TOWN OF BRUNSWICK

ZONING ORDINANCE REWRITE
COMMITTEE

85 Union Street, Brunswick, ME 04011-1583

WORK SESSION
REVISED AGENDA
TOWN HALL ROOM 206
85 UNION STREET
THURSDAY, JANUARY 7, 2016, 1:00 PM

1. Public Comment
2. Draft 2:
    a. Review of Draft #2 Staff Revisions – Chapters 1-3 (Note: Shoreland Protection Overlay Standards work in progress – *note added 1/5/16*)
    b. Stormwater Management (previously provided material from Jared) *(added 1/5/16)*
3. Approval of Meeting Summaries
4. Other Business
5. Upcoming Meetings Schedule

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.

for ZORC Review Session 1/7/16 - Chapters 1-3, excluding SPO Section.

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Chapter 1 - General Provisions

1.1 Title, Scope, and Authority

1.1.1. Title

This Ordinance shall be cited as "The Zoning Ordinance of the Town of Brunswick."

1.1.2. Scope

This Ordinance regulates the location, design, construction, alteration, occupancy, and use of structures and the use of land in The Town of Brunswick and divides the Town into Land Use Zoning Districts.

1.1.3. Authority

This Ordinance is enacted under the authority of the Brunswick Town Charter and Title 30-A of the Maine Revised Statutes Annotated.

1.2 Purposes

1.2.1. General Purposes

The purpose of this Ordinance is to establish land use requirements consistent with the Maine Growth Management Program (Title 30-A M.R.S.A. § 4312 et seq.), hereinafter referred to as "The Growth Management Program") and to implement the Town of Brunswick Comprehensive Plan, as amended.

1.2.2. Specific Purposes

As stated in the Town of Brunswick 2008 Comprehensive Plan, specific purposes of this Ordinance are to:

A. Direct development to Town-designated growth areas by encouraging higher density and infill development, particularly where public water, sewer, and stormwater systems exist, and in a manner that is compatible with the existing livable neighborhoods.

B. Maintain the rural character of, and guide development away from, designated rural areas by limiting development and promoting the preservation and protection of important open spaces and habitats.

C. Protect shorelands, rivers, streams, wetlands, forest habitats, and other natural resources from harmful development activities.

D. Provide a range of affordable housing throughout the community.

E. Protect and maintain historic, scenic, and recreational resources.

F. Promote an economically viable, pedestrian-friendly, and attractive downtown that serves as the community's social center, the focus of the community's creative economy, and home to a variety of small businesses while accommodating increased housing opportunities.

G. Encourage expansion of existing and new commercial, industrial, agricultural, and marine harvesting enterprises to maintain a diverse and healthy local economy.

H. Provide expanded pedestrian, bicycle, and transit use through efficient land use and encourage more efficient vehicular use.

I. Control nuisances such as, but not limited to, odor, noise, and site lighting.

J. Encourage orderly and effective development that is compatible with Brunswick's historic development patterns, unique character, and its established neighborhoods.

K. Provide an efficient and fair land use regulatory system.

L. Require the recognition and evaluation of flood hazards in all official actions relating to land use in designated floodplain areas.

1.3 Planning Areas

1.3.1. Planning Areas Identified

The Town of Brunswick is organized into the following Planning Areas. These areas are described in Appendix A - Planning Areas.

Table 1.3.1: Planning Areas

Growth Areas	Rural Areas
Town Core	Farm and Forest Conservation Areas
Town Residential	Coastal Protection Areas
Town Extended Residential	Route One Mixed Use Area
Cook's Corner Commercial Hub	
Cook's Corner Extended Area	
BNAS Reuse	
Commercial Connectors	
Exit 28-Mixed Use Development Area	
Industrial Areas	

1.3.2. Purposes and Uses of Planning Areas

A. The Planning Areas are identified and described in this Ordinance for the limited purposes of:

(1) Providing an understanding of the principles upon which the zoning is based.

(2) Serving as a guide in evaluating proposed ordinance text and map amendments, waivers, Special Permits, and Appeals.

B. If a conflict is found between standards applicable to zoning districts and the policies set forth in Appendix A (Planning Areas) for the corresponding Planning Area, the zoning district standards shall prevail.

1.4 Zoning Districts and Zoning Map

1.4.1. Establishment and Maintenance of Zoning Map

A. The Town is divided into the various base and overlay zoning districts established in Chapter 2 (Zoning Districts), with district locations and boundaries shown on the Town of Brunswick Zoning Map.

B. The Zoning Map is hereby incorporated by reference and made part of this Ordinance.

C. The Zoning Map is the latest adopted electronic map of zoning districts, as affirmed by the Department of Planning and Development.

1.4.2. Lots in Two Zoning Districts

A. Lots Greater than Ten Acres

When a lot greater than ten acres is divided by a boundary between two base zoning districts, the zoning requirements for each district shall be applied as though the portions in each district

were separate lots. The only exception is that there shall be no minimum setback or frontage requirements along the zoning boundary line.

B. Lots Less than Ten Acres

When a lot less than ten acres is divided by a boundary between two base districts, the provisions of the zoning district in which the larger portion of the lot lies shall govern the use, density, lot area, and dimensional requirements for the lot.

C. Lots in Overlay Districts

When a lot is partially within an overlay district, the provisions of the overlay district shall apply only to the affected portion of the lot, regardless of the size of the lot.

1.5 Conflicts; Relationship to Other Laws

Where the provisions in one part of this Ordinance conflict with those in any other part of this Ordinance, the more restrictive provision shall apply except where expressly provided otherwise, and except that the provisions of an overlay zoning district supersede the provisions of the base zoning district regardless of whether they are stricter or more lenient. Nothing in this Ordinance shall be interpreted to supersede the provisions of a~~ny other~~ more restrictive local, s~~S~~tate, or federal~~ ordinance,~~ law, rule, ordinance or regulation~~. Where the provisions of this Ordinance conflict with any other ordinance, law, rule, or regulation, the more restrictive provision shall govern~~ unless State or federal law requires a different outcome.

Comment [AB1]: Revised 11/16.

1.6 Nonconformities

1.6.1. General

A. Nonconforming Defined

As used in this Section, the term "nonconforming" ~~as applied to a lot, use, structure, site feature, or sign~~ refers to a lot, use, structure, site feature, or sign that was lawfully established at the time of the effective date of this Ordinance or a subsequent amendment to the Ordinance, but that no longer complies with the provisions of this Ordinance ~~applicable~~ as applied to the property.

~~**B. Remedy of Unsafe Conditions**~~

~~Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure, site feature, or sign—or part of a structure, site feature, or sign—that is declared to be unsafe by the Town.~~

Comment [AB2]: Jared questioning necessity of this provision. Deleted entire provision 11/16.

1.6.2. Nonconforming Lots

A. Definition of a Single Nonconforming Lot

A single nonconforming lot is a nonconforming lot of record as of the effective date of this Ordinance or amendment thereto in separate ownership and not contiguous with any other lot in the same ownership.

B. Development and Use of Single Nonconforming Lots Outside of a Subdivision

(1) Undeveloped

a. **Outside Shoreland Protection Overlay (SPO) District**

May be used ~~for any use~~as allowed by Chapter 3 (Property Use Standards) or sub~~S~~ection 1.6.3 (Nonconforming Uses) if either:

i. The lot area is at least 3,000 square feet, and it complies with the ~~remaining~~ Chapter 4 (Property Development Standards)~~standards~~; or

ii. The lot area is smaller than 3,000 square feet, or lot width is less than 65 feet, setbacks are no less ~~that~~ than 90%, and impervious surface coverage is no more than 110% of Chapter 4 standards.

b. **Inside SPO**

May be built upon~~,~~ without the need for a variance, provided that ~~such~~ the lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all other provisions of this Ordinance except lot area and lot width can be met. Variances relating to setbacks or other requirements not involving lot area or lot width shall be obtained by the Zoning Board of Appeals.

(2) Developed

a. **Outside SPO**

A nonconforming lot containing a legally existing structure may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable space and bulk regulations of the district in which it is located and shall not increase any nonconformity.

b. **Inside SPO**

A single nonconforming lot containing a legally existing structure may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable ~~space and bulk regulations~~zoning district dimensional and density standards ~~of the district in which it is located~~, as well as all applicable regulations found in Section 1.6.4 of this Ordinance, and shall not increase any nonconformity.

C. Development and Use of Single Nonconforming Lot Inside Subdivision

(1) Undeveloped

a. **Outside and Inside SPO**

A single nonconforming lot m~~M~~ay be used ~~for any use~~as allowed by Chapter 3 or ~~Section~~ subsection 1.6.3 ~~(Nonconforming Uses)~~ if:

i. Lot is in separate ownership and not contiguous with other lots in same ownership,

ii. **AND EITHER**

(A) If lot area is smaller than 20,000 square feet, it complies with the remaining Chapter 4 standards, ~~OR~~or

(B) If lot area is smaller than 20,000 square feet or lot width is less than 100 feet, setbacks are no less than 90% and impervious surface coverage is no more than 110% of Chapter 4 standards.

(2) Developed

a. **Outside and Inside SPO**

A nonconforming lot containing a legally existing structure or use may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all dimensional standards ~~found~~ contained in Chapter 1, ~~Section~~

subsection 1.6.4, and Chapter 4 and shall not increase any nonconformity with respect to lot area, lot width, or impervious surface ratio.

D. Development and Use of Single Developed Lot with 2 or more Principal Uses or Structures – Lot currently either conforming or nonconforming.

(1) Outside or Inside SPO

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the lot area complies with the minimum requirements of the State of Maine Subsurface Wastewater Disposal Rules (in those areas not served by public ~~water~~ sewer) and the State Minimum Lot Size Law (12M.R.S.A. sections 4807-A through 4807-D). When such lots are divided, each lot thus created must be as conforming as ~~possible~~ practicable to the dimensional requirements in ~~Section~~ subsection 4.1 (Dimensional and Density Standards).

E. Development and Use of Contiguous Nonconforming Lots in Common Ownership, Outside Subdivision

(1) Both Lots Undeveloped

a. **Outside or Inside SPO**

i. If two or more contiguous lots are in common ownership of record at the time of adoption of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance, and if one or more of the lots ~~are~~ is vacant or contains no principal structure, the lots shall be combined to the extent necessary to meet the applicable dimensional requirements of this Ordinance.

ii. The provision shall not apply to two or more contiguous lots that are held in common ownership on the effective date of this Ordinance and recorded separately in the Cumberland County Registry of Deeds, and where at least one of the lots is nonconforming, if the nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and (a) each lot contains at least 20,000 square feet of lot area; or (b) any lots that do not meet the lot width and lot area requirements of the base zoning district (and any overlay districts) are reconfigured or combined so that each new lot contains at least 20,000 square feet in~~or~~ lot area.

(2) Both Lots Developed

a. **Outside or Inside SPO**

If two or more contiguous lots are in common ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Rules (in those areas not served by public ~~water~~sewer) are complied with.

