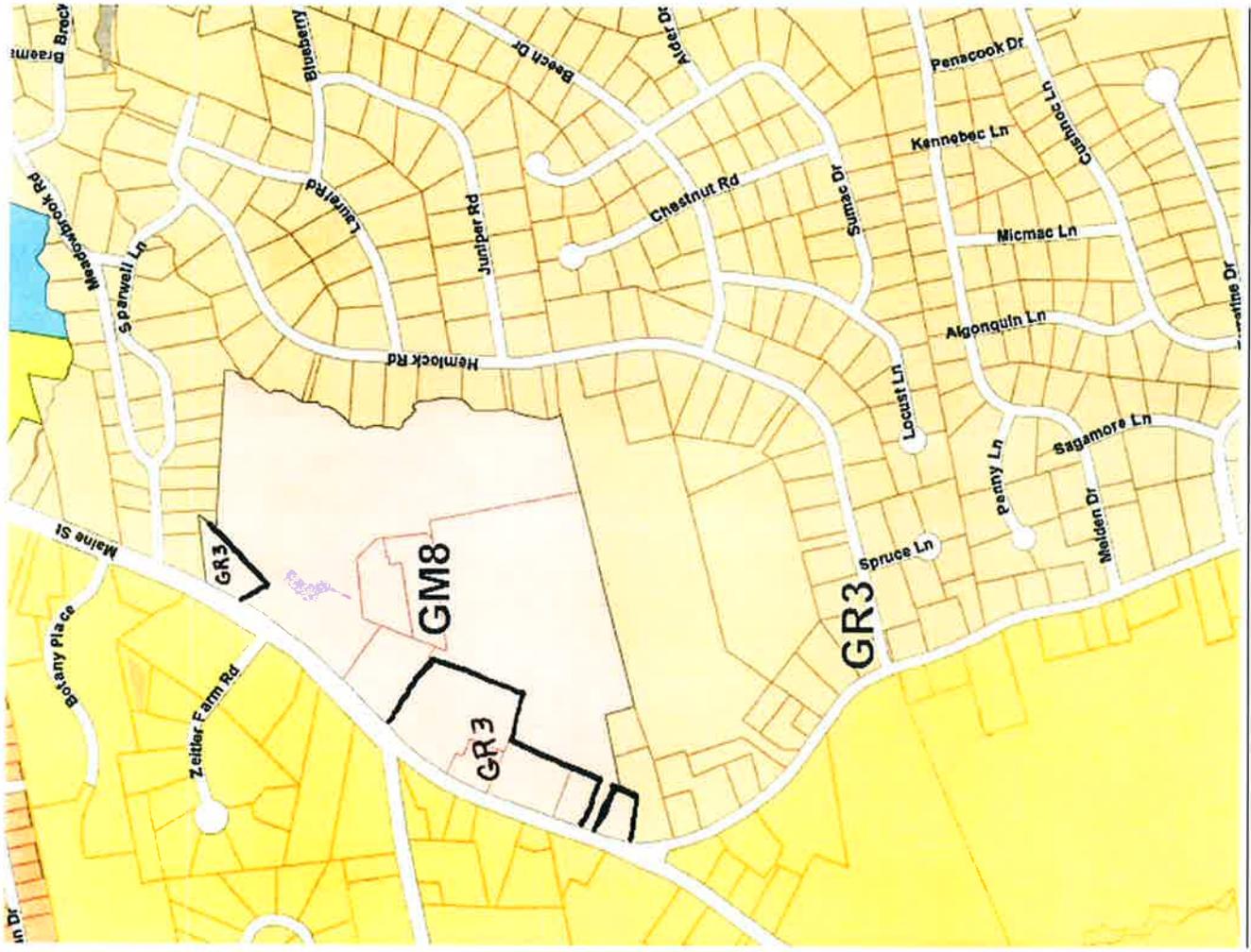
- Legend**
- Selected Parcels
  - Parcels
  - Town Boundary
  - Zoning Overlays
- OVERLAY**
- Manufactured Housing
  - Medical Use Zone
  - Microcommercial Zone
  - Village Reviver Zone

## PARKVIEW HOSP. - MED USE OVERLAY



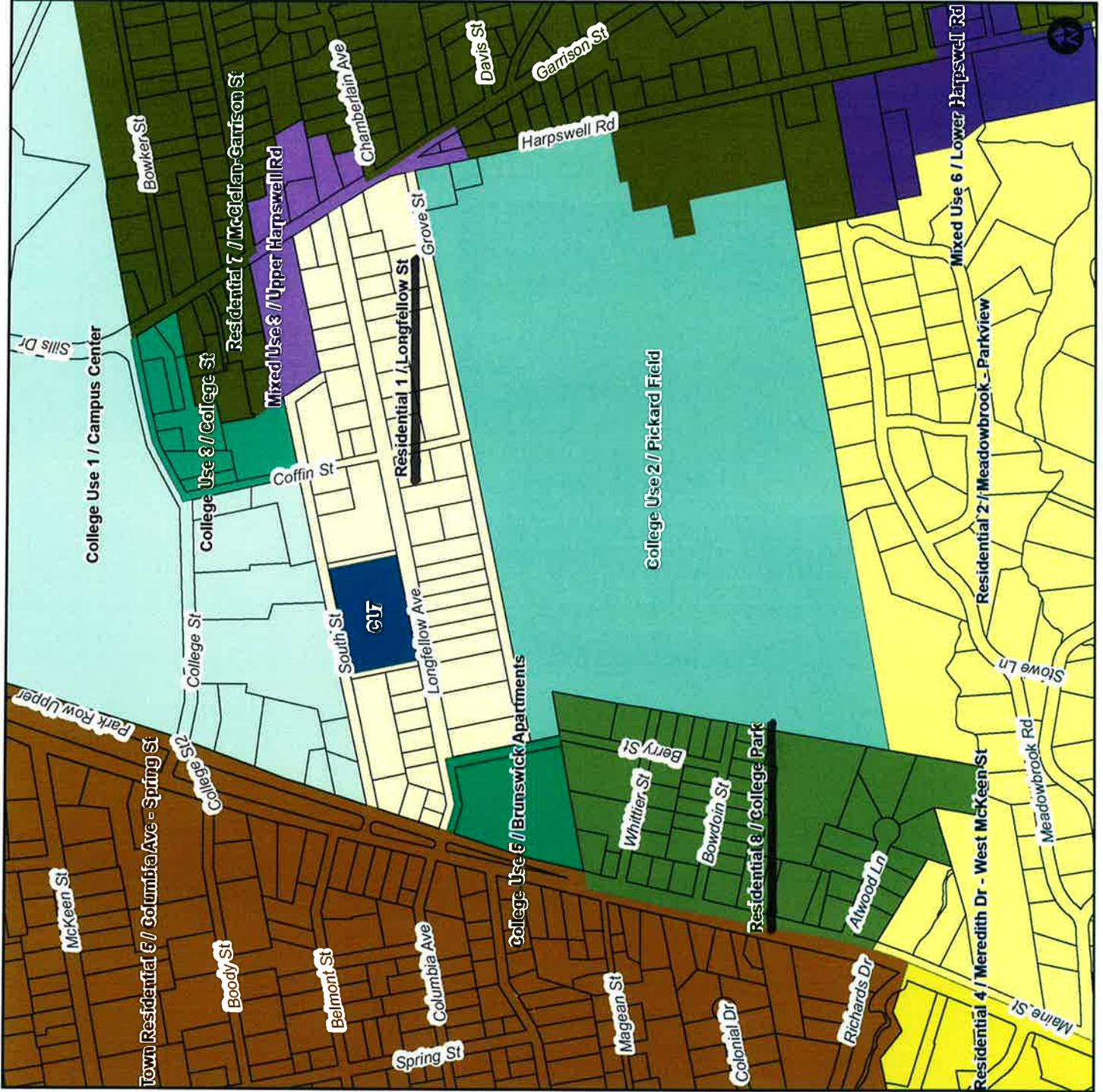
This map was generated by the Town of Brunswick's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Map generated on: 6/8/2015



# Brunswick Maine

## R1 & R8 CONSOLIDATED TO GR2



### Legend

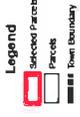
- District Parcels
- Parcels
- Town Boundary
- Town Center 1 / Main St District
- IMAS Conservation District
- Town Center 2 / East Anderson
- Town Center 3 / Lower Park, New
- Town Residential 1 / West Parkside St
- Town Residential 2 / Fernald St
- Town Residential 3 / Walker St
- Town Residential 4 / Jordan Ave
- Town Residential 5 / Columbia Ave - Spring St
- Residential 1 / Longfellow St
- Residential 2 / Meadowbrook - Parkview
- Residential 3 / Magalloway
- Residential 4 / Meredith Dr - West McKean St
- Residential 5 / Berry St
- Residential 6 / Cook's Corner
- Residential 7 / MacLean-Carroll St
- Residential 8 / College Park
- College Use/Other Conservation District
- College Use 1 / Campus Center
- College Use 2 / Pickard Field
- College Use 3 / College St
- College Use 4 / Bowdoin Park
- College Use 5 / Brunswick Apartments
- College Use 6 / Chamberlain St - Bath Rd
- College Use 7 / Longfellow Ave - South St
- Commercial / Cook's Corner
- Highway Commercial 1 / Outer Penobscot
- Highway Commercial 2 / Inner Bath Rd
- Mixed Use 2 / Inland Balanced Corridor
- Mixed Use 3 / Upper Harpswell Rd
- Mixed Use 4 / Fox Run
- Mixed Use 6 / Lower Harpswell Rd
- IMAS Forest District
- Business and Industry 1 / Industry Rd
- Business and Industry 2 / Church Rd
- Business and Industry 3 / Bath Rd
- Business and Industry 4 / US 22
- Farm Forest 1 / Durham-Hacker Road Area
- Farm Forest 2 / New Meadows Overlook
- Country Residential 1 / Northwest Brunswick
- Country Residential 2 / Old Bath Rd
- Rural Mixed Use 1 / Lower Old Bath Rd
- Rural Mixed Use 3 / Portland Flood Area
- Coastal Protection 1
- Coastal Protection 2



This map was generated by the Town of Brunswick's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Map generated on: 6/8/2015

# Brunswick Maine



R1 & R8 CONSOLIDATED TO GR2

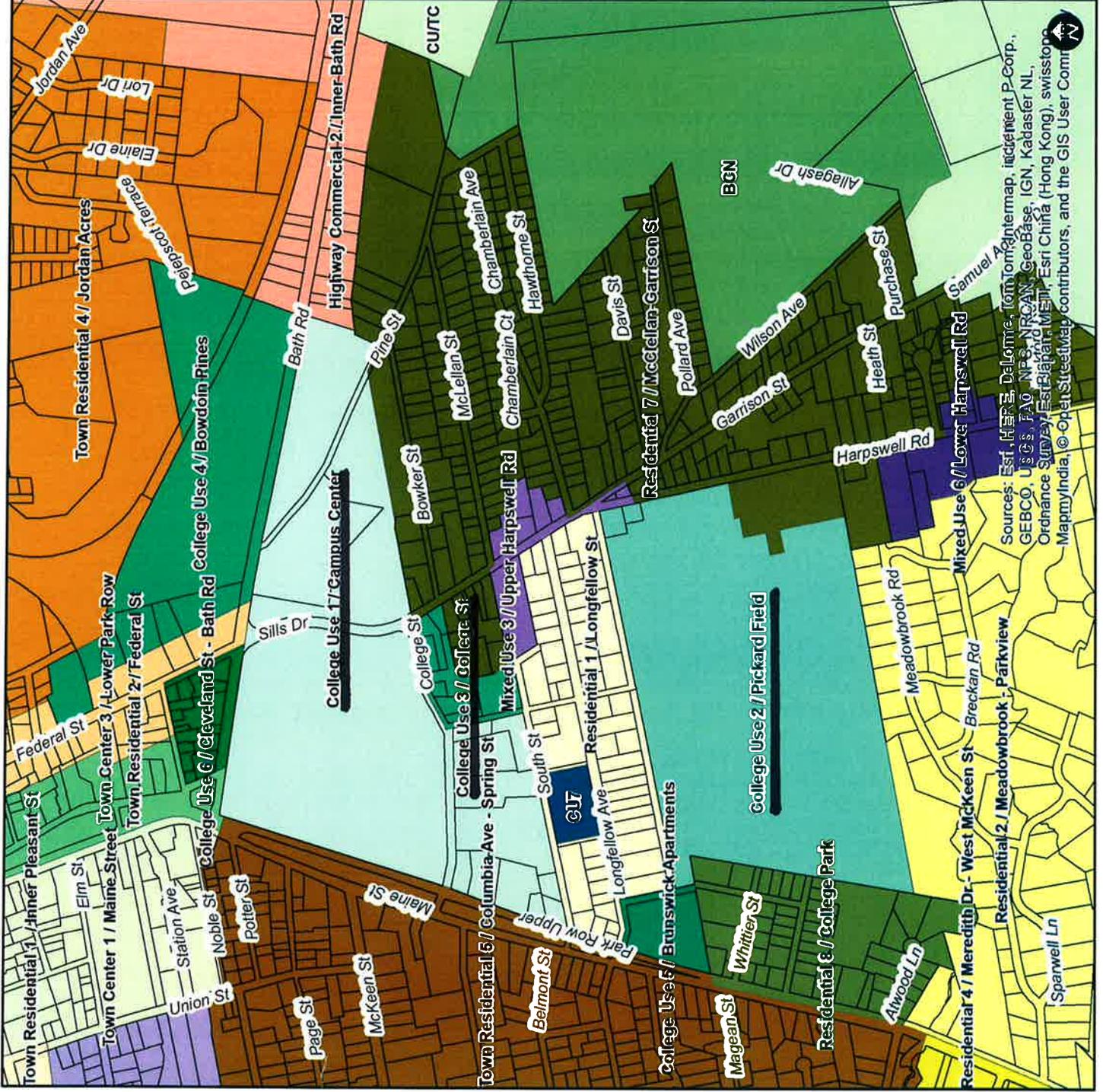


This map was generated by the Town of Brunswick's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Map generated on: 6/8/2015