(3) One or More Lots Developed with Principal Structure or Use, and One or More Lots Undeveloped

a. **Outside or Inside SPO**

If two or more contiguous lots are in common ownership of record at the time of adoption of the Ordinance and if any of these lots contain no principal structure and do

not individually meet the dimensional requirements of this Ordinance, the lots shall be combined to the extent necessary to meet the dimensional requirements. This provision shall not apply to two or more contiguous lots in common ownership on the effective date of this Ordinance and recorded separately in the Cumberland County Registry of Deeds, and where at least one of the lots is nonconforming, if the nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and (a) each lot contains at least 20,000 square feet of lot area; or (b) any lots that do not meet the lot width and lot area requirements of the base zoning district and any overlay districts are reconfigured or combined so that each new lot contains at least 20,000 square feet or lot area.

Comment [AB3]: Ad ded by Jeff in 12/2 handout.

F. Development and Use of Contiguous Lots in Common Ownership, only One Lot Nonconforming, Outside Subdivision

(1) Conforming Lot Developed, Nonconforming Lot Undeveloped

a. **Outside and Inside of SPO**

A single, undeveloped, nonconforming lot which does not individually meet the dimensional requirements of this Ordinance and is contiguous with a developed conforming lot held in common ownership at the time of adoption of this Ordinance shall be combined with the developed lot. This provision shall not apply if the contiguous lots are held in common ownership on the effective date of this Ordinance and are recorded separately in the Cumberland County Registry of Deeds, and where the single, unimproved, nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and contains at least 20,000 square feet of lot area.

(2) Nonconforming Lot Developed, Conforming Lot Undeveloped

a. **Outside and Inside SPO**

A single, developed, nonconforming lot which does not individually meet the dimensional requirements of this Ordinance on which a principal use or structure exists and is contiguous with an undeveloped conforming lot held in common ownership at the time of adoption of the Ordinance and is recorded separately in the Cumberland County Registry of Deeds, may continue to be used as if it were a conforming lot provided that any change or expansion of the existing use or structure shall comply with all applicable ~~space and bulk~~dimensional and density regulations of the base or overlay district, except lot width or ~~size~~area.

1.6.3. Nonconforming Uses

The following standards apply both in and outside the SPO District.

A. Continuance

A nonconforming use may be continued even though it does not conform to the use standards for the base zoning district (and any overlay district) in which it is located. A nonconforming use that is discontinued (a) for 36 months or more outside the APO, SPO, FPO, and WPO Districts, or (b) for 12 months or more within the APO, SPO, FPO, or WPO Districts, may not be re-established except in compliance with the current requirements of this Ordinance.

B. Change in Use

A nonconforming use may be replaced by another use not allowed in the base zoning district (or any overlay district) if the Director determines that the new use will have no greater adverse impact on the water body, wetland, aquifer, or on adjacent properties and resources, than the existing use. To show that no greater adverse impact will occur, the development application shall include written documentation assessing the probable effects on public health and safety, traffic, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, ~~natural beauty~~scenic features, flood plain management, archaeological and historic resources, commercial fishing and maritime activities, and other functionally water-dependent uses.

Comment [AB4]: Scenic features as mapped in the Brunswick Parks, Recreation and Open Space Plan (2002)

C. Expansion of Use

A nonconforming use may be ~~extended~~ expanded throughout the existing structure housing the use. Outside the APO, SPO, FPO, and WPO Districts, a nonconforming use may also be ~~extended~~ expanded throughout ~~to~~ any expansion of the existing structure allowed by this Ordinance. Any additional expansion of area occupied by the use, whether from expansion of the structure or extension of the use to additional land area, shall be limited to 1,000 square feet over a five-year period—provided that further expansion of a significant nonconforming use may be allowed through approval of a Special Permit in accordance with subs~~S~~ection 5.2.3.C (Review of Expansions of Legally Nonconforming Unclassified or Omitted Uses~~Review of Expansions of Legally Nonconforming Unclassified or Omitted Uses~~).

Comment [AB5]: From Jeff 12/2 handout

Comment [AB6]: From Jeff 12/2 handout

D. Reconstruction of Structure with a Nonconforming Use

If a structure housing a nonconforming use is destroyed or damaged by any cause, the nonconforming use may be re-established in the structure if it is restored or reconstructed provided that a Building Permit for the restoration or reconstruction is obtained (a) within five years after the date of destruction or damage, if the property is located outside the APO, SPO, FPO, and WPO Districts, or (b) within one year of the date of destruction, if the property is located within the APO, SPO, FPO, and WPO districts.

Comment [AB7]: Added 12/2.

1.6.4. Nonconforming Structures

A. Continuance

Both in and outside the SPO District, a nonconforming structure may be continued, and may continue to be used for any use allowed by Chapter 3 or by any overlay district in which the property is located, or by subsection 1.6.3 ~~the~~ (Nonconforming Uses~~) portion of this table~~, even though the structure or its use does not conform to the requirements of this Ordinance. The ~~property~~structures, collectively known as Fort Andross or Cabot Mill, located North of Highway 1, West of Maine Street, and South of the Androscoggin River that exceeds the maximum height ~~or lot coverage~~ of the GM6 zoning district shall be deemed to be conforming structures.

Comment [AB8]: 12/2 discussion topic: expansion of nonconforming structures outside of SPO

Comment [AB9]: Revised 12/2

B. Expansion

Comment [AB10]: By Special Permit language

(1) Outside SPO District

A nonconforming structure may be expanded if the expansion area complies with the requirements of this Ordinance and the expansion does not increase the structure's nonconformity or create a new nonconformity. Where the structure is nonconforming because it extends into a minimum required ~~yard~~setback, it may be expanded further within the minimum required ~~yard~~ setback as long as it does not extend beyond the setback established by the existing nonconforming structure. Where a structure, located within a Growth Area Zoning District, is nonconforming because it exceeds the allowable maximum

building footprint, the structure may be expanded by Special Permit (Subsection), such that the expansion does not create any new nonconformity.

(2) In SPO District

a. All new principal and accessory structures, excluding functionally water-dependent uses, must comply with the water body, stream or wetland setback requirements set forth in Section 2.3.3.C (1) a. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the structure's nonconformity and is in accordance with subsections 1.6.4.B (2) b and c below.~~:~~

b. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, stream, or upland edge of a wetland is prohibited, even if the expansion does not increase nonconformity with the water body, stream or wetland setback requirement. Expansion of an accessory structure located closer to the normal high-water line of the water body, stream or upland edge of a wetland than the principal structure is prohibited, even if the expansion does not increase nonconformity with the water body, stream or wetland setback requirements. ~~(a) the expansion area complies with the requirements of this Ordinance; (b) the expansion does not increase the structure's nonconformity or create a new nonconformity; (c) any portion of the structure existing on January 1, 1989 that fails to comply with the required minimum setback from a water body or wetland in Section 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands) is expanded by less than 30%, as measured in floor area or volume (this includes any permitted expansion resulting from a repair, restoration, or reconstruction); and (d) any new, enlarged, or replacement foundation constructed under the structure is placed so that the structure and foundation comply with the minimum setback from a water body or wetland required by Section 2.3.3.C(1) to the greatest extent practicable, as determined by the Codes Enforcement Officer in accordance with Section Error! Reference source not found.~~.

c. Notwithstanding subsection 1.6.4.B.(2)a, above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, stream, or upland edge of a wetland, that structure may be expanded as follows, as long as the expansion complies with all other requirements of this Ordinance and the expansion is not prohibited by subsection 1.6.4.B.(2)a.

   i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

d. All other legally existing nonconforming principal and accessory structures that do not meet the water body, stream, or wetland setback requirements may be expanded or altered as follows, as long as the expansion complies with all other requirements of this Ordinance and the expansion is not prohibited by subsection 1.6.4.B.(2)a. or b. above.

i. For structures located less 75 feet than the water body, stream, or wetland setback requirements contained in subsection 2.3.3.C.(1)a., the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not exceed 20 feet, or the height of the existing structure, whichever is greater.

ii. In addition to the limitations as set forth in subsection 1.6.4.B.(2)d.i. for structures that are legally nonconforming due to their location within the Resource Protection Area when located less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures shall not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection Area was established on the lot, whichever is greater. The maximum height of any structure shall not exceed 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, stream, or upland edge of a wetland must meet the footprint and height limits in subsections 1.6.4.B (2)c.i. and 1.6.4.B.(2)d.i.

b. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Cumberland County Registry of Deeds, within 90 days of approval. The recorded plan shall show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the Shorelands Protection Overlay area and evidence of the approval of the review authority. A copy of the recorded plan shall be provided to the Town of Brunswick Department of Planning and Development by the applicant.

~~a.~~c. A foundation shall not be considered an expansion of the structure if the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in accordance with (~~d~~d) above, and does not cause the structure to be elevated by more than three feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill).

C. Restoration, Reconstruction or Replacement

(1) Outside SPO District

Any nonconforming structure that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition, or replaced with a structure comparable to the destroyed or damaged structure, provided that a Building Permit for the restoration, reconstruction, or replacement is obtained within two years after the date of destruction or damage; and no existing nonconformity is increased and no new nonconformity is created. Any restoration, reconstruction, or replacement of a nonconforming structure authorized by a Building Permit obtained after two years shall comply with the current requirements of this Ordinance.

(2) In SPO District

a. Less than 50 Percent Damage

Any nonconforming structure, located within the required setback of a water body, stream or wetland, that is removed, destroyed or damaged by any cause, excluding normal maintenance and repair, such that the removal, destruction or damage is 50% or less of the structure's pre-destruction or pre-damage market value may be restored or reconstructed to its pre-destruction or pre-damage condition, ~~or replaced with a~~

~~structure comparable to the destroyed or damaged structure,~~ provided that the structure is restored, reconstructed, or replaced in the same location and a Building Permit is obtained from the Code Enforcement Officer within one year of such removal, destruction or damage.

b. **More than 50% Damage**

i. Any nonconforming structure ~~that is~~ located within the required setback from a water body, stream, or wetland, that is removed, damaged or destroyed by any cause, excluding normal maintenance or repair, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a Building Permit is obtained within eighteen (18) months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water body, stream or wetland setback requirement to the greatest extent practicable as determined by the Code Enforcement Officer. In no case shall a structure be reconstructed or replaced so as to increase its noncomformity.

ii. If the reconstructed or replacement structure is located within the required setback of a water body, stream or wetland, it shall not be any larger than the original structure, except as allowed pursuant to subsection 1.6.4.E.(2), as determined by the nonconforming footprint of the reconstructed or replacement structure in its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for the new structure.

iii. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with subsection 1.6.4.E(2).

iv. In determining whether the building reconstruction or replacement meets the setback to the greatest extent practicable, the Code Enforcement Officer shall consider, in addition the criteria in subsection 1.6.4.E(2), the physical condition and type of foundation present, it any.

v. ~~destroyed or damaged by any cause such that the destruction or damage exceeds 50% of the structure's pre-destruction or pre-damage market value may be restored or reconstructed to its pre-destruction or pre-damage condition, or replaced with a structure comparable to the destroyed or damaged structure, provided that a Building Permit for the restoration, reconstruction, or replacement is obtained within one year after the date of destruction or damage; and no existing nonconformity is increased and no new nonconformity is created; and the restored, reconstructed, or replacement structure complies with the minimum setback from a water body or wetland required by Section 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable. Any restoration, reconstruction, or replacement of the structure authorized by a Building Permit obtained after one year shall comply with all requirements of this Ordinance.~~

~~i.~~iii. If the structure can be restored, reconstructed, or replaced so that the total amount of floor area and volume of the original structure is located outside the minimum setback from a water body or wetland required by sub~~S~~section 2.3.3.C(1), no portion of the restored, reconstructed, or replacement structure shall be located at less than the minimum setback from a water body or wetland required by subs~~S~~ection 2.3.3.C(1) for a new structure. If the structure cannot be repaired, restored, reconstructed, or replaced so that the total amount of floor area and volume of the original structure is located outside the minimum setback from a

water body or wetland required by subs~~S~~ection 2.3.3.C(1), the total amount of floor area and volume of the restored, reconstructed, or replacement structure located within the minimum setback area shall be no greater than for the original structure, except as allowed in accordance with subsection 1.6.4.B(2)~~the~~ (Nonconforming Structures/Expansion) ~~portion of this table~~. If the restoration, reconstruction, or replacement of a nonconforming structure requires removal of vegetation within the required minimum setback area from a water body or wetland, such vegetation shall be replaced within the setback area in accordance with subs~~S~~ection 1.6.7.