# Brunswick Maine

## CU1, 2 & 3 CONSOLIDATED TO GC1



### Legend

- Standard Streets
- Perkins
- Town Boundary
- Town Center 1 / Maine Street
- IKAS Commercial District
- Town Center 2 / Four Seasons
- Town Center 3 / Lower Park Row
- Town Residential 1 / Forest Pleasant St
- Town Residential 2 / Federal St
- Town Residential 3 / Water St
- Town Residential 4 / Jordan Acres
- Town Residential 5 / Columbia Ave - Spring St
- Residential 1 / Longfellow St
- Residential 2 / Middlebrook - Parkview
- Residential 3 / Harpswell Rd
- Residential 4 / Meredith Dr - West McKean St
- Residential 5 / Bowker St
- Residential 6 / Conner Corner
- Residential 7 / Mt. Allen-Garrison St
- Residential 8 / College Park
- College Use / Town Center
- College Use 1 / Campus Center
- College Use 2 / Pickard Field
- College Use 3 / College St
- College Use 4 / Bowdoin Park
- College Use 5 / Brunswick Apartments
- College Use 6 / Cleveland St - Bath Rd
- College Use 7 / Longfellow Ave - South St
- Commercial / Conner Corner
- Highway Commercial 1 / Outer Pleasant
- Highway Commercial 2 / Inner Bath Rd
- Mixed Use 3 / Harpswell Station
- Mixed Use 4 / Fox Run
- Mixed Use 6 / Lower Harpswell Rd
- IKAS Historic District
- Business and Industry 1 / Industry Rd
- Business and Industry 2 / Church Rd
- Business and Industry 3 / Bath Rd
- Business and Industry 4 / Elm St
- Farm Forest 1 / Durham-Holter Road Area
- Farm Forest 2 / New Meadows Street Area
- Country Residential 1 / Northwest Brunswick
- Country Residential 2 / Old Bath Rd
- Rural Mixed Use 1 / Lower Old Bath Rd
- Rural Mixed Use 5 / Postland Flood Area
- Coastal Protection 1
- Coastal Protection 2



This map was generated by the Town of Brunswick's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Map generated on: 6/9/2015

Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

# Brunswick Maine

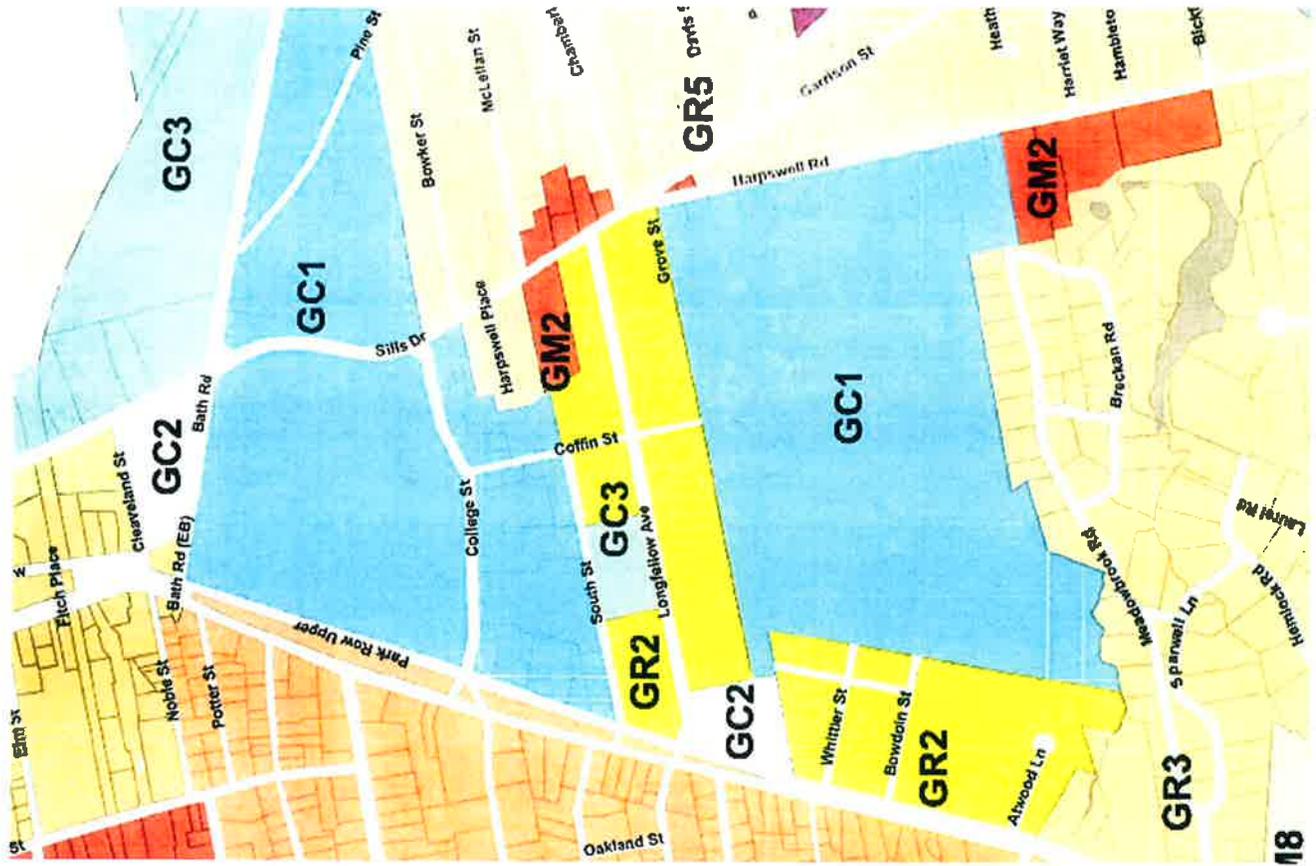


CU1, 2 & 3 CONSOLIDATED TO GC1



This map was generated by the Town of Brunswick's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Map generated on: 6/9/2015

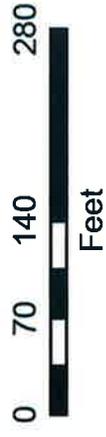
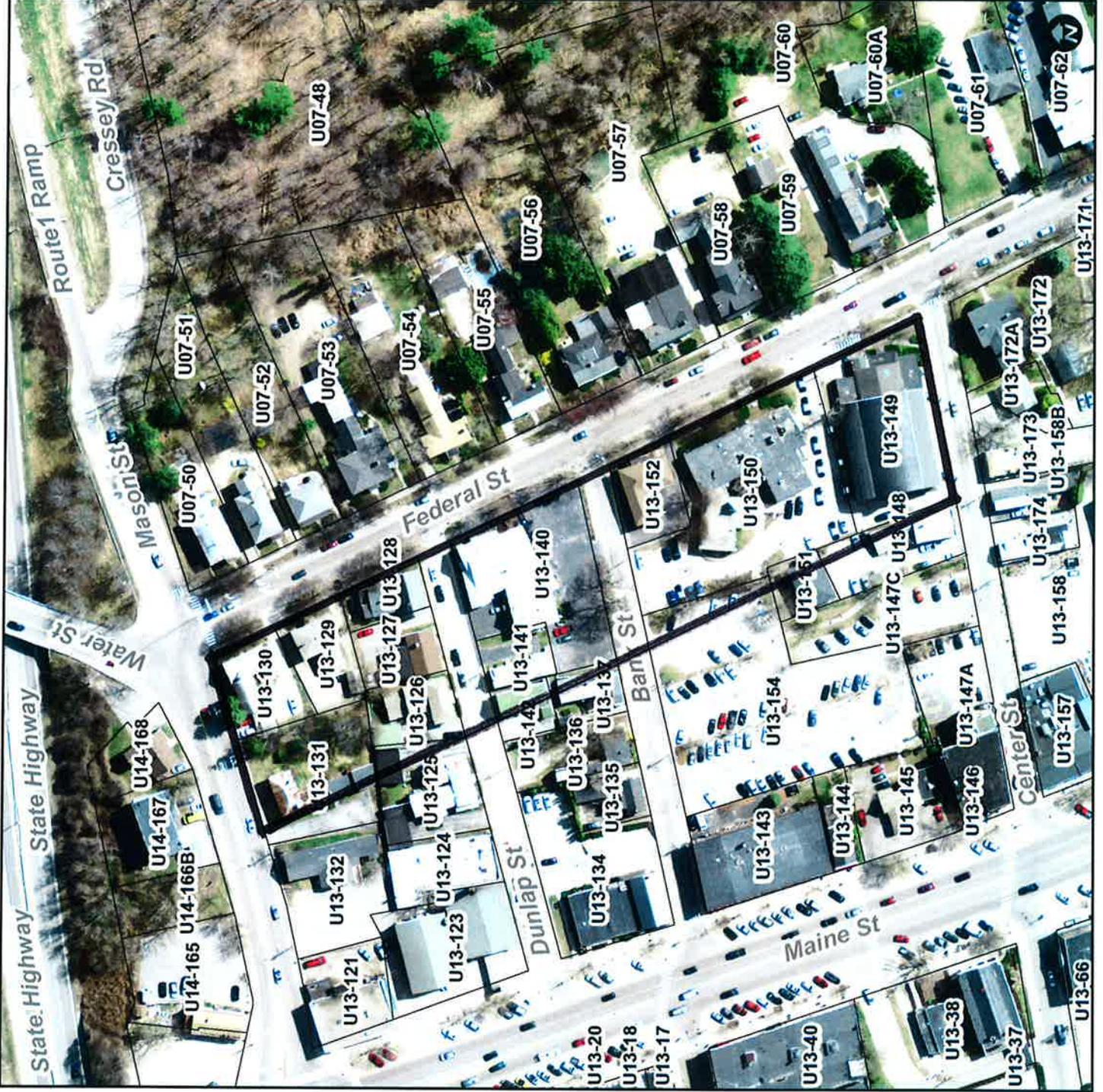




# Brunswick Maine

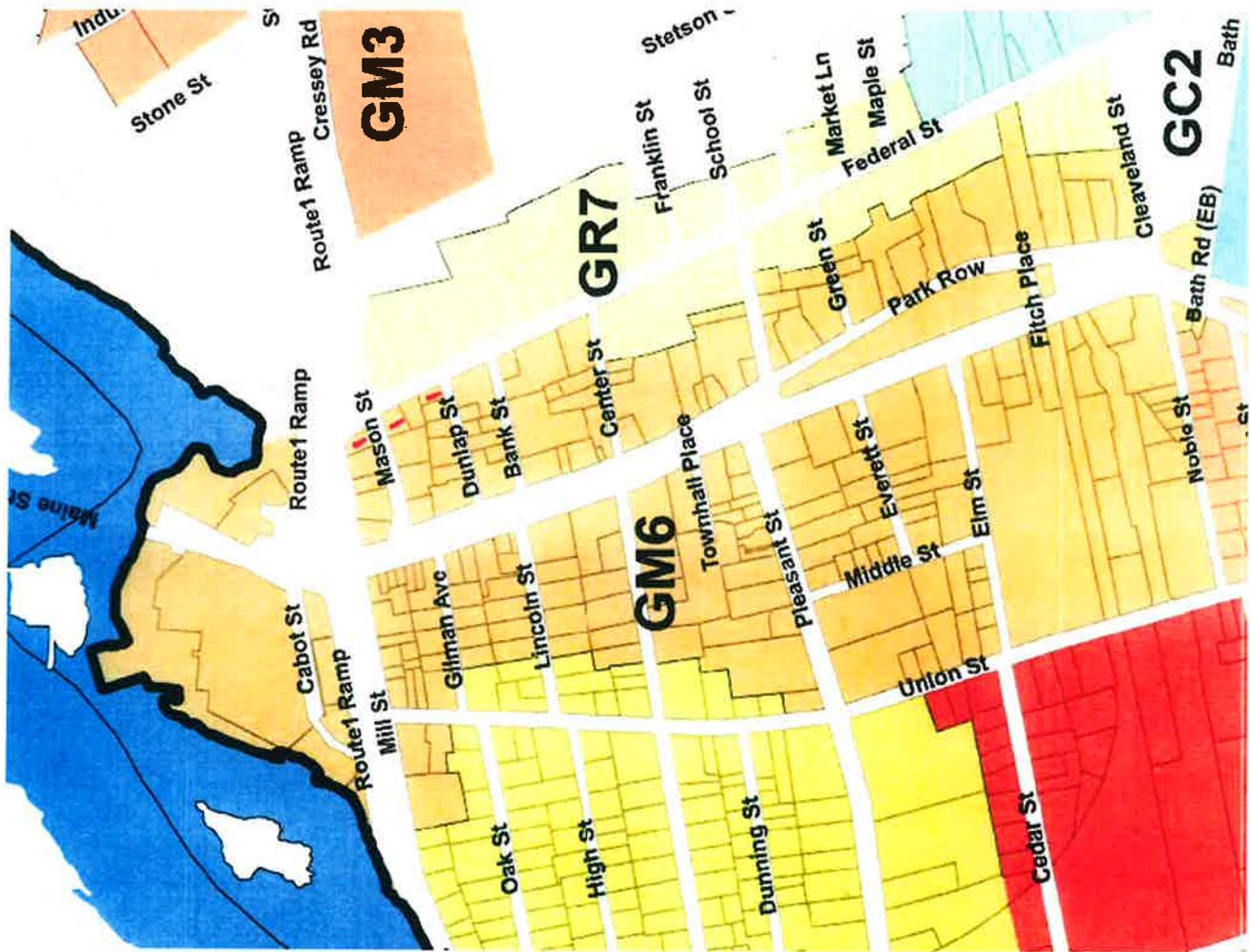


## FEDERAL STREET - TC1 vs TR2



This map was generated by the Town of Brunswick's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Map generated on: 6/8/2015



**GM3**

**GR7**

**GM6**

**GC2**

**Julie Erdman**

---

**Subject:** RE: ZORC comments

**From:** michael longley [mailto:mlongle1@gmail.com]  
**Sent:** Wednesday, January 08, 2014 9:02 AM  
**To:** Anna Breinich  
**Cc:** Steve Walker; Sarah Brayman; John Richardson; Benet Pols  
**Subject:** ZORC comments

Dear Ms. Breinich,

I am writing regarding the ongoing work of the Brunswick Zoning Ordinance Rewrite Committee. (ZORC) and wish to share several thoughts for your consideration, they are:

1. A recent article published in the *Forecaster* quoted the town's Philadelphia based zoning consultant as he made a comparison between the Town of Brunswick and the City of Philadelphia. The essence of his comments seemed to be that since Philadelphia has 35 zoning districts and Brunswick has 46 zoning districts Brunswick's ordinance needs to be simplified.

It seems illogical to me that a comparison between Brunswick and Philadelphia could be relevant to any zoning change(s) in our town. The existing ordinance embodies citizen engagement over the span of generations; it reflects the agreed upon best interests of our community.

2. Specifically regarding the future of the R-1 Zone, within which my home is located, I would like to emphasize the fragile nature of the Longfellow Neighborhood. It appears the R-1 zone may be in transition (now) with the college acquiring residential properties along the full length of the street. To the extent these acquisitions indicate a future interest on the part of the college to assemble land parcels and ultimately construct multi-family/student housing the best interest of all must continue to be represented. In my view existing homeowners can be best represented by the town fostering a broader public understanding of the 'bigger picture' as envisioned by Bowdoin.

3. I think it is safe to say every resident of Longfellow Avenue enjoys their proximity to campus, the downtown area and the general activities and services associated with both including the nearly constant movement of students to and from classes and athletic facilities. However, certain other student activities that usually take place after dark (except during the so called Ivies Weekend) are fundamentally incompatible with family life. These activities are said to be a part of Bowdoin's campus culture and have been outlined in Section III, Drinking and Partying (p. 247) of the National Association of Scholars Report: *What Does Bowdoin Teach*.

4. Interestingly and beginning on page 256, the NAS reports on the emergence of "Chem-Free" student housing at Bowdoin in a sub-section entitled "The Alcohol Divide". Most interesting to me is the choice students are offered by the college to select Chem-Free housing. The NAS report refers to this selection as "self-segregation". I would recommend this sub-section to you and to members of the ZORC as a must read. Clearly, homeowners are unable to 'self-segregate' and would require support in the form of (zoning) restrictions in order to sustain a peaceful lifestyle.

5. Assuming the ZORC will recommend any liberalization of permitted uses in the R-1 zone I would hope the Town Council would also enact measures to define Good Neighbor Obligations to ensure responsible management of multi-family/student housing and to otherwise ensure future developments are designed and utilized in ways entirely compatible with a family lifestyle.

6. Lastly, I continue to believe the R-1 Zone should remain intact and unaltered until the college publicly declares its interest in, or lack thereof, acquiring any additional properties on Longfellow Avenue. An informed dialogue on the future of the Longfellow Neighborhood cannot take place otherwise.

I have also attached, as I have with all other previous zoning related communications since 1997, a document prepared by a qualified consultant on the impacts of zoning changes on residential properties.

Thank you for your consideration.

Respectfully,

Michael Longley

26 Longfellow Avenue

February 17, 2014

Clarion Associates  
c/o Department of Planning and Development  
28 Federal Street  
Brunswick, Maine 04011

Attn: Don Elliott

Re: 2014 Brunswick Zoning Ordinance Rewrite

Dear Mr. Elliott,

On behalf of the homeowners of the R8 Zone, we would like to express our appreciation for the opportunity to voice our concerns regarding Clarion Associates' proposals for the rewrite of our zone. At the February 4th, 2014 *Zoning Rewrite Public Input Session for College Use District Abutters* meeting held at the Curtis Memorial Library, I gave a brief history as to the events and negotiations that led up to the language that was adopted for Brunswick's current zoning ordinance specific to these zones. I thought it would be helpful to document and expand upon that information and express again our concerns about the zoning changes proposed for our neighborhood.

In 1996, the Town of Brunswick was in the midst of rewriting their current ordinance to reflect the newly adopted Comprehensive Plan. At that time, the neighborhoods of Longfellow Avenue, College Park (Whittier, Berry and Bowdoin Streets) and Meadowbrook Road were concerned about the possible unfettered expansion of Bowdoin College and the potential negative impact that type of expansion could have on the quality of life and future property values of these neighborhoods. As valued as the College is to the town of Brunswick, so are the quaint neighborhoods that surround it's campus and add to the quality of life experienced by its students and the Bowdoin Community as a whole.

As a concerned citizen, I spent the next year attending the zoning ordinance meetings. During that year I became thoroughly familiar with the details and decisions that went into the process. With all parties at the table, we worked through the intricacies of the *Use Tables, Dimensional and Density Table* and *Additional Requirements* sections of the ordinance specific to our zones. With careful and thoughtful deliberations, compromises were considered and goals for each party were reached for Zones R1, R2, R8 and CU2 and CU5.

The specifics of that compromise are as follows:

**Table 203.1/204.1 Use Table:**

Permitted use for the college zone was of greatest concern. The CU2 Zone contained residence halls on the back end of the zone that was not adjacent to any of the surrounding residential zones. Therefore, in compiling the permitted uses for the CU2 zone, *Dwellings, 3 or More Units and Residence Halls* were designated as "Special Permit required" in consideration of the existing structures but were deemed inappropriate as permitted uses going forward.

R1 and R8 uses were restricted to *Dwellings, Single and Two Family*, though R8 contains only single-family homes.

With regard to Clarion Associates' current proposal, as written in *Annotated Outline for a New Zoning Ordinance The Town of Brunswick, Maine*, we take exception to the proposal "consolidating Zones R1 and R8." Though, as you stated in the meeting, the Use Table shows identical "Permitted Uses", we feel the zones themselves are very different with regard to density of traffic. Longfellow Avenue is a connector road linking two arterial roads, Maine Street and Harpswell Street. Longfellow Avenue is wider and has sidewalks on both sides to accommodate pedestrians. The College Park neighborhood has no sidewalks to accommodate pedestrians and consists of narrower, dead end roads, which cannot absorb higher density traffic. Therefore, any future higher density development that may be approved in the proposed consolidated zone GR<sub>2</sub> would negatively affect the safety of the residents and pedestrians who walk the streets of Whittier, Berry and Bowdoin Streets. Higher density would generate more traffic on these roads that have no sidewalks and are considerably narrower in nature.

**204.2 Dimensional And Density Table:**

Within this table special consideration with regard to minimum setbacks for the CU2 Zone are designated for those boundaries that abut the R1, R2, and R8 Zones. These considerations are listed and described in Section 204.3 Additional Requirements on page 21 of the current Zoning Ordinance. I have transcribed those sections below. The italicized paragraphs that follow each section document the background history as to how they were derived.

**204.3 Additional Requirements:**

**A) Minimum Setback Requirements in the CU2 District.** There are additional setback requirements in the CU2 Zone based upon distances from specific zoning district boundaries as depicted on the map on this page. No new structure (including parking facility) may be constructed within 125 feet

from Boundaries A and B, 80 feet from Boundary C, and 50 feet from Boundary D.

*These restrictive requirements were deemed necessary to preserve the wooded trail that runs along the boundaries and connects to the Brunswick Town Commons. The importance and value of the preservation of this trail was recognized for both the college and the community.*

**B) Tree Cutting in the CU2 District.** Tree cutting, with the exception of clearing of dead trees and removal of overgrowth, is prohibited within 125 feet of Boundaries A and B depicted on the map on this page.

*As part of this preservation goal, restrictions were placed on tree cutting within the 125-foot setback to ensure compliance of retaining the wooded density and nature of the trail.*

**C) Additional Development Review Requirements in the CU2 and CU5 Districts.** Applications for Development Review in the CU2 and CU5 districts shall not result in the construction of new roadways or driveways for motor vehicles which connect to Meadowbrook Road, Whittier Street, Breckan Rd, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the CU5 or CU2 Districts shall be accessed through any of these streets.

*This restriction was established to prevent connectivity between these higher impact/density zones and the adjacent residential zones. The potential for use of these residential zones as access points for activities occurring at the college use zones would be detrimental to the safety and well being of the residents of these zones. It was also established that any new construction occurring in these zones should not occur at the detriment of the quality of life in the adjacent residential zones and therefore access from these areas shall not be permitted.*

To reiterate, the language within the current zoning ordinance with regard to these specific zones was composed through delicate negotiations and compromises between all parties involved. With that understanding, investments in our homes and community were made.

As an architect and former member of the Brunswick Planning Board for 12 years, I am acutely aware of what is involved with the application process. I have spent a significant amount of time on both sides of the table and recognize the challenges an

ordinance can present. With that said, the language that was developed in our current zoning ordinance with regard to residential zones R1, R2, R8 and CU2 and CU5 is anything but vague and was composed in such a way to be clear to future applicants as to what is appropriate development in these areas.

Again, we appreciate the opportunity to present to you the history behind the current zoning ordinance. We are confident that this information will be helpful as the process moves forward in development of the new zoning ordinance for the Town of Brunswick. Please feel free to contact me if you have any questions.

With regards ~

Carol Liscovitz  
11 Berry Street  
Brunswick, Me 04011  
207-725-6146  
ctlisco@gmail.com

CC: Anna Breinich, Director of Planning and Development

September 23, 2014

Town of Brunswick  
Department of Planning & Development  
85 Union Street  
Brunswick, Maine 04011

ATTN: Zoning Ordinance Rewrite Committee

CC: Don Elliott, Clarion Associates

RE: Draft Zoning Ordinance Review

Dear Committee Members,

Thank you for the opportunity last Thursday evening, September 18, 2014, at the *Bowdoin College Abutters Public Forum* at the Curtis Memorial Library, to give testimony with regard to the Draft Zoning Ordinance. As per your request, I have listed below the comments and concerns I voiced on behalf of the homeowners of Zone R8.

Two items of great significance for our neighborhood are retaining the provisions of Section 204.3 *Additional Requirements* in the current zoning ordinance, which speaks to minimum setback requirements from each boundary of the CU2 Zone, restriction of tree cutting within the setback, and prohibiting vehicular access between the zones. I outlined and referenced the specific articles in my letter to Clarion Associates dated February 17, 2014. It was gratifying to hear from the ZORC committee members confirming these neighborhood protections will be carried forward and will be included in the new ordinance.

We want to reiterate our disagreement with the proposed consolidation of Zones R1 and R8. Again, as stated in my letter of February 17, 2014 and as I testified at numerous ZORC meetings, despite both zones having similar permitted uses at this time, the zones themselves are very different in nature and circumstances. It is evident from Section 3.4 *Supplementary Use Standards* in the Draft Ordinance, that the pressures of encroachment from the college towards Longfellow Avenue are significant. In the desire to reduce the overall number of zones in the new ordinance, Zone R8 is left susceptible to future permitted uses that may be appropriate for R1 but justifiably inappropriate for Zone R8. The prudent act of retaining R1 and R8 as separate zones alleviates the challenges and uphill battle to separate and disengage these zones in the future.

We are also in opposition to the consolidation of the current CU1 and CU2 zones. Once again, in the quest to reduce the number of districts in the town by merging zones, the distinct and diverse nature of these two zones does not appear to be recognized. Zone CU2 is the only college-use zone that is *completely* surrounded by residential zones. In the aforementioned letter, I described in detail, the historic background and circumstances that lead to the current language and uses of these zones. Great consideration was given to the divergent interests each zone holds.

The college and neighbors worked together, and through delicate negotiations and compromise, agreed upon the language in the current ordinance. The process was an illustrious example of working together in the spirit of community and I implore you not to dismantle the good-faith efforts that were put forth.