D. Relocation to a Different Parcel

Comment [AB11]: All revisions from Jeff's 12/2 handout.

(1) Outside or Inside SPO District

A nonconforming structure may be relocated to a different parcel provided it complies ~~to the greatest extent practicable~~ with the dimensional requirements of the base zoning district (and any applicable overlay district) in which it is relocated. ~~In determining whether the relocated structure complies with dimensional requirements to greatest extent practicable, the Review Authority shall consider the area of the parcel, the parcel's slope and potential for soil erosion, the location of other structures on the parcel and on adjoining properties, and the location of any septic systems on the parcel.~~ If the relocation of a nonconforming structure requires removal of vegetation within the required SPO minimum structure setback area from a water body or wetland, such vegetation shall be replaced within the setback area in accordance with subsection 1.6.7. Where feasible, when a nonconforming structure in the setback area is relocated, the original location of the structure shall be replanted with vegetation consisting of grasses, shrubs, trees, or a combination thereof.

~~In SPO District~~

~~A nonconforming structure may be relocated to a different parcel provided it complies with the minimum setback from a water body or wetland required by Section 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable. If the relocation of a nonconforming structure requires removal of vegetation within the required minimum setback area from a water body or wetland, such vegetation shall be replaced within the setback area in accordance with Section 1.6.7. Where feasible, when a nonconforming structure in the setback area is relocated, the original location of the structure shall be replanted with vegetation consisting of grasses, shrubs, trees, or a combination thereof.~~

E. Relocation on Same Parcel

(1) Outside SPO District

A nonconforming structure may be relocated within the same parcel provided it complies, to the greatest extent practicable, with the dimensional requirements of the base zoning district (and any applicable overlay district) in which it is relocated. In determining whether the relocated structure complies, to the greatest extent practicable, with dimensional requirements, the Code Enforcement Officer shall consider the size of the parcel, the slope of the land and potential for soil erosion, the location of other structures on the parcel and on adjoining properties, and the location of any septic systems on the parcel.

(2) Inside SPO District

a. A nonconforming structure may be relocated within the boundaries of the parcel on which it is located, provided that the site of relocation conforms to all setback requirements, to the greatest extent practicable, as determined by the Code Enforcement Officer and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of

State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and Rules. In no case shall a structure be relocated so that it is more nonconforming.

b. In determining whether the building relocation meets the setback to the greatest extent practicable, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. It is the responsibility of the applicant to provide this information to the Code Enforcement Officer.

c. When it is necessary to remove vegetation within the water body or wetland required setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with subsection 2.3.3.C(11). Replanting shall be required as follows:

i. Trees removed in order to relocate a structure shall be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water body or wetland than the trees that were removed.

ii. Other woody and herbaceous vegetation, and ground cover, removed or destroyed in order to relocate a structure, shall be re-established. An area at least the same size as that disturbed, damaged, or removed shall be reestablished within the setback area. The vegetation and/or ground cover shall consist of similar to native vegetation and/or ground cover that was disturbed, destroyed or removed.

d. Where feasible, when a structure is relocated, its original location shall be replanted with native vegetation consisting of grasses, shrubs, trees, or a combination thereof.

F. Foundations

(1) Inside SPO District

Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation shall be placed such that the required setback is met to the greatest extent practicable as determined by the Code Enforcement Officer, based on criteria specified in subsection 1.6.4.E.(2) (Relocation on Same Parcel).

1.6.5. Nonconforming Site Features

The following standards apply both in and outside the SPO District.

A. Continuance

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

B. Expansion or Modification

A nonconforming site feature may be expanded or modified if the expansion area or modification complies with the requirements of this Ordinance~~;~~ and t~~T~~he expansion or modification does not extend the site feature's nonconformity or create a new nonconformity. In the APO, SPO, FPO, and WPO Districts, the expansion or modification ~~The expansion of modification~~ must also comply with the minimum setback from a water body or wetland required by Section 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable.

C. Restoration, Reconstruction, or Replacement

Any benign nonconforming site feature that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition, or replaced with a site feature comparable to the destroyed or damaged site feature, provided that no existing nonconformity is increased and no new nonconformity is created, and provided that a permit for the restoration, reconstruction, or replacement site feature is obtained (a) within two years after the date of destruction or damage, if the property is located outside the APO, SPO, FPO~~,~~ and WPO Districts, and (b) within one year after the date of destruction or damage, if the property is located within the APO, SPO, FPO~~,~~ and WPO Districts.~~,~~ Any restoration, reconstruction, or replacement of the site feature approved after two years outside the APO, SPO, FPO and WPO Districts, or after one year within the APO, SPO, FPO and WPO Districts, shall comply with all requirements of this Ordinance. Within the APO, SPO, FPO~~,~~ and WPO Districts, t~~T~~he restoration, reconstruction, or replacement shall comply ~~ies~~ with the minimum setback from a water body or wetland required by Section 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable.

Comment [AB12]: M AW revision 12/11.

1.6.6. Determination of Compliance to the Greatest Extent Practicable

In determining whether an expanded, restored, reconstructed, replacement, or relocated nonconforming structure or site feature complies with setback requirements to the greatest extent practicable, the Review Authority shall consider the area of the parcel, the parcel's topography ~~slope~~ and potential for soil erosion, the location of other structures on the parcel and on adjoining properties, the location of any septic systems and soils suitable for septic systems on the parcel, and the type and amount of vegetation to be removed to accomplish the expansion.

1.6.7. Standards for Replacement of Removed Vegetation

Where replacement of removed vegetation is required by a provision in this subS~~s~~ection ~~1.6.7~~1.6.7, the vegetation shall be replaced within the setback area in accordance with the following standards:

A. Removed trees shall be replaced with at least one native tree, at least three feet in height, for every tree removed.

(1) If more than five trees are planted, no one species of tree shall make up more than 50 percent of the number of trees planted.

(2) Replaced trees must be planted no further from the water body or wetland than the trees that were removed.

B. Other woody and herbaceous vegetation and ground cover that are removed or destroyed shall be re-established in an area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed. The replacement vegetation and/or ground cover shall consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

1.7 Definitions and Rules of Construction

1.7.1. Rules of Ordinance Structure

A. Similar Terms

Terms which are similar that follow the spirit and intent of this Ordinance shall be so interpreted. For instance, the regulations pertaining to motels apply also to hotels. Should an Ordinance-referenced Federal, State or Local Agency or Department name be changed, or another agency or department takes over its function after Ordinance adoption, the new agency or department name shall be so interpreted.

Comment [AB13]: Added per ZORC discussion 12/10/15

B. Separability

The invalidity of any provision of this Ordinance does not invalidate any other provision.

C. Abbreviations

The following abbreviations are used in this Ordinance:

Abbreviation	Meaning
ft.	foot or feet
in	inch or inches
sf	square foot or square feet
du	dwelling unit or dwelling units

1.7.2. Definitions

Accessory Apartment: A subordinate dwelling unit added to, created within, or detached from a 1- or 2-family dwelling or a commercial structure, but located on the same lot or parcel as a primary residential structure, that provides basic facilities for living, sleeping, cooking, and sanitation.

Comment [AB14]: With this definition, we are still limiting accessory apartments to lots/parcels for primarily residential uses? Recommend striking out, "as a primary residential structure."

Accessory Structure: A structure subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building or use.

~~**Accessory Use:** A use customarily incidental and subordinate to the principal use or building, and that occupies no more than 40 percent of the floor area of all structures on a lot.~~

Adult Entertainment Establishment: Those businesses in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials or devices of any kind that appeal to prurient interest and that depict or describe specified sexual activities or specified anatomical areas. "Specified sexual activities" include: 1) the exposure of human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse or sodomy; 3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts; 4) live nude exhibition. "Specified anatomical areas" include 1) less than completely and opaquely covered (a) human genitals or pubic region, and (b) buttock, and (c) female breast below a point immediately above the top of the areola, and 2) human male genitals in a discernably turgid state, even if completely and opaquely covered.

Agricultural Clearing: A clearing created to support the production of traditional agricultural crops including grazing areas for livestock, fields used for the production of hay, straw, and other fruit, grain, and vegetable crops, Christmas tree farms, and orchards, etc. This definition does not include mineral extraction.

Agriculture: The production, keeping, or maintenance, for sale or lease, of plants and/or animals—including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy

products; poultry and poultry products; livestock; fruit and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Agricultural Structure: Any primary or accessory structure designed for or used for conducting agriculture, including but not limited to barns, sheds, silos, animal shelters, storage enclosures, pens, water or irrigation tanks or related structures, or bunkhouses, but not including a 1- or 2-family dwelling, a multifamily dwelling, and not including portable equipment.

Alteration: The addition, demolition, or construction of any building on a pre-existing site, including the removal or addition of façade materials, the addition of floor area to a site, the erection of fences or the addition of signage, and the creation of new impervious surface.

Aquaculture: The commercial raising of marine animals and plants in an aquatic environment, including the processing of marine animals and plants and their byproducts.

Architectural or Archaeological Significance: A site, structure, object, or artifact that is listed, or is eligible to be listed on the National or Maine Registers of Historic Places, or that contributes archaeologically, culturally, or architecturally to the history of the Town of Brunswick.

~~**Aquaculture:** The commercial raising of marine animals and plants in an aquatic environment, including the processing of marine animals and plants and their byproducts.~~

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Section 2.3.4.B(2).

Assisted/Congregate Living Facility: A long-term residence for people with disabilities that prevent them from living on their own, or for people without disabilities. The residence provides private rooms or apartments with common areas for dining, socializing and programs along with daily meals, personal services, and may also offer limited nursing and 24 hour care. Housekeeping services are provided, but residents are relatively self-sufficient. It also includes a "community living arrangement" as defined in Title 30-A M.R.S.A. § 4357-A for 8 or fewer persons with disabilities. For purposes of this use, the term "disabilities" shall have the same meaning assigned by federal law and regulations pursuant to the Fair Housing Act Amendments of 1988.

Aviation Operations: Runways, taxiways, navigational devices, communication facilities, control towers, and similar facilities directly related to the operation and maintenance of an airfield including administrative offices and facilities for fueling aircraft.

Aviation Related Businesses: Facilities and businesses that rely on or directly benefit from proximity to airport facilities including, but not limited to, general and corporate aviation facilities, charter air service, aircraft maintenance/repair/overhaul, aviation related manufacturing, sales, service, or education, government and aerospace research and development, and similar aviation-related activities including ancillary facilities that service aviation uses.

~~**Bank:** An establishment that provides retail banking, lending, and financial services to individuals and businesses. Accessory uses may include automatic teller machines and drive through facilities.~~

Comment [AB15]: Recommend replacing "bank" with "financial institution" throughout ordinance. Revised 11/16.

Banner: A sign displayed on flexible lightweight material, enclosed or not enclosed in a rigid frame, extending from one side of the street to the other.

Basal Area: The area of cross-section of a tree stem, including bark, at 4½ feet above ground level.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year commonly called the 100-year flood.

Basement: Any area of building having its floor subgrade (below ground level) on all sides. For purpose of the shoreland zoning regulations of the SPO District, basement means any portion of a structure with a floor-to-ceiling height of six feet or more and having more than 50 percent of its volume below the existing ground level.

Bed and Breakfast: A dwelling occupied by the owner as a principal place of residence with not more than ten rooms that are rented on a per diem basis, where meals may be provided to those who rent rooms.

Boarding House: A building other than a hotel containing a shared kitchen and/or dining room, with sleeping rooms accommodating no more than two persons per room (excepting minor children) that are offered for rent, with or without meals.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building Height: Generally the vertical distance measured from the average ground elevation of the finished grade at the base of a structure up to the highest point of the structure. For buildings with a gabled roof, however, building height is measured up to the midpoint between the eave and peak of the roof. For purposes of the shoreland zoning regulations for the SPO District, height of a structure is measured as the vertical distance from the mean original (prior to construction) grade at the downhill side of the structure up to the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Bureau of Forestry: A bureau contained within the State of Maine Department of Agriculture, Conservation and Forestry.

Comment [AB16]: From DEP Shoreland Zoning definitions.

Bus or Rail Station: An area or structure where public passengers board or alight from busses or trains or transfer between busses and trains, including accessory facilities such as passenger shelters and benches, but not including any facilities located in the public rights-of way.

Campground: Any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy, Forest or Tree: The more or less continuous cover formed by tree crowns in a wooded area.

Car Wash: A structure and related land area containing facilities for the commercial washing of motor vehicles by hand or by using production-line, automated or semi-automated equipment, including facilities where washing is performed by the motor vehicle owner, where washing is mechanized, and where washing is performed by employees.

Character-Defining Feature: For the purposes of the Village Review Overlay District, the form, material, and detail of an architectural feature important in defining a building's historic character and whose retention will preserve that character. Such features include, but are not limited to, facades, roofs, porches, windows, doors, trim, massing, scale, and orientation of structures, and landscape features such as fences, walls, posts, and walkways.

Club or Lodge: An association of persons for social or recreational purposes which may include the promotion of some common objective.

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

Color Rendering Index (CRI): A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100.

Common Development Plan: A proposed development approved in accordance with Section 5.2.7.H. A Common Development Plan may involve multiple new buildings or structures on a single lot, multiple new buildings or structures on multiple lots, or a single new building or a redeveloped building on an individual lot or multiple lots.

Community Center: A building that provides a meeting place for a local, non-profit community organization on a regular basis.

Community Water and Sewer Facility: A water and sewer facility that is operated and maintained solely by a homeowners' association or other non-municipal entity and that does not connect to any municipal system.

Compatibility: For purposes of the Village Review Overlay District (VRO), possessing characteristics that are predominant in nature to character-defining features of structures within a neighborhood, as described in the VRO Design Guidelines. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of alterations or development proposals in maintaining the character of the existing neighborhood.

Complete: In the context of a Development Review application, complete means:

(1) All submission requirements established by this Ordinance have either been complied with or a wavier has been requested.

(2) Any additional information requested by the Review Authority at any prior meeting has been provided; and

(3) All conditions of any relevant prior approval for the property have been fulfilled unless the application describes the manner in which unfulfilled conditions will be addressed.

Conformity/Conforming: Complying with use, density, dimension, and other standards of this Ordinance.

Conservation Easement: A perpetual restriction on the use of land, created in accordance with the provisions of Title 33 M.R.S.A. Subchapter 8-A, § 476-479(B), for the purposes of conserving open space, agricultural land, or natural, cultural, historic and scenic resources.

Contractor's Space: A facility that contractors use for the storage, inventory and prefabrication of materials associated with construction.

Contributing Resource: For purposes of the Village Review Overlay District, a building, site, structure, or object that adds to the historic association, historic architectural quality, or archeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property and possesses historic integrity, or is capable of yielding important information about the period; or it independently meets the National Register criteria.

Contributing Resource of Local or Regional Significance: For purposes of the Village Review Overlay District, a building, site, structure, or object over 50 years of age identified as having local or regional significance, based on Town- established criteria as follows:

(1) Its value as a significant example of the cultural, historic, architectural, archeological, or related aspect of local or regional heritage;

(2) Its location as a site of significant historic or prehistoric event or activity that may have taken place within or which involved the use of any existing structure on the property.

(3) Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological, or related aspect to local or regional heritage.

(4) Its exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, and artisanship.

(5) Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in local or regional history or development.

(6) Its representation of a significant cultural, historic, architectural, archeological, or theme expressed through distinctive areas, sites, structures, objects, or artifacts that may or may not be contiguous.

Cook's Corner Master Plan: A plan, titled "The Cook's Corner Master Plan" dated June 1998, for the development of the Cook's Corner area, as approved and amended by the Town Council.

Curb Cut: An entry into a street or road or right-of-way for vehicular traffic.

Day Care Facility: A Day Care Facility for Children, as defined in Title 22 M.R.S.A. Chapter 1673, Section 8301; and Adult Day Care Programs, as defined in Title 22 M.R.S.A. Chapter 1679, Section 8601. A Small Day Care Facility is one that provides services for no more than six children or adults. A Large Day Care Facility is one that provides services for more than six children or adults.

Demolition: The removal of part or the whole of a structure.

Department: The Department of Planning and Development of the Town of Brunswick, unless the context clearly indicates that another Department is referenced.

Development: Any change caused by individuals or entities to improved or unimproved real estate—including, but not limited to: the construction of, or additions or substantial improvements to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; the storage, deposition, or extraction of materials; and public or private sewage disposal systems or water supply facilities.

Dimensional Requirement: Any requirement of this Ordinance regulating spatial aspects of land, structures, and uses—including, not limited to, lot area, lot width, setbacks, building height, impervious surface coverage, and building footprint, but excluding density.

Director: The Director of Planning and Development of the Town of Brunswick, unless the context clearly indicates that another official is referenced.

Disturbance: For the purposes of WPO District regulations, the grading and/or permanent clearing of naturally occurring stands dominated by woody vegetation for other activities included in Section 2.3.5.C(1)a, or the area of such disturbance.

Drive-Through Service: Any structure through which a product or service is provided directly to a customer seated in a motor vehicle including, but not limited to, take-out windows, banking terminals, automatic teller machines and other facilities commonly referred to as drive-up, drive-through or take-out. This definition excludes gasoline service stations, car washes, drive-in theatres and drive-in restaurants where orders are taken and food delivered to a motor vehicle that remains in a parking space.

Driveway: That portion of a lot set aside for vehicular access between the public or private road and the portions of the lot used for buildings, structures, parking, or other uses to which the lot is devoted.

Dwelling, 1- or 2-family: A structure designed for occupancy by one or two households on a single lot.

Dwelling, Multifamily. A structure designed for occupancy by three or more households or living units, but not including an Assisted/Congregate Living Facility, Boarding House, Hotel, ~~or~~ Residence Hall, or Accessory Apartment.

Dwelling Unit: A group of rooms that provide living quarters with independent cooking, sleeping, and bathroom facilities for one household. The term shall apply to mobile homes, and to rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented. Recreational vehicles are not dwelling units.

~~**Eligible Facilities Request:** For purposes of telecommunications facility regulations, the collocation, removal, replacement, and modification of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station, under the Middle Class Tax Relief and Job Creation Act (2012) (as amended and interpreted by the federal courts). This includes structural enhancements involving the hardening of equipment when necessary for a covered collocation, replacement, or removal of transmission equipment, but does not include the replacement of the underlying structure.~~

Elevated Building: For the floodplain management purposes of the FPO District, an elevated building is a non-basement building that is:

(1) Built to have the top of the elevated floor (in the case of buildings in Zones A1-30 or A) or the bottom of the lowest horizontal structural member of the elevated floor (in the case of buildings in Zones V1-30) elevated above the ground level by means of pilings, columns, post piers, or "stilts;" and

(2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

Eligible Facilities Request: For purposes of telecommunications facility regulations, the collocation, removal, replacement, and modification of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station, under the Middle Class Tax Relief and Job Creation Act (2012) (as amended and interpreted by the federal courts). This includes structural enhancements involving the hardening of equipment when necessary for a covered collocation, replacement, or removal of transmission equipment, but does not include the replacement of the underlying structure.

Equestrian Facility: A facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited, to show jumping, dressage, and similar events of other equestrian disciplines, and including stables and other accessory uses and structures supporting those activities.

Expansion of a Structure:

(1) An increase in the floor area ~~or volume~~ of a structure, including all extensions such as, but not limited to, attached decks, garages, porches, and greenhouses.

(2) For SPO District purposes, an expansion of a structure shall be the increase in the footprint (only) of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

Expansion of Use: The addition of weeks or months to a use's operating season, additional hours of operation, or an increase in floor (footprint for SPO District purposes) area or ground area devoted to a particular use.

Comment [AB17]: Revised per DEP SP zoning amendments.

Comment [AB18]: Same comment as above.

Fall Zone: The area within which a telecommunications tower may be expected to fall in the event of a structural failure, as determined by engineering standards.

Farm: A location for the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruit and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Farmer's Market: The seasonal selling of fresh agricultural products occurring in a pre-designated outdoor area or indoor facility by local vendors that have raised and/or prepared the products for retail sale.

Financial Institution: An establishment that provides retail banking, lending, and financial services to individuals and businesses. Accessory uses may include automatic teller machines and drive through facilities.

Comment [AB19]: R etitled from "bank" 11/16

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Emergency Management Administration (FEMA), on which the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Floodplain: Any land area susceptible to being inundated by flood waters from any source during a Base Flood.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the surface elevation by more than one foot. When not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Floor Area: The total area, in square feet, of all floors of a building, measured within the exterior walls, excluding unfinished attics and unfinished cellars. In the case of a use which occupies a portion of a building, floor area shall be measured from the interior of the walls which defines the space.

Footprint:

(1) The area of ground covered by a structure, including the foundation and all areas enclosed by exterior walls and footings.

(2) For SPO District purposes, footprint is the entire area of ground covered by the structures(s) on a lot, including, but not limited to, cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios or decks.

Comment [AB20]: P er DEP SP revisions.