The proposed Permitted Use Table for GC1 (CU1&CU2) offers a number of permitted uses for this new consolidated zone that run contrary to the understandings that were enacted when the current ordinance was put in place. Listing "College Facility not listed" as a **permitted use** denies the impacted parties the opportunity to scrutinize a potential future use that is unknown at this point in time as being compatible with the current CU2 zone and it's neighboring zones. With this designation, development of such a use will be permitted regardless of any conflicts it may pose.

Amongst other uses listed as "Conditional Use Permits" in this zone that are of serious concern are uses such as *aviation operations*, *aviation-related business* and *ultra-light airport*. These are prime examples of incompatible uses for a zone that sits amongst residential zones and is a prime example of requiring such residential abutters the onerous task of compiling and documenting evidence to defy such a permit.

The Comprehensive Plan of 2008 has been referenced on multiple occasions at ZORC meetings throughout this process. I have come away from these meetings with the impression that the plan is the source for "mandating" the consolidation of the current number of districts into a fewer number of zones. Though I have not found such wording in the Comp Plan, it is understandable that the desire to streamline elements of the ordinance would help limit inconsistencies when revisions and updates are made. With that said, **streamlining the process should not be the overriding factor when diminished neighborhood protections are the result.**

At Thursday night's meeting, I asked of the committee to articulate the differences between what is now a "Special Permit" use and the newly proposed "Conditional Use Permit." What I heard back was that the requirements for each designation are basically the same except that in lieu of the current provision as stated in 701.2:

*E. The application will not violate any standard of this Ordinance.*

*Notwithstanding the foregoing, the Planning Board shall deny an application for a Special Permit if, in its determination, substantive, objective evidence from one or more persons entitled to notice is presented that reasonably demonstrates that:*

- 1. The proposal will adversely affect the enjoyment or use of that person's property; or*
- 2. The proposal will devalue such property*

The proposed provision reads in 5.2.2.B.d to require that:

*The proposed use shall not create any other **documented** significant adverse impacts on any property within 300 feet of the lot on which the proposed use or structure would be located.*

Earlier in Section 5.2.2.B *Criteria for Approval*, it states "The burden of proof of compliance with these standards rests with the applicant." In effect, should provision 5.2.2.B.d be adopted, it will be up to the neighboring property owner to research and file documented evidence, shifting the burden of proof away from the applicant. The justification given for the change in language was for the purposes of "objectivity", citing that the current language was "too subjective." I would contend that argument, which has a direct impact of allowing a use that is specifically *not* classified as a "Permitted Use," contrary to the notion of preserving and implementing neighborhood protections. If objectivity in wording is the goal, I'm not sure how phrases such as "extenuating circumstances," "where feasible," "to the greatest extent possible" and similar language found throughout the draft ordinance, meet that standard.

When I inquired about safeguards with regard to Small Wind Energy Systems (SWES), the response was an acknowledgement of the adverse impacts inherent in the systems and assurances that language will be worked into future updates of the new ordinance. This technology is not so new as to disregard those negative impacts at this time and provide guidelines as to how a property owner can install these systems in a conscientious and non-invasive manner. Any such application done before regulations are in place will lead to an installation that is grandfathered; with those who are negatively impacted by the installation no recourse to require modification.

As I expressed in my testimony, the desire to simplify the application process for a small business should not come at the expense of the rest of the community by having existing and long established neighborhood protections diluted. We are all stakeholders in the town of Brunswick and as such, should feel confident that the laws established are fair, balanced and above all, work for the common good of *all* it's citizens.

At this time, I have limited my comments to issues that directly affect the R8 Zone. I hope to follow up in the near future with comments that relate to my concerns about the development review process.

Thank you again for this opportunity.

Sincerely,

Carol Liscovitz

October 7, 2014

Town of Brunswick  
Department of Planning & Development 85 Union Street  
Brunswick, Maine 04011

ATTN: Zoning Ordinance Rewrite Committee  
RE: Draft Zoning Ordinance Review

Dear Committee Members,

The attached letter was signed by members of the College Park Neighborhood from October 4-6, 2014. The signatories are homeowners of record and represent 27 homes belonging to the College Park Residential 8 District.

We thank you for your consideration.

A handwritten signature in cursive script that reads "Helen Cafferty". The signature is written in black ink and is positioned above the typed name and address.

Helen Cafferty  
12 Whittier Street

included  
12/15

Town of Brunswick  
Department of Planning & Development 85 Union Street  
Brunswick, Maine 04011

ATTN: Zoning Ordinance Rewrite Committee  
RE: Draft Zoning Ordinance Review

Dear Committee Members,

At the outset, homeowners in the College Park Residential Zone R8 would like to express our thanks and appreciation to you for undertaking this considerable task on behalf of the town. We have been encouraged by your favorable response to our requests at meetings with College abutters that protections for our neighborhood guaranteed by language in the present Zoning Ordinance be retained in the new ordinance. The history of the negotiations undertaken with Bowdoin College in 1996 and the reasoning for the language adopted in 1997 are outlined in Carol Liscovitz's letters of February 17 and September 23. We wish to reiterate that the protections reached through negotiation and compromise with the College are very clear and also compatible with the goals of the comprehensive plan for open space (walking trail) and preservation of quality of life in Brunswick's established neighborhoods.

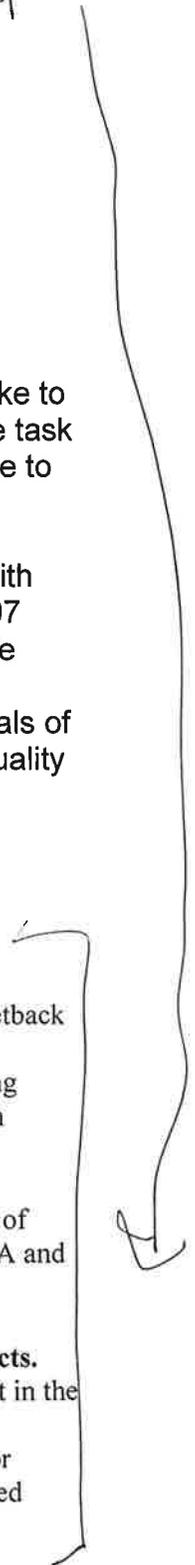
These protections are contained in section 204.3 in the present ordinance:

**Additional Requirements**

**A) Minimum Setback Requirements in the CU2 District.** There are additional setback requirements in the CU2 Zone based upon distances from specific zoning district boundaries as depicted on the map on this page. No new structure (including parking facility) may be constructed within 125 feet from Boundaries A and B, 80 feet from Boundary C, and 50 feet from Boundary D. See *Illustration 204.2A* below.

**B) Tree Cutting in the CU2 District.** Tree cutting, with the exception of clearing of dead trees and removal of overgrowth, is prohibited within 125 feet of Boundaries A and B depicted on the map on this page.

**C) Additional Development Review Requirements in the CU2 and CU5 Districts.** Applications for Development Review in the CU2 and CU5 districts shall not result in the construction of new roadways or driveways for motor vehicles which connect to Meadowbrook Road, Whittier Street, Breckan Rd, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the CU5 or CU2 Districts shall be accessed through any of these streets.



We also wish to emphasize that the neighbors in College Park R8 strongly oppose the consolidation of our neighborhood with Longfellow R1 for the reasons outlined by Carol Liscovitz in her letters of February 17 and September 23. Although consolidation is a commendable goal, it should not ignore the important differences between neighborhoods, which in our view clearly justify two distinct zones.

Thank you for this opportunity and your consideration.

Helen Cafferty, Olo Evers, Olo  
12 Whittier St.

Raymond Fisher, Margaret E Fisher  
15 BERRY ST. 15 Berry St.

Raymond E Fisher Margaret E Fisher  
16 Bowdoin ST

Edward Robbins   
17 BERRY ST.

Ursula Edelblut  
22 Bowdoin St.

Margaret Chaille-Hussey  
20 Bowdoin St.

Cathy Huston  
8 Whittier St.  
Cathy Huston

Garth C. Bradley, Al  
16 Whittier St 16 Whittier  
Brunswick ME 04011

Town of Brunswick  
Department of Planning & Development 85 Union Street  
Brunswick, Maine 04011

ATTN: Zoning Ordinance Rewrite Committee  
RE: Draft Zoning Ordinance Review

Dear Committee Members,

At the outset, homeowners in the College Park Residential Zone R8 would like to express our thanks and appreciation to you for undertaking this considerable task on behalf of the town. We have been encouraged by your favorable response to our requests at meetings with College abutters that protections for our neighborhood guaranteed by language in the present Zoning Ordinance be retained in the new ordinance. The history of the negotiations undertaken with Bowdoin College in 1996 and the reasoning for the language adopted in 1997 are outlined in Carol Liscovitz's letters of February 17 and September 23. We wish to reiterate that the protections reached through negotiation and compromise with the College are very clear and also compatible with the goals of the comprehensive plan for open space (walking trail) and preservation of quality of life in Brunswick's established neighborhoods.

These protections are contained in section 204.3 in the present ordinance:

#### Additional Requirements

**A) Minimum Setback Requirements in the CU2 District.** There are additional setback requirements in the CU2 Zone based upon distances from specific zoning district boundaries as depicted on the map on this page. No new structure (including parking facility) may be constructed within 125 feet from Boundaries A and B, 80 feet from Boundary C, and 50 feet from Boundary D. See *Illustration 204.2A* below.

**B) Tree Cutting in the CU2 District.** Tree cutting, with the exception of clearing of dead trees and removal of overgrowth, is prohibited within 125 feet of Boundaries A and B depicted on the map on this page.

**C) Additional Development Review Requirements in the CU2 and CU5 Districts.** Applications for Development Review in the CU2 and CU5 districts shall not result in the construction of new roadways or driveways for motor vehicles which connect to Meadowbrook Road, Whittier Street, Breckan Rd, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the CU5 or CU2 Districts shall be accessed through any of these streets.

We also wish to emphasize that the neighbors in College Park R8 strongly oppose the consolidation of our neighborhood with Longfellow R1 for the reasons outlined by Carol Liscovitz in her letters of February 17 and September 23. Although consolidation is a commendable goal, it should not ignore the important differences between neighborhoods, which in our view clearly justify two distinct zones.

Thank you for this opportunity and your consideration.

Kathleen A. O'Connor  
17 Whittier St.

Thomas R Kelly  
Thomas R. Kelly  
17 Whittier St.

Tim O'Dell  
293 Maine St.  
Carol Liscovitz  
Stephen Liscovitz  
11 Berry Street  
Catherine Bugler  
287 Maine Street

Sue O'Dell  
Sue O'Dell  
Stephen Walker  
14 Bowdoin St  
John Walker  
14 Bowdoin St.

Johan Hansen  
289 Maine St.

Jill Snyder  
8 Bowdoin St.

Aimee Edulfe  
11 Bowdoin Street

William R. Jackson  
11 Bowdoin St.

ELR Lainez  
10 Bowdoin St.,

Liluf Lainez  
10 Bowdoin St.

Town of Brunswick  
Department of Planning & Development 85 Union Street  
Brunswick, Maine 04011

ATTN: Zoning Ordinance Rewrite Committee  
RE: Draft Zoning Ordinance Review

Dear Committee Members,

At the outset, homeowners in the College Park Residential Zone R8 would like to express our thanks and appreciation to you for undertaking this considerable task on behalf of the town. We have been encouraged by your favorable response to our requests at meetings with College abutters that protections for our neighborhood guaranteed by language in the present Zoning Ordinance be retained in the new ordinance. The history of the negotiations undertaken with Bowdoin College in 1996 and the reasoning for the language adopted in 1997 are outlined in Carol Liscovitz's letters of February 17 and September 23. We wish to reiterate that the protections reached through negotiation and compromise with the College are very clear and also compatible with the goals of the comprehensive plan for open space (walking trail) and preservation of quality of life in Brunswick's established neighborhoods.

These protections are contained in section 204.3 in the present ordinance:

#### Additional Requirements

**A) Minimum Setback Requirements in the CU2 District.** There are additional setback requirements in the CU2 Zone based upon distances from specific zoning district boundaries as depicted on the map on this page. No new structure (including parking facility) may be constructed within 125 feet from Boundaries A and B, 80 feet from Boundary C, and 50 feet from Boundary D. See *Illustration 204.2A* below.

**B) Tree Cutting in the CU2 District.** Tree cutting, with the exception of clearing of dead trees and removal of overgrowth, is prohibited within 125 feet of Boundaries A and B depicted on the map on this page.

**C) Additional Development Review Requirements in the CU2 and CU5 Districts.** Applications for Development Review in the CU2 and CU5 districts shall not result in the construction of new roadways or driveways for motor vehicles which connect to Meadowbrook Road, Whittier Street, Breckan Rd, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the CU5 or CU2 Districts shall be accessed through any of these streets.

We also wish to emphasize that the neighbors in College Park R8 strongly oppose the consolidation of our neighborhood with Longfellow R1 for the reasons outlined by Carol Liscovitz in her letters of February 17 and September 23. Although consolidation is a commendable goal, it should not ignore the important differences between neighborhoods, which in our view clearly justify two distinct zones.

Thank you for this opportunity and your consideration.

Martha Tucker  
13 Bowdoin St.