Foundation: For purposes of the shoreland area regulations for the SPO District, the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick, or similar material.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors—such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed—that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Front Lot Line: That line that separates the lot from a public or private street right-of-way. On corner lots, the front lot line shall be the line opposite the front of the principal building.

Functionally Dependent Use:

(1) For purposes of the floodplain management regulations for the FPO District, a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(2) For SPO District purposes, those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities,

waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be functionally water-dependent use.

Comment [AB21]: D EP SP revision.

Garage and Yard Sales. A temporary activity for the sale of used household goods on a property containing a residential primary use.

Golf Course: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards, excluding miniature golf, golf driving ranges and Frisbee golf. A golf course may include a clubhouse and shelters as accessory uses.

Grading: Excavation, alteration of land contours, grubbing, filling, or stockpiling of earth materials.

Ground Cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Hazard Tree: For SPO District purposes, a tree with a structural defect, combination of defects, or disease resulting in a structural defect that, under the normal range of environmental conditions at the site, exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does NOT include meteorological anomalies, such as, but not limited to hurricanes, hurricane-force winds, tornados, microbursts, or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of a tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Comment [AB22]: D EP SP revision.

Hazardous Matter: any material identified as being hazardous by either the Maine Department of Environmental Protection (MEDEP) or the U.S. Environmental Protection Agency (USEPA).

Historic District: A geographic area federally designated as an historic district and listed on the National Register of Historic Places.

Historic Integrity: The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship, and association) that existed during the property's prehistoric or historic period.

Historic Structure: For floodplain management purposes, a historic structure is any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register:

(2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior, or

(b) Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: A lawful business, profession, occupation or trade, conducted within a dwelling unit or accessory structure by a resident of the dwelling unit, where the business, profession, occupation, or trade is incidental and subordinate to use of the dwelling for residential purposes. Telecommuting, as defined herein, is not considered a home occupation and is not regulated by this ordinance.

Comment [AB23]: See new definition.

Hotel: A facility that provides sleeping accommodations for transient guests, with or without a dining room or restaurant, including a motel, but excluding Bed and Breakfast, Boarding House, and Residence Hall facilities.

Household: One person, or a group of two or more persons, living together in the same dwelling unit as a single housekeeping entity.

Impervious Surface: Any material covering the ground through which water does not readily penetrate—including, but not limited to, roofed structures, decks, concrete, stone, tar, asphalt, pavement, gravel, crushed stone, and shale.

Impervious Surface Coverage: The ratio between impervious surface and total land area of a lot, expressed as a percentage.

In-Kind Replacement: Replacement of a feature with new materials that identically matches the original with respect to design, size, configuration, texture and other visual qualities.

Individual Private Campsite: An area of land that is not associated with a campground, but is developed for repeated camping by only one group of not more than ten individuals, and involves site improvements that may include, but not be limited to, a gravel pad, parking area, fire place, or tent platform.

Industry, Artisan. This use includes small scale manufacturing of arts, crafts, gifts, clothing, foods, beverages, and other materials in facilities that also sell goods produced to the public from the same location, in a space not to exceed 10,000 square feet and where no more than 10 employees typically occupy the space at any given time.

Industry, Class I: Production, manufacturing, assembly, fabrication, processing, treatment, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products in a space not to exceed 20,000 square feet and where no more than 25 employees typically occupy the space at any given time. Includes small engine repair.

Industry, Class II: Production, manufacturing, assembly, fabrication, processing, treatment, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products in a space exceeding 20,000 square feet or where more than 25 employees typically occupy the space at any given time.

Infill Development: The development of vacant or partially developed parcels which are surrounded by or in close proximity to areas that are substantially or fully developed.

Junkyard or Automobile Graveyard: A land area used to store or dispose of old, discarded, worn-out, scrapped, or junked materials such as, but not limited to, plumbing, heating supplies, household appliances, furniture, lumber, rope, rags, batteries, paper trash, rubber debris, waste, scrap iron, steel, copper, brass, and other scrap ferrous or nonferrous material or three or more unserviceable, discarded, worn-out, or junked motor vehicles. This use includes garbage dumps, waste dumps, and sanitary landfills.

Kennel: Any establishment including cages, dog runs, and/or structures where more than three dogs aged six months or older are kept for sale, boarding, or breeding.

Lane: A secondary access road located behind a house within a subdivision.

Leachable Materials: Liquid or solid materials—including solid wastes, sludge, and agricultural wastes—that are capable of releasing waterborne contaminants into the ground.

Level of Service: A technical measure that assesses the traffic impact associated with new or expanded uses, calculated in accordance with the provisions of the Highway Capacity Manual, most recent edition, published by the National Academy of Sciences, Transportation Research Board.

Lot of Record: A parcel of land described in a recorded deed or shown on an approved and recorded subdivision plan and meeting zoning standards at the time it was created.

Lot or Parcel: An area of land with ascertainable boundaries, all parts of which are owned by the same person(s) or entities.

~~**Lot Width:** The horizontal distance between side lines measured along a line that is parallel to the front lot line.~~

Lot, Rear: A lot located to the rear of another lot that lacks the minimum road frontage required in the zoning district and is accessed by either by a strip of land that is part of the parcel or a deeded right-of-way or easement over one or more lot(s).

Lot Width: The horizontal distance between side lines measured along a line that is parallel to the front lot line.

Lowest Floor: For purposes of the floodplain management regulations for the FPO District, the lowest floor of the lowest enclosed area (including basement) of a building. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Housing: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A , as amended.

Marina: A business establishment having frontage on navigable water that, as its principal use, provides for hire moorings, slips, and/or docking facilities for boats, and that may also provide accessory services such as boat and related sales, boat repair and construction, setting of moorings, boat and tackle shops, and marine fuel service facilities.

Marine Activity: Construction including but not limited to piers, docks, wharves, breakwaters, causeways, marinas, boat launching ramps, yacht clubs, boatyards, boat storage, facilities associated with commercial fishing, bridges over 20 feet in length, and accessory uses associated with any of these activities. Excluded are non-commercial structures which are accessory to a single or two-family dwelling.

Market Value: For SPO District purposes, the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Comment [AB24]: D EP SP revision.

Mineral Extraction: Any operation that removes within any 12 month period more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or similar mineral from its natural location for sale or use off-site.

Mixed Use: Any combination of residential and non-residential uses on the same lot or in the same building or building complex.

Mobile Home: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A (1), as amended.

Mobile Home Park: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.B, as amended.

Mobile Home Park Site: The area of land within a mobile home park designed and used for placement of an individual mobile home and reserved for use by the occupants of that home.

Modular Home: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A (2), as amended.

Motor Vehicle: A self-powered wheeled vehicle, designed to run primarily on improved roads, which transports passengers or cargo, such as but not limited to, cars, trucks, motorcycles, recreational vehicles, and buses, but not including trains and emergency vehicles.

Motor Vehicle Fueling Station: An establishment providing sales of fuel for motor vehicles, including but not limited to gasoline, diesel fuel, compressed natural gas, or electricity, that may also provide minor repair services such as lubrication, oil and tire changes, but not including vehicle bodywork or painting, or major repair of engines or drivetrains. Does not include Vehicle Service or Repair or Marina

Motor Vehicle Service or Repair: An establishment where motor vehicles and equipment~~,~~ are repaired or serviced, but not including boat or small engine service or repair.

Municipal Facility: Any Town owned or leased facility that is provided to meet a municipal need, including, but not limited to recreational facilities, municipal offices, and utilities provided by Brunswick and Topsham Water District and Brunswick Sewer District necessary to provide utility services to residents of the Town, but not including schools. Facilities of the ~~Brunswick-Topsham~~Brunswick and Topsham Water District, the Brunswick Sewer District, and any facility that was formerly Town owned but has since been purchased, transferred, or leased from the Town in order to continue to provide services to meet a municipal need, are considered to be municipal facilities.

National Geodetic Vertical Datum (NGVD): For floodplain management purposes, the NGVD is the national vertical datum, whose standards were established in 1929, which is used by the National Flood Insurance Program (NFIP). The NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

Native Tree: For SPO District purposes, a native tree is indigenous to the local forests.

Comment [AB25]: D EP SP revision.

Naturally Occurring Stand Dominated by Woody Vegetation: An area of forest, shrub land, heath barren or regenerating timber harvest. This definition does not include artificially planted Christmas tree farms or pine plantations.

Neighborhood Store: A retail store of not more than 2,000 square feet, located on a collector street, offering primarily grocery items and that may also offer takeout food items. A Neighborhood Store does not incorporate and is not accessory to a vehicle fueling station.

Net Site Area: The portion of a parcel subject to Development Review and used in the determination of allowable density. See Section 4.1.4.A, Calculation of Net Site Area.

New Floodplain Construction: Structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by the Town of Brunswick and includes any subsequent improvements to such structures.

Nonconforming Lot: A lot that does not meet one or more of the requirements of this Ordinance, but was lawfully created before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Sign: A sign that does not meet one or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Site Feature: A site feature that does not meet one or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Structure: A structure other than a sign that does not meet one or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Use: A use of land, building or structure that does not meet one or more of the requirements of this Ordinance, but was lawfully established before the adoption of the Ordinance provisions that cause it to be noncomplying.

Noncontributing Resource: For purposes of the Village Review Overlay District, a building, structure, or object that does not add to the historic sense of time and place or historic development; or one where the location, design, setting, materials, workmanship, or association have been so altered or have so deteriorated that the overall integrity has been irretrievably lost.

Non-native Invasive Species of Vegetation: For SPO District purposes, that species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Comment [AB26]: D EP SP revision,

Normal High-Water Line (non-tidal waters): That line—apparent from visible markings, changes in the character of soils due to prolonged action of the water, or changes in vegetation—that distinguishes predominantly aquatic land from predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and are at the same or lower elevation as the water level of the river or stream during the period of normal high-water are considered part of the river or stream.

Nursing Home: A facility for individuals needing 24-hour skilled nursing care who can no longer live independently.

Office: A space used to conduct the administrative affairs of an organization, including but not limited to spaces for academic or administrative staff of a postsecondary school, or for a member of a recognized medical or non-medical profession, or for commercial vocational education that is not college, or a facility for purposes of preparing or presenting or broadcasting materials on radio, television, or cable television or similar communications media or the recording or production of films or video material. Includes uses formerly known as Business Office, College Office, Professional Office, and Media Studio.

Outdoor Sales, Temporary: A temporary outdoor ~~vendor~~ activity located on private property and which may be operating from a portable facility ~~located on a given site~~, involved with the ~~dispensing of information or~~ selling of products. ~~including, but not limited to, prepared or unprepared food but not including flea markets, garage and yard sales, farmers' markets, sales of food from food trucks, church events or other similar activities.~~

Parking Facility (as a principal use): A parking lot or garage that is used for the parking of vehicles of occupants, customers, patrons, employees or visitors of a building, structure or use located on a different parcel.

~~**Passive Recreation:** Walking, hiking, biking, and other similar activities. Passive recreation specifically excludes the use of motorized vehicles and equipment.~~

Permanent Clearing: For the purposes of wildlife habitat protection regulations for the WPO District, the removal of 40 percent or more of the volume of trees, or the creation of a cleared opening in the forest canopy that is greater than 250 square feet as measured from the outer limits of the tree crown, neither of which is allowed to naturally regenerate.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pests, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Plan, Final: The final drawings on which the applicant's subdivision or site plan is presented to the Review Authority for approval and which, if approved, may be recorded at the Cumberland County Registry of Deeds.

Plan, Sketch: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review by the Review Authority.

Plant Nursery: Any land or structure used primarily to raise trees, shrubs, flowers, and other plants for sale or for transplanting, including greenhouses, and including accessory sales of those plants to the public.

Primary Road: Bath Road, Bunganuc Road from Casco Road to Freeport Line, Church Road, Durham Road, Maine Street, Mill Street, Old Bath Road, Pleasant Hill Road, Pleasant Street, River Road, Route 1, Route 24, and Route 123.

Principal Façade: The architectural front of a building, often distinguished from the other faces by the use of better materials and greater elaboration of architectural or ornamental details; usually faces a street, but occasionally faces a court or parking area.

Principal Structure: A structure that houses the principal use of the lot.

Principal Use: The primary purpose for which land or structures are used.

Private Road: A street privately owned and maintained that is used as the principal means of access to two or more abutting lots.

Recreation, Active: Leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes but is not limited to swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

Recreation Facility: A place designed and equipped for the conduct of sports and/or leisure time activities excluding campgrounds, regulation size miniature golf courses, water slides, outdoor amusement centers, spectator sports facilities, race tracks or other similar facilities.

Recreation, Passive: Recreational activities that generally do not require a developed site. This generally includes such non-motorized activities as interpretive programming, hiking, biking, cross-country skiing, picnicking and associated parking.

Recreational Vehicle: A vehicle designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use, and that is built on a single chassis, covers 400 square feet or less in area when measured at the largest horizontal projection, and is designed to be self-propelled or permanently towable by a motor vehicle.

Recycling Collection Facility: A lot or parcel of land, with or without buildings, upon which used and recoverable materials such as newspapers, glassware, plastics, and metal cans are separated and temporarily stored before they are sent to a processing facility, but where no processing of those items occurs.

Religious Institution: A building or site used for religious worship, religious retreat, or religious education.

Renewable Energy Generating Facility: A facility for generating electrical energy from wind, solar, or geothermal means, or through the burning of biomass or other renewable resources.

Residence Hall: A facility owned by a school or other institution to house its students.

Restaurant or Dining Facility: An establishment or facility having as its predominant use the on-premises consumption of food and beverages, including an institutional or college dining facility.

Retail, Class I: A business whose principal use is the retail sale of consumer goods, having less than 5,000 square feet of gross floor area.

Retail, Class II: A business whose principal use is the retail sale of consumer goods, having 5,000 square feet or more of gross floor area.

Right-of-Way: A strip of specifically-described land encompassing an existing or future public or private street or road.

River: A free-flowing body of water, including its associated flood plain and wetlands, from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

Salt Marsh: An area of coastal wetlands that supports salt-tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters.

Salt Meadow: An area of a coastal wetland that supports salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water.

Sapling: For SPO District purposes, a tree species that is less than two (2) inches in diameter at four and one-half (4.5) feet above ground level.

Comment [AB27]: D EP SP revision.

Scale: Factors that determine the intensity of a use—including, but not limited to, the size of buildings, the number of employees, residents, or customers, and the size and number of vehicles servicing the use.

Scarify: The disturbance of the forest floor in a controlled way, such as the removing or rearranging of the existing leaf layer or by mixing the existing leaf layer in with and exposing the mineral soil below.

School: Any building consisting primarily of classroom space that is used for offering courses, lectures, training seminars or other similar use, including, but not limited to, private nursery, kindergarten, elementary, middle, secondary education, including accessory structures and uses necessary to support those activities, but not including facilities for post-secondary education.

Screening: The use of landscaping, fencing, or site design techniques to minimize the view of a structure or use from a public road, public place, or adjacent property.

Seasonal Storage: For the purpose of outdoor storage of watercraft, shall mean the storage of watercraft for a time period not to exceed nine consecutive months.

Secondary Road: Any road not listed in the definition of "primary road."

Secretary of the Interior's Standards: The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (U.S. National Park Service, 1995), as amended. These are national standards to guide work undertaken on historic properties, and are intended to assist in the long-term preservation of historic structures and features.

Seedling: For SPO District purposes, a young tree species that is less than four and one-half (4.5) feet in height above ground level.

Comment [AB28]: D EP SP revision.

Service Business, Class 1: A business under 2,000 square feet in gross floor area where the principal use is the providing of personal services, including but not limited to: barber shops, beauty salons, shoe repair shops, tailors, mail services, and laundries.

Service Business, Class 2: A business 2,000 square feet in gross floor area or greater where the principal use is the provision of personal services, including but not limited to: barber shops, beauty salons, shoe repair shops, tailors, mail services, and laundries.

Setback -- In Non-Shoreland Area: The minimum horizontal distance between the front, side or rear lot line and the nearest point of the building, including decks or any covered projections thereof, on the lot.

Setback — In Shoreland Area: In a shoreland area, the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area.

Shoreland Area: The Shoreland Protection Overlay (SPO) District.

Shoreline: The normal high-water line of, or upland edge of, a freshwater or coastal wetland.

Sign: An object, device, or structure, or part thereof, situated outdoors or displayed in a window, freestanding or attached to a structure or registered motor vehicle, that is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by means of words, letters, figures, design, symbol, advertising flags, fixtures, colors, illuminations, or projected images.

Sign Face: The portion of a sign that includes words, letters, figures, designs and background.

Sign, Animation: The usage of multiple frames running at a fast enough speed that the human eye perceives the content to be in continuous movement.

Sign, Awning: A covering that is (or appears to be) made of cloth or canvas and is either permanently attached to a building or can be raised or retracted or fixed to a position against the building when not in use.

Sign, Building Directory: A wall mounted sign that identifies the occupants of a building.

Sign, Business: A temporary freestanding sign used for the advertisement of specific products, daily specials, or services.

Comment [AB29]: Delete?

Sign, Canopy: A sign that is part of, or attached to a structural protective cover over a drive thru or outdoor service area (not including an awning sign).

Sign, Changeable-Display~~Message~~: A sign that utilizes computer generated ~~messages~~ displays or some other electronic means of changing copy. These signs include displays using LEDs, LCDs, or incandescent lamps.

Sign, Contractor: A temporary sign erected during the construction phase of a project only.

Sign, Development: A sign used to identify the name of a development.

Comment [AB30]: Delete?

Sign, Directly Illuminated: A sign illuminated by a light source that is outside of the sign.

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

Sign, Dissolve/Fade: A mode of message transition on an electronic sign accomplished by varying the light intensity or pattern, where the first ~~message~~ display gradually reduces intensity or appears to dissipate to the point of not being legible and the subsequent ~~message~~ display gradually appears or increases intensity to the point of legibility.

Sign, Easel: A free-standing, moveable sign, usually shaped like a painter's easel stand, used ~~to~~ onsite~~advertise specific products, daily specials or special events~~.

Sign, Farm Stand: A sign used to advertise a farm stand selling fruits, vegetables, or other agricultural crops and products.

Comment [AB31]: Delete? Temporary sign?

Sign, Flashing Illuminated: A sign in which the light source, in whole or in part, physically changes in light intensity or gives the appearance of such change at less than a 5 second time interval. Time and temperature signs emanating white light are excluded from this definition.

Sign, Freestanding: A pole sign or monument sign.

Sign, Household: A sign that display street numbers, last names, or personal names given to residential structures.

Comment [AB32]: Delete?

Sign, Internally Illuminated: A sign illuminated by a light source that is within the sign.

Sign, Monument: A sign mounted directly on the ground.

Sign, Motor Vehicle: Any sign displayed on a registered motor vehicle where the primary purpose is to advertise a product, service business, or other business related activity.

Sign, Official Business Directional: An off-premise sign erected and maintained by the Maine Department of Transportation in accordance with the Maine Traveler Informational Services Act, 23 M.R.S.A. § 1901-1925, and this Ordinance, that identifies and points the way to public accommodations and facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational, and religious interest.

Sign, Off-Premise Advertising: A sign that advertises a business or the business's products, services, or activities not sold, distributed, or carried out on the premises.

Sign, On-Premise Directional: A sign used to provide direction to entrances and exits from parking or pedestrian areas.

Sign, Pole: A sign attached to a pole or poles erected directly into the ground.

Sign, Political Campaign: A temporary sign bearing messages relating to an election, primary, or referendum.

Sign, Portable: A sign designed for and intended to be moved from place to place and not be permanently affixed to land, buildings, or other structures.

Sign, Projecting: A sign attached to a wall at a right angle.

Sign, Real Estate: A temporary sign advertising the lease or sale of land, space, or structure.

Sign, Roll: A mode of message transition on a Changeable Message Sign wherever the message appears to move horizontally across the display surface.

Sign, Roof: A sign mounted to the roof of a building or wall mounted signs projecting above the roof line. Signs mounted on the face of a mansard roof are not considered roof signs, but as wall signs.

Sign, Sandwich: A free-standing, moveable sign, usually shaped like an "A", used to advertise specific products, daily specials, or special events.

Sign, Scroll: A mode of ~~message~~ display transition on a Changeable Display ~~Message~~ Sign where the ~~message~~ display appears to move vertically across the display surface.

Sign, Special Events or Notice: A temporary sign—such as a banner, pennant, or poster,—that is mounted onto a building structure to announce special events or notices and; are limited to the property of which the special event is located.

Sign, Temporary Business: A temporary sign such as a sandwich sign, easel sign, and other similar signs intended to advertise specific products, daily specials, or services.

Sign, Transition: A visual effect used on a Changeable Display ~~Message~~ Sign to change from one message to another.

Sign, Video: A Changeable ~~Message~~ Display Sign that displays motion or pictorial imagery, including a display from a "live" source.

Sign, Wall: A sign applied, painted, or affixed flush to the exterior of a structure.

~~**Sign Face:** The portion of a sign that includes words, letters, figures, designs and background.~~

Site Feature: An element of site design other than the characteristics of the lot itself, the uses on the lot, the structures on the lot, or signs on the lot, such as landscaping, or lighting fixtures.

Small Wind Energy System (SWES): A wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for public resale.

Comment [AB33]: Rework as off-premise without differentiation?

Comment [AB34]: Delete?

Comment [AB35]: Delete?

Comment [AB36]: Changeable Message Sign definition may be adequate. Do we reference Roll Signs?

Comment [AB37]: Rename as temporary?

Comment [AB38]: Include in Temporary?

Solid Waste: Unwanted or discarded material with insufficient liquid content to be free- flowing including, but not limited to, rubbish, garbage, scrap, junk, refuse, inert fill, and landscape refuse, excluding septic tank sludge and agricultural and aquaculture waste.

Start of Construction:

(1) For purposes of the floodplain management regulations for the FPO District, the date the flood hazard development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start of construction means either: the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(2) For purposes other than floodplain management, start of construction shall include demolition, excavation, filling, grading, clearing of vegetation, and construction of buildings or structures. Activities noted in Section 5.2.7.F(2)b are exempt from this definition.

Storm-Damaged Tree: For SPO District purposes, a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Comment [AB39]: D EP SP revision.