 JACK TUCKER  
13 BOWDOIN ST

  
Sarah Worthing  
18 Bowdoin St.  
Brunswick

~~~~

Broc Morquis  
13 Berry ST  
Brunswick, Me, 04011

Jody Holt  
12 Bowdoin St,  
Brunswick, Me, 04011

Marcia R. Johnson   
299 Main St  
Brunswick, ME 04011

Town of Brunswick  
Department of Planning & Development 85 Union Street  
Brunswick, Maine 04011

ATTN: Zoning Ordinance Rewrite Committee  
RE: Draft Zoning Ordinance Review

Dear Committee Members,

At the outset, homeowners in the College Park Residential Zone R8 would like to express our thanks and appreciation to you for undertaking this considerable task on behalf of the town. We have been encouraged by your favorable response to our requests at meetings with College abutters that protections for our neighborhood guaranteed by language in the present Zoning Ordinance be retained in the new ordinance. The history of the negotiations undertaken with Bowdoin College in 1996 and the reasoning for the language adopted in 1997 are outlined in Carol Liscovitz's letters of February 17 and September 23. We wish to reiterate that the protections reached through negotiation and compromise with the College are very clear and also compatible with the goals of the comprehensive plan for open space (walking trail) and preservation of quality of life in Brunswick's established neighborhoods.

These protections are contained in section 204.3 in the present ordinance:

#### Additional Requirements

**A) Minimum Setback Requirements in the CU2 District.** There are additional setback requirements in the CU2 Zone based upon distances from specific zoning district boundaries as depicted on the map on this page. No new structure (including parking facility) may be constructed within 125 feet from Boundaries A and B, 80 feet from Boundary C, and 50 feet from Boundary D. See *Illustration 204.2A* below.

**B) Tree Cutting in the CU2 District.** Tree cutting, with the exception of clearing of dead trees and removal of overgrowth, is prohibited within 125 feet of Boundaries A and B depicted on the map on this page.

**C) Additional Development Review Requirements in the CU2 and CU5 Districts.** Applications for Development Review in the CU2 and CU5 districts shall not result in the construction of new roadways or driveways for motor vehicles which connect to Meadowbrook Road, Whittier Street, Breckan Rd, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the CU5 or CU2 Districts shall be accessed through any of these streets.

We also wish to emphasize that the neighbors in College Park R8 strongly oppose the consolidation of our neighborhood with Longfellow R1 for the reasons outlined by Carol Liscovitz in her letters of February 17 and September 23. Although consolidation is a commendable goal, it should not ignore the important differences between neighborhoods, which in our view clearly justify two distinct zones.

Thank you for this opportunity and your consideration.

Ben Tucker & Ana Hicks  
291 Maine St.  
Brunswick, Me. 04011

Margli Tremann  
David Tremann  
6 Whittier Street  
Suzey Phelan  
Leona Phelan  
13 Whittier St.  
Lois E. Anderson  
7 Whittier St.

Stephen G. Mink  
7 Bowdoin St

May M O'Dw  
7 Bowdoin St.

## Anna Breinich

---

**From:** Shepherd, Jonathan <jshepherd@hbs.edu>  
**Sent:** Monday, December 08, 2014 4:57 PM  
**To:** delliot@clarionassociates.com; Anna Breinich  
**Cc:** Town Council; Jeremy Doxsee; John Eldridge  
**Subject:** ZORC: rezone Federal St. (b/t Bank St. and Mason St.) as Growth Residential 7 (GR7)

Dear Anna and Don,

I hope that this finds you very well during this holiday season. By means of introduction, I was born and raised in the house at 13 Federal Street, across the street from the old Police Station. Today I own five residential properties on the eastern side of lower Federal Street and I am writing to strongly urge the Town of Brunswick, the Zoning Ordinance Rewrite Committee and Clarion Associates to use the current zoning ordinance rewrite process to rezone the western side of lower Federal Street, between Bank Street and Mason Street, to *Growth Residential 7 (GR7)*. By doing so, the Town would return the zoning designation of the historic western side of lower Federal Street *back* to the residential status that it held in 2012. Please let me explain:

Federal Street is an architecturally significant neighborhood and since 1976 has been listed as one of the National Register's historic places. As of September 2012 both sides of lower Federal Street were zoned as *Town Residential 2* (and I'd like to highlight the word *residential*). However, on September 11, 2012 the Planning Board unanimously voted to consider rezoning three blocks on the western side of lower Federal Street, between Center and Mason Streets, from *Town Residential 2 (TR2)* to *Town Center 1 (TC1)*. In a memo dated the next day, September 12, 2012, the Planning Department then requested that the Town Council consider scheduling a public hearing to take comment and possible action on the recommended zoning change. The Town Council followed this request and subsequently voted to rezone the three blocks on the western side of lower Federal Street, between Center and Mason Streets, from *Town Residential 2* to *Town Center 1* (to put this in context, Maine Street was/is also currently zoned as *Town Center 1*).

Looking back now, it seems apparent that this 3-block change in zoning was passed to pave the way for the CEI development on the single block between Center Street and Bank Street. Whether one agrees or disagrees with this decision, a fair argument can be made that the Rec. Center and old Police Station were already not residential, nor were they compatible with the Federal Street Historic District; therefore, it made sense to change the lower Federal Street zoning to allow for the CEI building to be built.

Now that the CEI project has been approved and is well under way, I think that it is critical to recognize some realities of the 2012 3-block zoning change that was made to the western side of lower Federal Street between Center and Mason Streets:

1. As a result of the 3-block zoning change made to accommodate the one single CEI block, the remaining 2-block section between Bank Street and Mason Street, composed today of 100+ year-old buildings that were once single family homes, is now currently in the same zoning district as Maine Street (*TC1*).
2. Despite Federal Street's designation as a National Register historic place, the Town of Brunswick can allow any development that it wants as long as the development has the necessary approvals (e.g. Planning Board and Village Review Board). In short, while a National Register historic designation is a nice label to have, it is virtually meaningless when it comes to stopping a development that the Town's zoning allows.
3. Without residential zoning protection, the remaining historic 2-block section from Bank Street to Mason Street could be torn down and re-developed into buildings similar to the CEI block between Center Street and Bank Street.

The single CEI block of western Federal Street between Center Street and Bank Street lost its historic significance decades ago when the Rec. Center was built. But the two blocks between Bank Street and Mason Street are still virtually the same today as they were 100 years ago – and those historic buildings need zoning protection. Unfortunately, under the current Brunswick Draft Zoning Map ([http://www.brunswickme.org/wp-content/uploads/2014/08/draft.map\\_growth.district.pdf](http://www.brunswickme.org/wp-content/uploads/2014/08/draft.map_growth.district.pdf)), the western side of lower Federal Street is still being zoned in

the same district, *Growth Mixed-Use 6 (GM6)*, as downtown and Maine Street. While this might be acceptable for the CEI block between Center Street and Bank Street, the two remaining western blocks between Bank Street and Mason Street should be returned to the residential zoning protection that they held in 2012.

I strongly urge Clarion Associates, the Zoning Ordinance Rewrite Committee and any other parties who have a say/vote in the matter to seize this opportunity to protect the Federal Street Historic District by designating the two blocks on the western side of lower Federal Street between Bank Street and Mason Street as ***Growth Residential 7 (GR7)*** - not *Growth Mixed-Use 6 (GM6)* as it currently stands in the Draft Zoning Map.

Thank you very much for your consideration.

Sincerely,  
Jonathan

**Jonathan Shepherd**  
HARVARD | BUSINESS | SCHOOL  
Wilder House 302 | Boston, MA 02163  
617-495-6749 | jshepherd@hbs.edu



# TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT  
28 FEDERAL STREET  
BRUNSWICK, ME 04011

ANNA M. BREINICH, AICP  
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660  
FAX: 207-725-6663

September 12, 2012

**To:** Brunswick Town Council  
Gary Brown, Town Manager  
**From:** Anna Breinich, AICP  
**Subject:** Request to schedule public hearing: Proposed zoning change from TR-2 to TC1,  
West side of Federal Street between Mason and Center Streets

At their July 23<sup>rd</sup> meeting, the Brunswick Town Council unanimously voted to request Planning Board's consideration of options to amend the zoning ordinance to allow other uses at 28 Federal Street (Town Hall and Recreation Facility), once the buildings are no longer used as a municipal facility, and make recommendation to Council. The Planning Board held a public hearing on September 11, 2012 to consider a zoning map change for the west side of Federal Street between Mason and Center Streets, from the current Town Residential 2 Zoning District to Town Center 1. The Board then voted unanimously to recommend the proposed zoning change, as shown on the attached area map, to Town Council for adoption.

As background, staff researched zoning of 28 Federal Street in effect at the time of construction of the Municipal Building and, thereafter, to determine if its functional use as an office would be considered a legally-established nonconforming use.

In 1959, the Town of Brunswick acquired the 28 Federal Street property. We are unable to confirm whether the Parks and Recreation Building, 30 Federal Street, was also acquired at that time or earlier. At the time of purchase and it is assumed, at the time of construction of the municipal building, the property was zoned as General Residence. Municipal Use was a permitted use; office use was not.

In 1969, the Zoning Ordinance was significantly updated with the creation of new zoning districts and changes made to existing zoning district boundaries. The west side of Federal Street from Mason to Center Street was rezoned from General Residence to C-1, Downtown Commercial District. This district generally included Maine Street from Fort Andross to Pleasant Street, then continuing south on the west side of Maine Street to Noble Street. Permitted uses included multi-family residential only by "exception" approved by the Board of Appeals, a mix of commercial, institutional, recreational and educational uses. Single-family residential was not a permitted use. With regard to 28 Federal Street, "governmental building or facility" was a permitted use as well as offices. The Municipal Building continued as a governmental building or facility use and was not reclassified as an office.

The C-1 Zoning District remained as adopted in 1969 until September 1986, at which time an updated zoning ordinance was adopted. Zoning districts were again redrawn and all previously zoned C-1 properties fronting Federal Street were now rezoned a new Intown Residential 11 District, as was all Federal Street. Unfortunately the rezoning from C-1 to Intown Residential 11 created 5 non-conforming uses/properties out of 7 properties located between Mason and Center Streets. For the most part, these non-residential uses were legally established between 1969 and 1986 and still exist today as nonconforming uses today. In hindsight, this area should have remained C-1.

Presently, as a municipal facility, the town offices and recreation center are permitted uses by ownership alone. As to their functional use, offices and recreational facilities are prohibited uses in the current Town Residential 2 Zoning District (TR2) established in 1997, as part of a comprehensive Town-wide rezoning. Single-family and multi-family residential uses are the only permitted uses in the TR2 District encompassing Federal Street with the exception of an area near Cleaveland Street. Bed and breakfast establishments, greenhouse and florist, photographer and artist studios and religious institutions are permitted by Special Permit. Therefore, if the existing Town offices and recreation uses are vacated, the buildings/parcels cannot be used for the same non-municipal functional use.

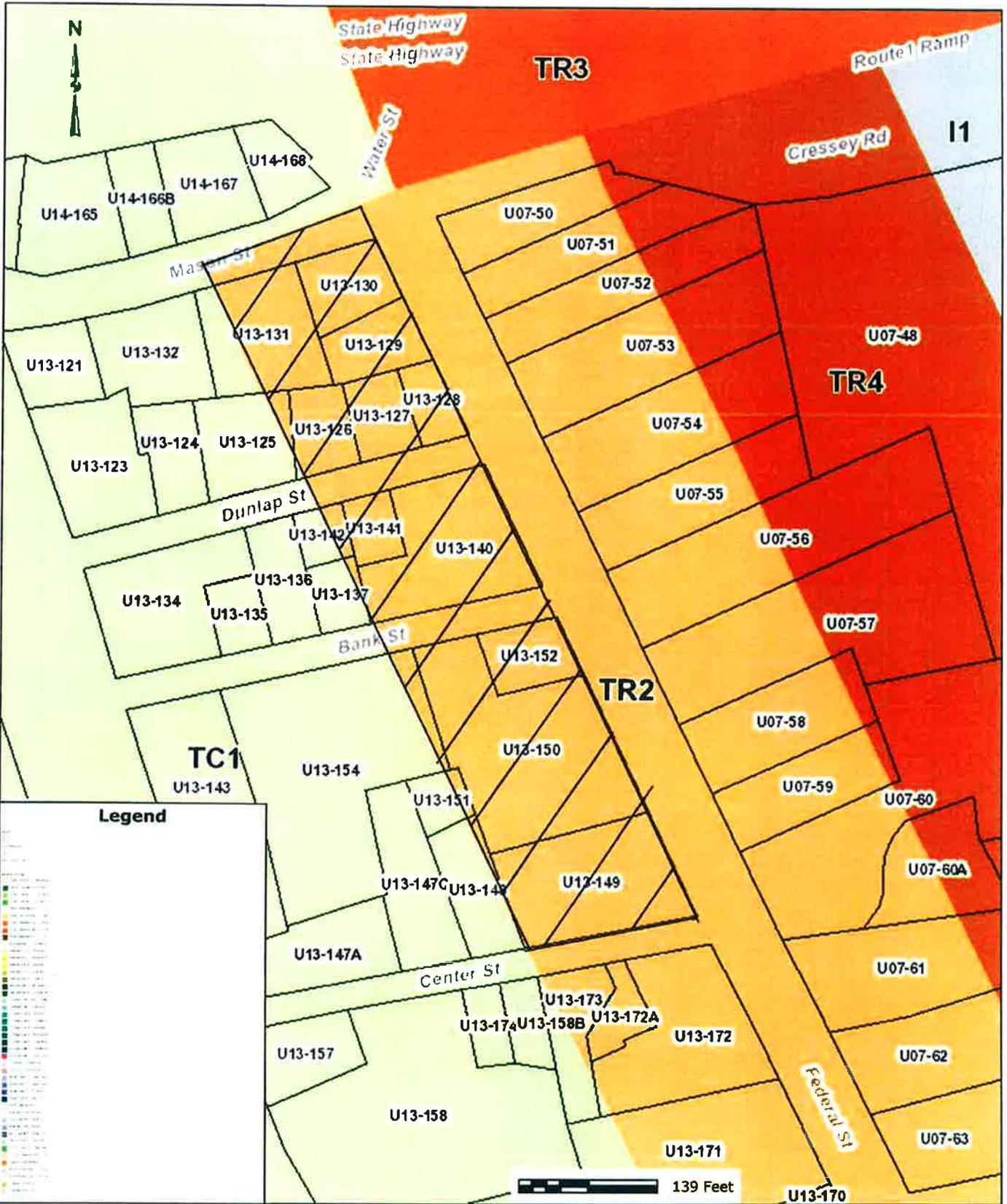
At the Board's July 31, 2012, staff suggested two alternatives to address the issue:

- 1) To rezone the west side of Federal Street, between Mason and Center Streets, back to what is now known as Town Center 1 (formally C-1), thereby reflecting the majority of existing nonconforming uses established by right between 1969 and 1986 – primarily non-residential uses, compatible with residential uses; or