Stream: For purposes of the Shoreland Protection Overlay (SPO) District, a channel between defined banks created by the action of surface water and has two or more of the following characteristics.

(1) It contains or is known to contain flowing water continuously for a period of at least six months of the year under normal seasonal rainfall conditions.

(2) The channel bed is primarily composed of mineral material such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.

(3) The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.

(4) The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these wetlands are present, the normal high water line of the stream is measured from the upland/wetland transition of bordering wetlands subject to periodic stream water flooding or saturation, or where changes in wetland vegetation, soil characteristics, or topography clearly demonstrate wetland hydrology not associated with periodic flood flows.

Natural and artificial impoundments at the source and along the course of the stream are considered to be part of the stream.

Stream does not mean a ditch or other drainageway constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.

Comment [AB40]: F or possible ZORC discussion – comparison of current Brunswick definition and DEP SP stream definition below.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Comment [AB41]: Per DEP SP revision. For ZORC discussion.

Streetscape: The visual elements of a street—including the road, adjoining buildings, street furniture, trees, fences, and open spaces, etc.—that combine to form the street's character.

Structure: An object built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with any other object constructed or erected with a fixed location on or in the ground. This definition does not apply to customary lawn accessories such as fences, mailboxes, benches, and other such items as determined by the Codes Enforcement Officer. For floodplain management purposes, a structure also means a walled and roofed building or a gas or liquid storage tank that is principally above ground.

Studio. A workshop of an artist, writer, photographer, dancer, musician, yoga practitioner, or similar craftsperson or performer, including spaces where members of the public can come to receive instruction on a more than incidental basis or to sit for portraits.

Subdivision: The division of a tract or parcel of land as defined in Title 30-A M.R.S.A. § 4401(4).

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: For purposes of the floodplain management regulations for the FPO District, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed.

Subsurface Wastewater Disposal System: Any system designed to dispose of waste or wastewater on or beneath the surface of the earth—including, but is not limited to, septic tanks, disposal fields, grandfathered cesspools, holding tanks, pretreatment filters, piping, or any other fixture, mechanism, or apparatus used for those purposes. It does not include any discharge system licensed under Title 38 M.R.S.A. § 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

Telecommuting: An arrangement in which a resident works from home rather than the primary place of employment, communicates with the workplace and conducts work by electronic means.

Comment [AB42]: New definition.

Telecommunications Tower: Any tower taller than 120 feet that transmits and/or receives signals by electromagnetic or optical means using antennas, microwave dishes, horns, or similar types of equipment.

Telecommunication Tower, Small-scale: A free-standing structure with a maximum height of 120 feet that is designed, constructed, or used primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and similar structures.

Temporary Use: A use of land or building occurring occasionally and for a limited period of time, and that may occur repeatedly during a calendar year, but that does not occur regularly on a weekly, monthly, or quarterly schedule.

Theater: A facility for the viewing of movies or live presentations of musicians or other performing artists, but not including any Adult Entertainment Establishment.

Tidal Waters: All waters affected by tidal action during the maximum spring tide.

Timber Harvesting: The cutting and removal of wood products from their growing site and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads or the clearing of land approved for construction. Timber harvesting does NOT include the cutting or removal of vegetation within the SPO District when associated with any other land use activity.

Comment [AB43]: D EP SP revision,

Tree: For SPO District purposes, a woody perennial plant with a defined trunk(s) at least two (2) inches in diameter at four and one-half (4.5) feet above ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

Comment [AB44]: D EP SP revision,

Ultra-light Air Park: An ultra-light air park is a tract of land or water that is maintained for the landing and take-off of ultra-light aircraft as defined by the Federal Aviation Regulation (FAR) Part 103. An ultra-light airpark shall not be used for commercial purposes, shall not provide storage for more than five gallons of ultra-light fuel, and shall not be used for flight operations unless daylight and visual frame of reference (VFR) conditions (1,000-foot ceiling and three-mile visibility) are present.

Upland Edge of a Wetland: The boundary between a wetland and upland. For coastal wetlands, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the ~~maximum spring~~ highest annual tide level, including all areas affected by tidal action. For freshwater wetlands, this boundary is the line formed where the soils are not saturated for a duration sufficient to support wetland vegetation, or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six meters (approximately 20 feet) tall or taller.

Comment [AB45]: D EP SP revision.

Urban Agriculture: The raising, keeping or production of fruit, vegetable, flower, and other crops, or farm animals, poultry and bees as a primary (not accessory) use of land within the Town-designated growth area, in accordance with Chapter 4 (Animals) of the Brunswick Code of Ordinances, as amended. ~~on sites of two and one-half (2.5) acres or less. This uses includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include raising, storing, or processing of any animals other than bees.~~

Comment [AB46]: R evised 11/16

Use, Accessory: A use customarily incidental and subordinate to the principal use or building, and that occupies no more than 40 percent of the floor area of all structures on a lot.

Comment [AB47]: M oved 11/16.

Use, Accesory: A use that:

(1) is customarily or reasonably associated with the principal use;

(2) has hours of operation the same as or less than the principal use;

(3) is incidental and subordinate to the principal use; and

(4) is located on the same lot or tract as the principal use.

Comment [AB48]: O ptional definition based on additional staff research (12/10)

Use, Conditional: A use of land or structures that is listed in Table 3.2 or 3.3 as a Conditional Use, that must comply with any Supplemental Use Standards applicable to that use, and that is available only after obtaining a Conditional Use Permit pursuant to Section 5.2.2.

Use, Permitted: A use of land or structures that is listed in Table 3.2 or 3.3 as a Permitted Use, that must comply with any Supplemental Use Standards applicable to that use, and that may be approved by the Community Development Department if no additional approvals are required by this Ordinance.

Use, Special: A use that is not listed in Table 3.2 as a Permitted, Conditional, or Prohibited Use, but that may be considered for approval pursuant to the Special Use Permit procedure in Section 5.2.3.

Utility Facility, Major: Facilities necessary to the supply of the electric, natural gas, water, cable television, telephone, telecommunications, or sewer services, or similar services, of a scale and

character commonly found only in one or a few specialized locations in the Town, including but not limited to water treatment plants, sewer treatment plants, and electric power generating facilities and substations, but excluding Telecommunication Towers, Small-scale Telecommunications Towers, Renewable Energy Generating Facilities, offices for the conduct of utility business and operations, and Minor Utility Facilities.

Utility Facility, Minor: An installation used by a public utility to supply and distribute electric, natural gas, water, cable television, telephone, telecommunications, sewer, stormwater management, or similar services that need to be near the property to which the service is provided, including the poles, pipes, wires, transmitters, culverts, and service boxes necessary to provide those or similar services, of a scale and character commonly found in developed portions of the Town, but excluding Telecommunications Towers, Small-scale Telecommunications Towers, Renewable Energy Generating Facilities, offices for the conduct of utility business and operations, and Major Utility Facilities.

Vegetation: All live trees, shrubs, ground cover, and other plants.

Veterinary Office: A professional office for the practice of veterinary medicine and at which related services such as pet boarding and grooming may be offered.

Volume of a Structure: The cubic foot volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Warehousing and Storage: A use in which materials, goods, or equipment are stored for compensation or in connection with a business operation.

Water Body: Any great pond, river, or stream.

Water Crossing: Any project extending from one bank to the opposite bank of a river, stream, or wetland, whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance on these crossings.

Watercraft: Any type of vessel, boat, canoe, kayak or craft capable of being used as a means of transportation on water, other than a seaplane, including motors, electric and mechanical equipment and other machinery, whether permanently or temporarily attached, that are customarily used in the operations of the watercraft.

Wetland: An area, of any size, that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetland boundaries are delineated using the methods described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, an inter-agency cooperative publication of the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S.D.A. Soil Conservation Service, January, 1989, as amended.

Wetland, Coastal: ~~Any~~ All tidal and subtidal lands; ~~any~~all land with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the highest annual tide level for the year in which an activity is proposed, as identified in tide tables published by the National Ocean Service. ~~Coastal wetlands may include portions of coastal sand dunes.~~

Wetland, Forested: A freshwater wetland dominated by woody vegetation that is six meters tall (approximated 20 feet) or taller.

Wetland, Freshwater: A freshwater swamp, marsh, bog, or similar area other than a forested wetland which is:

(1) Of ten or more contiguous acres; or of less than ten contiguous acres and adjacent to a surface water body, excluding any river or stream, such that in a natural state, the combined surface area is in excess of ten acres; and

(2) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and that under normal circumstances does support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Wildlife Corridors: The overland connections between Wildlife Habitat Blocks that provide naturally vegetated linkages supporting daily and seasonal species movement between Wildlife Habitat Blocks.

Wildlife Habitat Blocks: The rural portions of large (greater than 150 acres) continuous blocks of naturally occurring stands dominated by woody vegetation.

~~**Wildlife Corridors**: The overland connections between Wildlife Habitat Blocks that provide naturally vegetated linkages supporting daily and seasonal species movement between Wildlife Habitat Blocks.~~

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.

Chapter 2 - Zoning Districts

Summary Table

All new zoning base districts and overlay districts identified in the table below are hereby established. Such districts are applied to geographic areas as shown on the Zoning Map of the Town of Brunswick.

Table 01: Summary Table of Zoning Districts

Old Zoning Districts		New Zoning Districts	
Growth Area Zoning Districts			
Growth Residential Districts			
R-R	BNAS Reuse - Residential	GR1	Growth Residential 1
R1	Residential Extended Neighborhood-1 (Longfellow)	GR2	Growth Residential 2
R8	Residential Extended Neighborhood-8 (College Park)	GR3	Growth Residential 3
R2	Residential Extended Neighborhood-2 (Meadowbrook-Parkview)		
R3	Residential Extended Neighborhood-3 (Maquoit Rd.)	GR4	Growth Residential 4
R4	Residential Extended Neighborhood-4 (Meredith Dr.-West McKeen St.)		
R5	Residential Extended Neighborhood-5 (River Rd.)		
R6	Residential Extended Neighborhood-6 (Cooks Corner)		
CR2	Country Residential 2 (Old Bath Road Area In Growth Area)		
R7	Residential Extended Neighborhood-7 (McClellan-Garrison)	GR5	Growth Residential 5
TR1	Intown Residential Neighborhood 1 (Inner Pleasant St.)	GR6	Growth Residential 6
TR2	Intown Residential Neighborhood 2 (Federal St.)	GR7	Growth Residential 7
TR3	Intown Residential Neighborhood 3 (Water St.)	GR8	Growth Residential 8
TR4	Intown Residential Neighborhood 4 (Jordan Acres)		
TR5	Intown Residential Neighborhood 5 (Columbia Ave.-Spring St.)	GR9	Growth Residential 9
Growth Mixed Use Districts			
MU2	Mixed Use 2 (Intown Railroad Corridor)	GM1	Growth Mixed-Use 1
MU3	Mixed Use 3 (Upper Harpswell Rd.)	GM2	Growth Mixed-Use 2
MU6	Mixed Use 6 (Lower Harpswell Rd.)		
MU4	Mixed Use 4 (Fox Run)	GM3	Growth Mixed-Use 3
I1	Large Scale Business, Industrial, & Institutional 1 (Industry Rd. Industrial Park)		
I4	Large Scale Business, Industrial, & Institutional 4 (Exit 28)		
CC	Commercial (Cooks Corner Center)	GM4	Growth Mixed-Use 4
MU1	Lower Old Bath Road Area		
HC1	Highway Commercial 1 (Outer Pleasant St.)	GM5	Growth Mixed-Use 5
HC2	Highway Commercial 2 (Inner Bath Rd.)		
TC1	Town Center 1 (Maine Street)	GM6	Growth Mixed-Use 6
TC2	Town Center 2 (Fort Andross)		
TC3	Town Center 3 (Lower Park Row)		
R-CMU	BNAS Reuse - Community Mixed Use	GM7	Growth Mixed-Use 7
MUOZ	Medical Use Overlay Zone	GM8	Growth Mixed-Use 8
Growth Special Purpose Districts			
CU1	College Use 1 (Campus Center)	GC1	Growth College 1
CU2	College Use 2 (Pickard Field)		
CU3	College Use 3 (College St.)		
CU5	College Use 5 (Brunswick Apts.)	GC2	Growth College 2
CU6	College Use 6 (Cleaveland St.-Bath Rd.)		
CU4	College Use 4 (Bowdoin Pines)	GC3	Growth College 3

Comment [AB49]: Di strict boundary under further review, 11/16.