- 2) To amend the existing municipal facilities standards (Section 306.17) to allow the continuation of existing prohibited functional uses of municipal facilities, as a legally-established nonconforming use. Essentially, the functional use of the municipal facility would be considered non-conforming having the same restrictions as any other nonconforming use town-wide.

After much deliberation, the Planning Board took unanimous action to schedule a public hearing on September 11, 2012 to consider the rezoning of the west side of Federal Street between Mason and Center Streets, from Town Residential 2 to Town Center 1. Following the public hearing, the Planning Board unanimously voted to recommend the proposed zoning change to Town Council for adoption.

Staff respectfully requests Town Council to consider scheduling a public hearing to take comment and possible action on the recommended zoning change.

I will be in attendance at the Council meeting to answer questions.



**Town of Brunswick, Maine**



**PROPOSED TC1 ZONING**

*This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.*

# ZONING DISTRICTS

ADOPTED MAY 28, 1969

LATEST REVISION

R-1

URBAN  
RESIDENTIAL

R-2

SUBURBAN A  
RESIDENTIAL

R-3

SUBURBAN B  
RESIDENTIAL

R-4

COASTAL  
RESIDENTIAL

R-5

COUNTRYSIDE  
RESIDENTIAL

C-1

DOWNTOWN  
COMMERCIAL

C-2

HIGHWAY  
COMMERCIAL

C-3

SUBURBAN BUSINESS  
AND SHOPPING CENTER

F

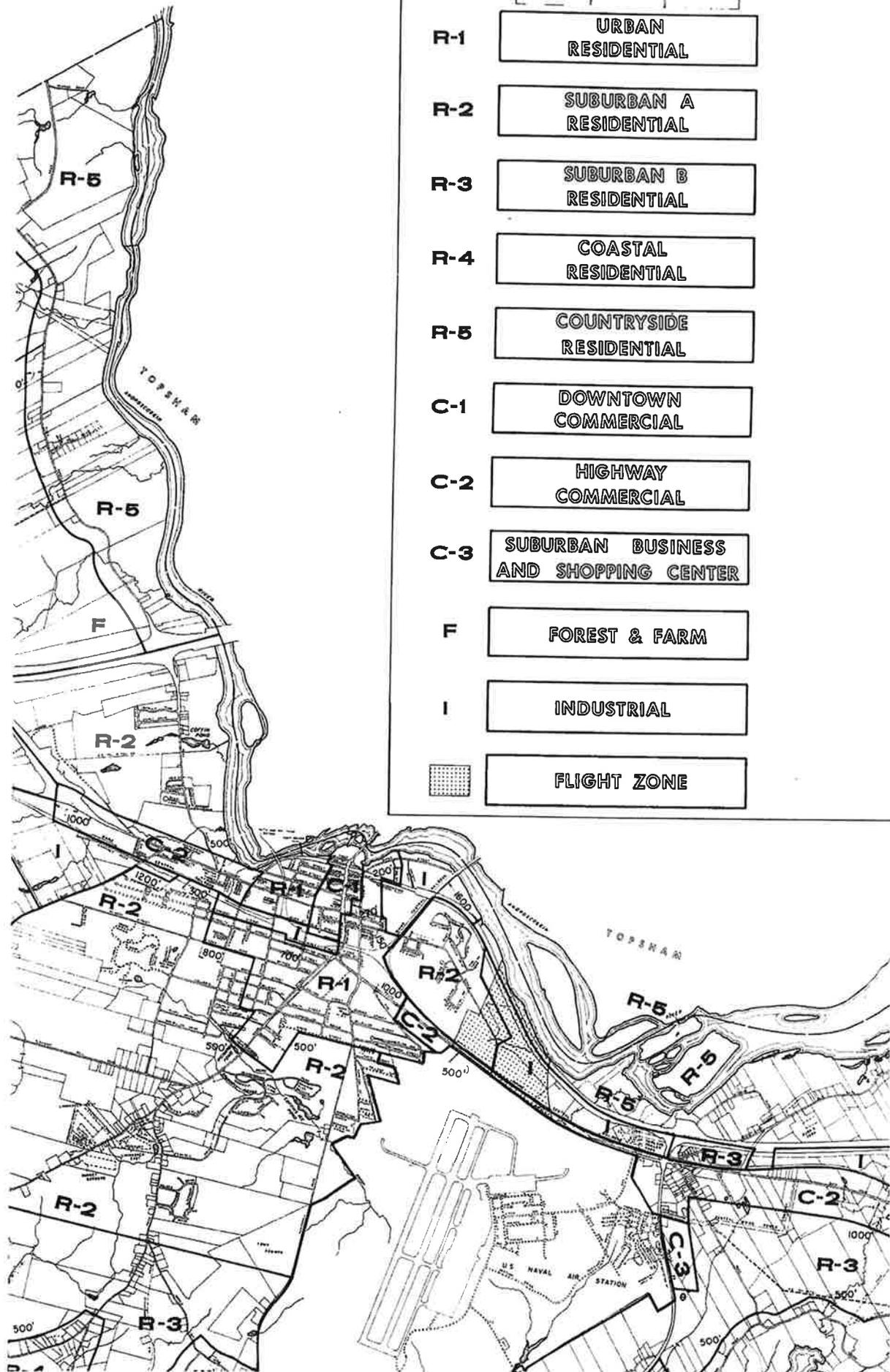
FOREST & FARM

I

INDUSTRIAL



FLIGHT ZONE





**FEDERAL STREET ZONING**

**Town of Brunswick, Maine**

*This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.*

**Federal Street Uses**

Map Lot	Street Number	Street Name	Owner	1969-1985 Use	Present Use
U13-129	6	FEDERAL ST	FEDERAL (6) LLC	2 Family --> 5 Offices, 2 Apts in 1979	5 Offices, 2 Apts
U13-149	30	FEDERAL ST	BRUNSWICK, TOWN OF	Town Hall	Town Hall
U13-150	28	FEDERAL ST	BRUNSWICK, TOWN OF	Recreation Center	Recreation Center
U13-140	12	FEDERAL ST	ABP INC	Funeral Home	Funeral Home
U13-152	20	FEDERAL ST	RANGER, ORVILLE T	Law Office (converted from dwelling in 1969)	Law Office
U13-130	4	FEDERAL ST	NOCK, STANLEY SR	Single Family	Single Family
U13-128	8	FEDERAL ST	MILLAR, ROBERT H ETAL TRUSTEES	3 Apts	3 Apts

Map Lot	Street Number	Street Name	Owner	1969-1985 Use	Present Use
U07-54	9	FEDERAL ST	LAITALA, THEODORE A JR & NANCY	Single Family	Single Family
U07-58	19	FEDERAL ST	FEDERAL (19) BRUNSWICK LLC	Added 2 Apts in 78; Multifamily	Multifamily
U07-60	25	FEDERAL ST	FEDERAL (25) BRUNSWICK LLC	Multifamily (8)	Multifamily (7)
U07-59	23	FEDERAL ST	FEDERAL (23) BRUNSWICK LLC	2 Family	2 Family
U07-60A	25	FEDERAL ST	FEDERAL (25 1/2) BRUNSWICK LLC	Single Family	Single Family
U07-50	1	FEDERAL ST	HOBART, KATHERINE B & BRIAN D JT	2 Family	2 Family
U07-51	3	FEDERAL ST	GERZOFOSKY, STANLEY J &	2 Family	2 Family
U07-52	5	FEDERAL ST	BABBITT, THOMAS C II	Single Family	Single Family
U07-56	13	FEDERAL ST	THEBERGE, CORY & SHILOH D JT	Single Family	Single Family
U07-53	7	FEDERAL ST	FEDERAL (7) BRUNSWICK LLC	Variance granted for Professional Office in 72; 2 Apts in 75	Multifamily (8)
U07-55	11	FEDERAL ST	COPELAND, ELISE C	Added Apt in 76; 3 Family	2 Family
U07-57	17	FEDERAL ST	FEDERAL ST (17) LLC	Multifamily	Multifamily



**TOWN OF BRUNSWICK**

**PLANNING BOARD**

28 FEDERAL STREET, BRUNSWICK, ME 04011-1583

**TOWN OF BRUNSWICK**

**PLANNING BOARD**

**AGENDA**

**BRUNSWICK STATION**

**16 STATION AVENUE, BRUNSWICK, ME**

**ROOM 217**

**Tuesday, September 11, 2012**

**7:00 P.M.**

1. **Public Hearing:** The Planning Board will hold a public hearing to consider the rezoning of the west side of Federal Street between Mason and Center Streets, from Town Residential 2 to Town Center 1.
2. Other Business
3. Minutes

It is the practice of the Planning Board to allow public comment on development review applications and all are invited to attend and participate.

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. This meeting will be televised.



## TOWN OF BRUNSWICK, MAINE

INCORPORATED 1739

DEPARTMENT OF PLANNING AND DEVELOPMENT  
28 FEDERAL STREET  
BRUNSWICK, ME 04011

ANNA M. BREINICH, AICP  
DIRECTOR OF PLANNING & DEVELOPMENT

PHONE: 207-725-6660  
FAX: 207-725-6663

August 28, 2012

**To:** Brunswick Planning Board  
**From:** Anna Breinich, AICP  
**Subject:** Public hearing to consider zoning change from TR-2 to TC1: West side of Federal Street between Mason and Center Streets

At their July 23<sup>rd</sup> meeting, the Brunswick Town Council unanimously voted to request Planning Board's consideration of options to amend the zoning ordinance to allow other uses at 28 Federal Street (Town Hall and Recreation Facility), once the buildings are no longer used as a municipal facility, and make recommendation to Council.

As requested by Town Council, we researched zoning of 28 Federal Street in effect at the time of construction of the Municipal Building and, thereafter, to determine if its functional use as an office would be considered a legally-established nonconforming use.

In 1959, the Town of Brunswick acquired the 28 Federal Street property. We are unable to confirm whether the Parks and Recreation Building, 30 Federal Street, was also acquired at that time or earlier. At the time of purchase and it is assumed, at the time of construction of the municipal building, the property was zoned as General Residence. Municipal Use was a permitted use; office use was not.

In 1969, the Zoning Ordinance was significantly updated with the creation of new zoning districts and changes made to existing zoning district boundaries. The west side of Federal Street from Mason to Center Street was rezoned from General Residence to C-1, Downtown Commercial District. This district generally included Maine Street from Fort Andross to Pleasant Street, then continuing south on the west side of Maine Street to Noble Street. Permitted uses included multi-family residential only by "exception" approved by the Board of Appeals, a mix of commercial, institutional, recreational and educational uses. Single-family residential was not a permitted use. With regard to 28 Federal Street, "governmental building or facility" was a permitted use as well as offices. The Municipal Building continued as a governmental building or facility use and was not reclassified as an office.

The C-1 Zoning District remained as adopted in 1969 until September 1986, at which time an updated zoning ordinance was adopted. Zoning districts were again redrawn and all previously zoned C-1 properties fronting Federal Street were now rezoned a new Intown Residential 11 District, as was all Federal Street. Unfortunately the rezoning from C-1 to Intown Residential 11 created 5 non-conforming uses/properties out of 7 properties located between Mason and Center Streets. For the most part, these non-residential uses were legally established between 1969 and



**BRUNSWICK PLANNING BOARD  
SEPTEMBER 11, 2012**

**MEMBERS PRESENT:** Chairman Charlie Frizzle, Dann Lewis, Dana Totman, Richard Visser and Steve Walker

**STAFF PRESENT:** Anna Breinich

A meeting of the Brunswick Planning Board was held on Tuesday September 11, 2012 at the Municipal Meeting Facility at Brunswick Station, 16 Station Ave. Chairman Charlie Frizzle called the meeting to order at 7:00 P.M.

**Public Hearing:** The Planning Board will hold a public hearing to consider the rezoning of the west side of Federal Street between Mason and Center Streets, from Town Residential 2 to Town Center 1.

Anna Breinich began by reviewing aerial photographs of Federal Street from 1959 when the municipal building was constructed. She stated that it was zoned similar to Town Center and was called C1, Commercial 1 Zoning District. The C1 District was similar to Town Center 1 (TC1) in uses, impervious surface and dimensional requirements. She stated that the area was zoned C1 from 1969-1986. In 1986 a Comprehensive Plan rezoning was put in place and it became Town Residential 2 (TR2) and took about 5-7 properties and made them non-conforming; they have remained this way. Anna stated that 28 & 30 Federal Street are permitted uses because they are municipal facilities, however the functional use of a recreational facility and office space are not permitted uses within Town Residential 2 Zoning District (TR2). Anna reviewed the Planning Board suggestions from the July 31, 2012 meeting and stated that one suggestion was to rezone the west half of Federal Street and revert it back to the TC1 area; then all the uses would be compatible. The second option was to amend the existing Municipal Facilities Section 306.17, in the Zoning Ordinance which would allow the continued functioning use of Municipal Facilities as a legally established non-conforming use; this was not an option favored by the Town Attorney or the Board.

Chairman Charlie Frizzle opened the public hearing.

Jane Millett, resident of 10 Franklin Street, stated that she has concerns with the lack of transparency and confusion with the new buildings' issues going on. She stated that she has copies of the appraisals and it seems as though the Town of Brunswick is making these changes so that it will have more value for this building. She stated that she does not know if they would be making these changes if it were a private citizen coming before them requesting these changes.

Chairman Charlie Frizzle closed the public hearing.

Charlie Frizzle, in response to Jane Millett's question, stated that the Town's plan to move the Municipal Office to the McLellan Building was a consideration and maximizing the building for Brunswick Development Corporation to take possession when they surrender the property for the

police station. Consideration for how much value to the Town was part of these discussions. Charlie stated the he is not sure that this request is something they would consider for a private citizen but is something they have been asked to do by the Town Council. Charlie stated that what was very important to the Board was that this change was clean and simple; approach one restores all the non-conforming properties on the north end of Federal Street to a conforming status including the Recreation and Town Hall buildings. Dana Totman stated that he does hear Jane's point, but he thinks if there was a critically located site in the town, private or publically owned, that the board had an opportunity to zone in a way that would be in the best interest to the town, then the Board most likely would consider zoning changes. Dana stated that in the interest of keeping in line with Smart Growth and assuring utilization of precious sites in the town appropriately and fully, then the Board should give consideration to rezoning this site. He stated that he paused when Jane pointed this out but realized that this is a site where the zoning change would be of value and interest to the town as a whole not just to facilitate a financial transaction.

Chairman Charlie Frizzle reopened the public hearing.

Marji Greenhut, 10 Noble Street, stated that when Town Hall and the Police Station are emptied, the space is prime, close to downtown and would be a wonderful for low income, affordable, senior housing downtown; this location would give senior citizens the opportunity to walk downtown and be a part of the community instead of shoved to the outskirts. She stated that it is important to incorporate senior citizens into the community and noted that their needs for cars would diminish. She stated that the rooms in Town Hall appear as though they could easily convert into apartments. She hopes that the Planner and all involved would consider the need for centrally located affordable, low income, senior housing where people can get to the wonderful parts of downtown.

Anna Breinich replied to Marji's suggestion by stating that within TC1 apartments are permitted as a dwelling unit with three or more units and would not preclude this type of use if there was someone who wanted to develop this as senior housing.

Jane Millett asked if Anna Breinich could explain what Retail 1 & 2 as well as Service 1 & 2 was; her interest is that she lives in the neighborhood and asks that they be mindful of what goes into this lot. Anna replied that this would still be within the Village Review Zone and would have to follow the VRB Design Standards. Anything that will be built there will need to be compatible as what is in place and if the building remains, the outward appearance can remain the same. Anna stated that Retail Class 1 and Retail Class 2 refers to size of the building; TC1 does allow 100% of the site to be developed, it is the most intensive district, but there are a number of buildings that are in character with the overall downtown area. Anything that happens would, in all likelihood, probably come back to the Planning Board.

Chairman Charlie Frizzle closed the public hearing.

Dana Totman noted that Convenience Store is a permitted use in the TC1 Zone as well as Retail Class 1 and Retail Class 2; Dana asked if someone were to demolish the building with intent to construct a convenience store, what would be the authority to turn such an application down.

Anna Breinich replied that if it meets the requirements of the ordinance then the board would need to approve it but when it comes to Design Standards, whatever is built there would have to be met. Charlie Frizzle noted that dwelling units would most likely come under the purview of the Village Review Board and traffic impact would fall under the Planning Board. Anna added that all of Federal Street is still under the National Register Designated Historic District, and that even though federal, state, or local government does not get involved, it is still a consideration that would be in play with VRB and could be taken to the Maine Historic Preservation Board. Dana asked what the thinking to include the Recreation Building lot was. Anna replied that the two would go at the same time and based on what was occurring at 28 and 30 Federal Street for almost 20-30 years. Charlie replied to leave out the recreation building would leave it within the TR2 Zoning District where it would be non-conforming and stated that it would be wiser to include it in the TC1 Zoning District to allow for a wider variety of possible uses. Dana replied that he understands altering the zone up to 28 Federal Street, but feels that that adding the Recreational Building opens up potential issues. Charlie replied that an applicant would still need to come to the Board for any other use besides recreational; Anna added that the recreation use is not permitted in TR2.

**MOTION BY RICHARD VISSER THAT THE BOARD RECOMMEND TO TOWN COUNCIL TO CONSIDER THE REZONING OF THE WEST SIDE OF FEDERAL STREET BETWEEN MASON AND CENTER STREETS, FROM TOWN RESIDENTIAL 2 TO TOWN CENTER 1 THEREBY REFLECTING THE MAJORITY OF EXISTING NON-CONFORMING USE'S ESTABLISHED BY RIGHT BETWEEN 1969 AND 1986, PRIMARILY NON-RESIDENTIAL USE COMPATIBLE WITH RESIDENTIAL USES. SECONDED BY DANN LEWIS, APPROVED UNANIMOUSLY.**

Other

- Moving Downtown forum has been moved to 9/20/12 at Brunswick Junior High School from 5:00-7:30
- 9/18/12 Recreation Trails Open Space Management Plan public forum for abutting owners and general public.

Minutes

No minutes were reviewed at this meeting.

Adjourned

This meeting was adjourned at 7:34 P.M.

Attest



Tonya D. Jenusaitis  
Recording Secretary

**BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION**

**MAY 21, 2015**

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

**MEMBERS ABSENT ZONING ORDINANCE REWRITE COMMITTEE:** Jeremy Doxsee, Town Planner; and Jeff Hutchinson, Code Enforcement Officer

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

Mr. Frizzle opened the meeting.

Mr. Frizzle opened the meeting to public comments on items not included on the agenda. Seeing no citizens offering public comments, he closed the public comments section of the meeting.

**Project update:**

Ms. Breinich gave an update on the work and revisions completed and given to Clarion since last meeting and thanked Ms. Wilson for her help. Ms. Breinich compiled a list of things the Committee still needed to review, which will be discussed at upcoming meetings. She would recommend that some of the items be held until draft 2 to see how they fit in with the proposed draft ordinance and to continue work on some of the items. Two of the upcoming meetings will focus primarily on mapping; smaller scale requests, map review, and staff suggestions at next week's meeting, and larger scale mapping comments and requests will be reviewed on June 10, 2015. The Committee will also be looking at what were R-1 and R-8, CU-1 and CU-2 at that meeting. The last meeting scheduled, June 17, 2015, will consist of anything else that comes up. Her hope is to have the second draft from Clarion for internal review in approximately 2 weeks. Items wrapped up today will be forwarded to Clarion for inclusion in the second draft.

**Density standards (continued discussion, including possibly establishing minimum densities for new neighborhoods in growth area:**

Discussion materials include Ms. Wilson's 6-page document comparing existing tables to proposals to see what happens to the density. The Dimensional and Density standards finalized on April 13, 2015, will be included in the next draft, and possibly the Use Table as well. Mr. Frizzle stated that thus far they had established a minimum square footage of 7,000 for nonresidential uses in a growth zone, and eliminated any minimum lot size with respect to residential uses. They allow the density and setbacks that exist in that area to determine the minimum lot size. In the past, specifying a minimum lot size in a residential area has provided a barrier to achieving maximum densities.

Ms. Wilson created a set of alternative scenarios directed towards evaluating whether the Committee's current effort at reducing lot sizes allowed increased density. She began with an

analysis that showed that even reducing lot sizes only increased density by a small amount, if at all. Ms. Wilson brings today Alternatives 1, 3, 4 and 5, and a final document which compares how many single family homes, duplexes, and multi-family units can be built in each of the zoning districts in the current ordinance, the initial proposed draft, and alternatives 1,3,4 and 5. The final document, *The Comparison of Current, Proposed and Alternatives 1, 3, 4, and 5*, summarizes her findings. In Alternative 1, Ms. Wilson took the Committee's initial recommendation of dropping lot sizes to 7,500 in districts R-2, R-3, R-4, R-5 and the TR zones, but increasing the density to see what would happen. Alternative 3 basically eliminates lot size entirely, but in the same districts as Alternative 1, and increases densities slightly. Alternative 4 leaves density as it is in the current ordinance, which will eliminate lot size, and examines what that would do in regards to density. Alternative 5, which was recommended to Clarion, eliminates lot size for residential, but recommends that commercial lots be 7,500 sq. ft. In response to Mr. Frizzle's prior meeting inquiry, she considered all residential districts instead of the districts selected above. Ms. Wilson explained the density changes in Alternative 5. Ms. Wilson stated that the current ordinance allows the fewest housing units in town, so whatever alternative is used will provide slightly more density. The current ordinance allows the fewest single family residences, and the reason for that is that the current minimum lot size in R-3, R-4 and R-5 is 15,000 sq. ft. The alternatives that allow the most single family residences are Alternative 3 and Alternative 5, because they eliminate lot size entirely, relying on density. That allows six residences in R-3, R-4 and R-5, instead of the current two. Ms. Wilson also reviewed changes to duplexes, which would only allow a slight change to even the most liberal of the proposals of one or two additional duplexes. She then reviewed the changes to multi-family units. Mr. Frizzle believes this will be a valuable document, because the effect is minimum. He's unsure if the minimum is enough to satisfy the Comprehensive Plan. Ms. Wilson said Alternative 5 has the most housing options, which has no minimum lot size, and density is increased by one in many of the residential areas. Mr. Frizzle mentioned, for anyone that's concerned with minimum lot size, that when you get to some of the other requirements of the ordinance, like setbacks, those serve to define your minimum lot size anyway. This discussion relates only to the growth area. Mr. Frizzle is satisfied that Alternative 5 is probably the best the Committee can do at this time, although a suggestion has been made that they might want to consider minimum densities, as the Comprehensive Plan also suggests. Mr. Frizzle's concern with minimum density is who sets it and how do they come to the right minimum. He's also not sure what the Comprehensive Plan had in mind when they suggested minimums. He also feels it would be taking away some portion of the market from developers, and he's not sure that's a wise move. He is not ready to recommend minimum densities unless there is a compelling argument for their institution. Ms. Breinich read from the Comprehensive Plan and the Committee discussed the implications.

**Bill Morrell, 732 Mere Pt. Road**, does not believe minimum densities would work in Brunswick. He has great concern about it through his experience developing lots. He mentions the many mentions in the Comprehensive Plan about allowing denser developments, but not minimum. There is only one spot where it is mentioned and it wasn't an action item. He believes the Committee has addressed the density issue well. He spoke about a survey done by the Comprehensive Plan and Planning Decision, who concluded that all the subdivisions looked at in the 14-year time span that they had used, were dense. He spoke of a subdivision he built that neighbors had petitioned because they thought it was too dense, and mentioned that every

piece of land poses its own challenges for building. He agrees with Mr. Frizzle that it would handcuff the developers. Mr. Visser believes the Committee should go with what is proposed.

**Carol Liscovitz, 11 Berry Street**, questioned what the Committee considered minimal impact when they were discussing infill density; a number impact, or neighborhood impact. Ms. Wilson replied that she was thinking in terms of numbers of developable lots that homes could be put on, and there aren't that many.

The conclusion of the Committee was that minimum density was not going to be recommended at this time.

Ms. Wilson was concerned with the density increase from 5-6 in the highway connectors, when the Comprehensive Plan clearly stated that they were not to be increased. She wonders if it should be taken out of the draft, or if perhaps it is appropriate to keep the higher density on lots that do not front the connectors. Mr. Frizzle doesn't think the increase will have a serious detrimental effect, because there are limiting factors there currently.

**Treatment of actual use of a municipal facility, if no longer a municipal facility:**

Ms. Breinich said this had been an issue at times. Currently, a municipal facility is a use, and it can go practically anywhere. The use itself can be a number of different things, such as garage, office, or school building. There are a number of different types of uses that may not necessarily be permitted within that district. The Committee has tried to consider use rather than ownership in this process of a proposed new draft of the zoning ordinance. She would like to begin the discussion about how to treat those municipal uses which are no longer municipal uses. Ms. Wilson asked if Ms. Breinich still intended that all municipal uses should be allowed anywhere in town. Ms. Breinich replied that is currently the case. Related to that is a utility, for example, a sewer district facility, that is located in a residential district. Ms. Breinich asks first if it is a municipal use or a quasi-municipal use, and Ms. Wilson added to make sure their definition includes quasi-municipal, which she believed this was. Mr. Frizzle felt that whatever the Committee does about abandoned municipal facilities, it needs to be flexible, but also appropriately account for the neighborhood's concerns, and that's where Neighborhood Protection Standards could be useful. There will be a lot of abandoned municipal facilities that will not be of use to anyone. Mr. Visser asked how other municipalities dealt with this subject, and Ms. Breinich stated she would get more information. Ms. Wilson said ideally the municipality would be able to sell the facility, but she believes the new use should be regulated. Ms. Breinich also mentioned grandfathering, which would have happened with the former municipal building on Federal Street if it had been private property, but does not happen with a municipal facility. This is an example of zoning by ownership, not by use, which is what the Committee is changing with the proposed draft ordinance. Mr. Frizzle believes a property should be permitted to continue the same use as it had previously, regardless of the owner. Ms. Wilson stated that because of its municipal use, it is allowed in any district, where it may not necessarily been even imagined in that district. Ms. Breinich added that they could do a supplemental on it, stating that the actual use could be continued through a special permit, rather than a conditional use, because that would be much more neighborhood-based. Mr. Frizzle wondered how many uses would be approved with this approach, and thought conditional use

was more appropriate. Ms. Breinich said they could say it must be for a same or less intensive use as a conditional use. Ms. Catherine Ferdinand made comments about the special permit process, which the Committee found helpful.

**Carol Liscovitz, 11 Berry Street**, understood that the only difference between conditional use and a special permit was for a use that's omitted or not listed, and Ms. Breinich confirmed that was correct and it would need to be a conditional use.

Ms. Breinich will review this information with Mr. Elliott and they will attempt revisions to this section.

### **Supplemental standards for Brunswick Landing:**

Mr. Frizzle and Ms. Breinich met last week with many different groups and interested citizens about how to move forward with respect to the land use restrictions that the Navy is transferring to new owners at Brunswick Landing, and how to make sure that those restrictions are properly conveyed and enforced. He believes last week's meeting achieved a consensus with the entities around the methodology that he proposed. The developer of the property will be required by the ordinance to supply to the reviewing authority all of the deed restrictions associated with the property or properties. Many of the deed restrictions are on file at the town, which will be able to help developers if they do not know the deed restrictions, but they will have to be part of the submittal to build. The town or the reviewing authority, as far as performance standards are concerned, will need to make sure:

- the developer is aware of the restrictions
- the developer is prepared to implement or enforce those restrictions

Ms. Breinich stated that within the supplementary use standards are the additional standards for any use that basically needs to have the supplementary standards. She is proposing 3.4.1.V. – Former Brunswick Naval Air Station (BNAS) Land Use Controls, because that is what they are referred to by the Navy. She has added three standards at this point, but believes it covers everything. The standards apply across the board, and not just to Development Review. Ms. Breinich read the three standards, two of which referred to the standards listed above, and the third dealt with complying with Land Use Controls established for specific sites. Ms. Breinich said these sites and deed restrictions would also be put on the town's GIS on the website to be available to the public.

**Carol White, technical advisor for the Brunswick Area Citizens for a Safe Environment (BACSE)**, asked a question about the overlay zones, which the Committee answered, and asked about the final language, which Ms. Breinich answered. She would encourage the Committee to include the map, and Ms. Breinich agreed, and said it would also be put online.

**Dave Page, BACSE member**, thanked the Committee members for going through this long process, and stated his issue is the groundwater in the future. He wonders if everyone is comfortable that there will not be any groundwater extraction or installation of septic systems, and should it be stated that town water and sewer were to be used. Ms. Breinich stated that it's in the growth area, so by state law public water and sewer can't be required past 200 feet unless the

town pays for it. That's been the ongoing issue for connections throughout town. Mr. Frizzle said that if someone wanted to develop that lot in the future, they would need to pay to extend beyond 200 feet because they don't have the option of drilling a well. Ms. Breinich and Mr. Frizzle stated that condition is in the conveyance documents, and it was referenced rather than repeated because the conditions are different for every lot at Brunswick Landing. The suggestion from a member of the audience was to state "*no pumping of groundwater unless approved by the Navy*", but Mr. Frizzle said that is what the conveyance documents state already.

**Catherine Ferdinand, Bowdoin College**, provided another perspective on this issue by referencing a college-owned piece of property, not impacted by development that has groundwater restrictions in the deed covenant in terms of extraction. Their understanding, in talking to the Navy and to the regulators, is that those deed restrictions are on this particular piece of property not because they think the groundwater is impacted, but because there are data gaps. Should Bowdoin want to do some hydrogeological studies and further understand how groundwater moves on that property, they could go forward and have those restrictions potentially lifted, and would then need a zone change. They are more comfortable with dealing with the regulatory layers and the understanding that it makes sense to have the Planning Board also aware of those regulations, and that they are complying going forward when they are trying to develop, but it's a fluid situation.

**Carol White, technical advisor for the Brunswick Area Citizens for a Safe Environment (BACSE), and hydrogeologist**, believes that you can't really look at the property as an individual entity; rather, it's a system that's interconnected, and in the evaluation of lifting restrictions it would be essential that the whole Base hydrogeologic system be evaluated. It is a challenge because that information is not available currently. It's a base-wide rather than site-specific issue.

Ms. Breinich said the reason groundwater is not specified is because there could be other environmental factors, and these would be specified through referring to the documents. In response to Ms. Wilson's suggestion of highlighting the issue currently being discussed, she said something could be missed, and they didn't want to paraphrase what was in the conveyance documents. She elaborated on the process of Development Review and the scrutiny that these properties and their restrictions would receive. She believes the goal is to protect the town, and this accomplishes that goal.

**Dave Page, BACSE member**, doesn't think it would hurt to make people clearly aware that there is likely to be an issue by putting some wording in addressing the groundwater issue.

Mr. Frizzle said they could add a paragraph to what Ms. Breinich has proposed stating that these restrictions may include, but are not limited to, extraction of groundwater, soil disturbance, and three or four others that apply generally, and leave it at that, knowing that some things have been left out and some will change. Ms. Wilson agreed with Mr. Frizzle's idea. Ms. Breinich cautioned that this is an ordinance, not a prose document, and minimal language is used. She will work with Mr. Elliott of Clarion on this section.

**Carol White, technical advisor for the Brunswick Area Citizens for a Safe Environment (BACSE), and hydrogeologist,** wanted the Committee to change groundwater management zone to groundwater restricted zone because she believes it sends a clearer message, and doesn't believe the Navy would have an issue with a terminology change.

Ms. Breinich responded that she would leave the term as defined for clarification, but would add language stating "as being within the soils and water groundwater management zones, meant to further restrict future development." She agreed that the same term should be used throughout.

An audience member interrupted by saying Ms. Breinich was putting it in the wrong place.

**Catherine Ferdinand, Bowdoin College,** cautioned that the groundwater on the base is not necessarily contaminated or compromised in all areas, which is why she likes the term management, but the other element is protecting the Navy's remedy for the eastern plume. While there are restrictions placed upon it, part of it is protection of the Navy's remedy, which is the Navy's baby, so she cautions sending a message that if you put your finger in a stream at the base, you'll end up with an issue. This issue is twofold.

Ms. Breinich is viewing a copy of a matrix (Former NAS Brunswick Layering Strategy) dealing with land use controls by objective, natural land use controls themselves, and implementation actions. The one they are looking at and discussed last week was Governmental and Administrative Controls, which included Groundwater Management Zone and Soil Management Zone. She will gladly call Paul Burgio and ask him about the name being requested, but she personally thinks the term management is the correct term, not just restriction, but everything in the zoning ordinance could be termed a restriction. Mr. Frizzle said they would check with the Navy about the term.

Ms. Breinich summarized the directions from this meeting.

- to add a sentence to 3.4.1.V.1. stating that these restrictions may include, but are not limited to, extraction of groundwater, soil disturbance, and environmental as discussed above
- insert the groundwater management zone map within the appendix
- check with the Navy about changing the wording to restricted zone – Ms. Wilson asked to leave the word management, and Carol White of BACSE acquiesced
- all Development Review criteria will be included in Chapter 5, and may need to be fine tuned

#### **District Purposes:**

Ms. Breinich explained that these were taken from the Comprehensive Plan. Ms. Wilson commented that some terminology had changed from 2.2.1. to 2.2.2. , which seemed disjointed. Ms. Breinich stated that she did not change anything from the current document, but she would review using Ms. Wilson's notes.

**Catherine Ferdinand, Bowdoin College,** had a few comments on the purpose statement. In 2.2.3., and in general, all of the college use districts include language with the intent of buffering,

and even with all other districts subject to neighborhood buffering standards, there is no intent to buffer in the purpose statement. Her argument is that these purpose statements are about what is allowed instead of restricted, except in CU-1. She doesn't believe the purpose of the district is to buffer. Buffering is an element and an aspect of the development, and the development should be compatible or sensitive to neighboring residential districts, but buffering is treated in another section. Ms. Breinich will alter the language.

Ms. Breinich then spoke about GC-4, which is a mixture of town-owned and Bowdoin-owned properties, and pointed out this section on the zoning map. It is the conveyed land from the former BNAS. The way GC-4 is now structured, it is basically the equivalent of a college use district, but it isn't. Part of it is, but not all of it. The way it was structured originally, these were the uses that were permitted on Bowdoin properties, and on town-owned properties the conservation uses kicked in. Ms. Breinich explained that this was a mapping issue that then translates into it gets put into the other district, which is the Growth Natural Resource zone.

**Catherine Ferdinand, Bowdoin College**, questioned the sentence included in the GN district that supplementary standards provide for established, budding neighborhoods. She did not find any supplementary standards relative to GC-4, and Ms. Wilson stated she did not know if there were any. Mr. Frizzle said it had nothing to do with use, and Ms. Breinich said they do not belong in the district purposes, so the Committee will take that language out. It will be moved to the Supplementary Standards section. They will also move the use standards under the rural for the same reason.

The Committee discussed Appendix V. Ms. Breinich stated that some of the changes may need to be addressed in draft 2 of the proposed zoning ordinance. Ms. Wilson said it appeared that the use standards, which currently apply to the town-owned properties of what will be GN needs some clarification as to where they fit, but they do not fit in the summary description of the districts.

### **Planning Area Descriptions:**

Mr. Visser had a question about a comment, and Ms. Breinich stated that the comment was meant for Don Elliott of Clarion. Ms. Wilson had comments about the BNAS Reuse section, 8.6. The last sentence mentioned that conveyances to the town needed to serve as passive recreation areas with minimal disturbance, but this doesn't account for the town's Recreation Center, which is active. Ms. Breinich mentioned that it was a mix of active and passive, and Ms. Breinich will deal with that. She questioned the third paragraph of the Industrial Planning Areas, which Ms. Breinich said was not supposed to be there. She thought that agriculture was too limited and restrictive of a phrase in the Rural Farm and Forest section, and proposed that it be changed to the vision language in the Comprehensive Plan. The Committee agreed. They discussed a buffer area along Rt. 1 consistent with the Comprehensive Plan, and Ms. Breinich said that could be added to the proposed zoning ordinance, but would probably appear in the second draft.

**Bill Morrell, 732 Mere Pt. Road**, commented on A.1.3. Town Extended Residential. The language says new residential uses should be allowed at a minimum 1.5-2.0 units per acre, and he thought that should be removed. The Committee agreed. Ms. Breinich explained that it had

been left in because it was a vision, not a restriction, and there are some things that have changed since the Comprehensive Plan was done. He asked if the actual density should be referenced, but Ms. Breinich did not think it was needed. The Committee agreed to take out specific references to density.

Ms. Breinich had a list of definitions and language, which were ready to go to Clarion for final inclusion in the next draft.

There were some materials missing from the online meeting packet, and Ms. Breinich will make sure they are added.

Ms. Breinich received a question about neighborhood stores. She stated that neighborhood stores are allowed in every district currently. The problem with the current ordinance is that it doesn't show up as a use in the table. The catch-all chapter 3 states that they are allowed, but it has a size limit.

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

The Committee made some changes due to typos and lack of paragraph structure, and these will be fixed.

**Margaret Wilson moved, Dick Visser seconded, approval of the April 13, 2015, meeting summary. The motion was approved unanimously.**

**ZORC work session meeting schedule:**

**Thursday, May 28, 2015, 9:00 am in Town Hall Conference Room 206**

**Wednesday, June 10, 2015, 5:30 pm in Town Hall Conference Room 206**

**Wednesday, June 17, 2015, 3:00 pm in Town Hall Conference Room 206**

Mr. Frizzle adjourned the meeting.

Attest

Debra L. Blum  
Recording Secretary