Table 01: Summary Table of Zoning Districts			
Old Zoning Districts			New Zoning Districts
CU7	College Use 7 (Longfellow)		
CU/TC	College Use/Town Conservation (former West Side BNAS)	GC4	Growth College 4
R-AR	BNAS Reuse – Aviation Related	GA	Growth Aviation
I-2	Large Scale Business, Industrial, & Institutional 2 (Church Rd. Ind. Park)	GI	Growth Industrial
I3	Large Scale Business, Industrial, & Institutional 3 (E. Bath Rd.-Harding Plant Area)		
R-B&TI	BNAS Reuse – Business and Technology Industries		
R-R&OS	BNAS Reuse – Recreation and Open Space	GO	Growth Outdoor Recreation
BCN	BNAS Conservation (growth area part)	GN	Growth Natural Resources
R-PO	BNAS Reuse – Professional Office		Combined earlier with RCMU
Rural Area Base Districts			
BCN	BNAS Conservation (rural area part)	RN	Rural Natural Resources
FF1	Farm and Forest 1 (Durham-Hacker Rd. Area)	RF	Rural Farm and Forest
CR1	Country Residential 1 (Northwest Brunswick)		
CR2	Country Residential 2 (Old Bath Rd. Area Outside Growth Area)	RR	Rural Residential
MU1	Mixed Use 1 (Lower Old Bath Rd. Area Outside Growth Area)		
CP1	Coastal Protection 1 (Mere Point Area)	RP1	Rural Protection 1
FF3	Farm and Forest 3 (New Meadows River Area)		
CP2	Coastal Protection 2 (Raymond Rd. Area)	RP2	Rural Protection 2
MU5	Mixed Use 5 (Portland Rd. Area)	RM	Rural Mixed Use
Overlay Zoning Districts			
APZ1	Aquifer Protection Zone 1	APO1	Aquifer Protection 1
APZ2	Aquifer Protection Zone 2	APO2	Aquifer Protection 2
APZ3	Aquifer Protection Zone 3	APO3	Aquifer Protection 3
NRPZ	Natural Resource Protection Zone (Shoreland Area)	SPO	Shoreland Protection Overlay
NRPZ	Natural Resource Protection Zone (Special Flood Hazard Area)	FPO	Flood Protection Overlay
RBSGO	Rural Brunswick Smart Growth Overlay – Wildlife Habitat Block	WPO	Wildlife Protection Overlay
RBSGO	Rural Brunswick Smart Growth Overlay – Wildlife Corridor		
MHZ	Mobile Home Park Zone	MHO	Mobile Home Park Overlay
FPZ1	BNAS Flight Path Zone 1 (Clear Zone)	AAO	Airport Approach Overlay
FPZ2	BNAS Flight Path Zone 2 (Noise/Accident Zone)		
TCZ1	Telecommunication Zone 1	TCO	Telecom Overlay
TCZ2	Telecommunication Zone 2		
VRZ	Village Review Zone	VRO	Village Review Overlay

2.1 Growth Area Zoning Districts

2.1.1. Growth Residential Districts

A. Growth Residential 1 (GR1) District

The Growth Residential 1 (GR1) District applies to that area designated as Residential Land Use District in the Brunswick Naval Area Station (BNAS) Reuse Master Plan. It is intended to provide for a variety of housing types in a compact, pedestrian-oriented setting. District regulations accommodate a range of moderate-density residential uses, including single-family (attached or detached), multifamily apartments, assisted/senior housing, and retirement/second homes at a maximum density of eight dwelling units per acre.

B. Growth Residential 2 (GR2) District

The Growth Residential 2 (GR2) District applies to that part of the area designated as Town Residential in the Comprehensive Plan, encompassing the Longfellow ~~and College Park~~ neighborhoods, walkable to downtown Brunswick and Bowdoin College. District regulations are intended to maintain the character of the established neighborhoods. Only one-and two-family residential uses are permitted in this District at a maximum density of four dwelling units per acre.

C. Growth Residential 3 (GR3) District

The Growth Residential 3 (GR3) District applies to that part of the area designated as Town Extended Residential in the Comprehensive Plan, encompassing the Meadowbrook-Parkview and College Park neighborhoods. District regulations are intended to continue to maintain the character of the established one- and two-family neighborhoods at a maximum density of six dwelling units per acre.

Comment [AB50]: District boundary under further review, 11/16.

D. Growth Residential 4 (GR4) District

The Growth Residential 4 (GR4) District applies to that part of the area designated as Town Extended Residential in the Comprehensive Plan, encompassing the Maquoit Road, Meredith Drive-West McKeen Street, and River Road neighborhoods, as well as the residential neighborhoods within the Cook's Corner Extended Area and the Exit 28 Mixed Use Development Area. District regulations are intended to accommodate residential uses at a maximum density of six dwelling units per acre. Limited nonresidential uses are allowed as conditional uses, while maintaining the character of the established neighborhoods.

E. Growth Residential 5 (GR5) District

The Growth Residential 5 (GR5) District applies to that part of the area designated as Town Residential in the Comprehensive Plan, encompassing the McLellan-Garrison neighborhood. District regulations are intended to continue to accommodate a variety of residential uses at a maximum density of seven dwelling units per acre. Limited nonresidential uses are allowed as conditional uses, while maintaining the character of the established neighborhoods.

F. Growth Residential 6 (GR6) District

The Growth Residential 6 (GR6) District applies to the primarily residential portion of the Town Core Planning Area, encompassing the well-established Northwest Brunswick neighborhood. The District is intended to provide for compatible infill development and redevelopment, as well as expansions to existing buildings, while maintaining the overall character of the neighborhood. The District continues to provide a mix of single-family, two-family and multi-family residential uses, walkable to essential services, at a maximum density of 10 dwelling units per acre. Limited nonresidential uses are allowed by conditional use, while protecting and enhancing development patterns of the established neighborhood. The District is also covered by the Village Review Overlay Zone (VRO).

G. Growth Residential 7 (GR7) District

The Growth Residential 7 (GR7) District applies to that part of the area designated as Town Core in the Comprehensive Plan, encompassing most of the Federal Street neighborhood. The neighborhood is also covered by the Village Review Overlay (VRO) Zone and contains a portion of the National Register of Historic Places-designated Federal Street Historic District. District regulations are intended to continue to accommodate a mix of residential uses at a maximum density of five dwelling units per acre. Very limited nonresidential uses are permitted as conditional uses, while protecting and enhancing the established neighborhood.

H. Growth Residential 8 (GR8) District

The Growth Residential 8 (GR8) District applies to two residential areas within the Town Core Planning Area, encompassing the Water Street and Jordan Acres neighborhoods. The District is intended to maintain the overall residential character of these neighborhoods. District regulations accommodate a mix of residential uses at a maximum density of six dwelling units per acre, and limited nonresidential uses.

I. Growth Residential 9 (GR9) District

The Growth Residential 9 (GR9) District applies to that part of the area designated as Town Residential in the Comprehensive Plan encompassing an older residential area of distinct neighborhoods, walkable to elementary and junior high schools, bounded by Hennessey Avenue to the north, Maine Street to the east, MacMillan Drive to the south, and Baribeau Drive to the west. The District is intended to provide for compatible infill development while protecting and enhancing the overall character of the neighborhood. District regulations accommodate a wide range of residential uses at a maximum density of six units per acre, as well as educational facilities, and a very limited range of nonresidential uses.

2.1.2. Growth Mixed-Use Districts

A. Growth Mixed-Use 1 (GM1) District

The Growth Mixed-Use 1 (GM1) District applies to an area of Brunswick located within the Route 1- based Commercial Connector Planning Area, dominated by a mix of non-residential uses with a few residential uses. The District follows the existing freight and passenger rail corridor, bordered by Church Road to the west and Union Street to the east. The District regulations are intended to provide for non-residential uses ranging from neighborhood-type uses to industrial-type uses. Residential uses are permitted ~~are~~ at a maximum density of six dwelling units per acre.

B. Growth Mixed-Use 2 (GM2) District

The Growth Mixed-Use 2 (GM2) District applies to two established neighborhood commercial areas along Harpswell Road, located in the Town Residential Planning Area. The District regulations are intended to provide for the continued mix of residential uses at a maximum density of 10 dwelling units per acre with nonresidential uses primarily serving the greater neighborhood area.

C. Growth Mixed-Use 3 (GM3) District

The Growth Mixed-Use 3 (GM3) District encompasses the Exit 28-Mixed Use Development Planning Area and the former industrially zoned area along Industry Road and Route 1. The District regulations are intended to provide for a mix of compatible infill development of residential uses at a maximum density of 10 dwelling units per acre with a variety of nonresidential uses while protecting and enhancing the existing neighborhood. Industrial uses continue to be permitted within the District south of Route 1.

D. Growth Mixed-Use 4 (GM4) District

The Growth Mixed-Use 4 (GM4) District applies to the Cook's Corner commercial hub (the area around the intersection of Bath Road and Gurnet Road). The District regulations are intended to promote the evolution of this area into a vibrant, mixed-use area that continues to serve as a regional commercial center, but with added residential development and enhanced pedestrian and bicycle connections to adjacent neighborhoods. The District accommodates a range of residential uses, a wide range of nonresidential uses (including retail and consumer~~s~~ uses, services, offices, and public and community uses), and mixed-use development containing residential and nonresidential uses. District regulations focus on encouraging development that

maximizes the available development potential, with maximum residential densities of 15 dwelling units per acre, nonresidential intensities allowing for 80% impervious coverage, as well as standards promoting high-quality design. All applications in the district are subject to the Cook's Corner Design Standards, as applicable to the type of construction or development proposed.

E. Growth Mixed-Use 5 (GM5) District

The Growth Mixed-Use 5 (GM5) District applies to existing commercial gateways into Brunswick and is intended to encourage redevelopment that will make the commercial corridors more functional, safer, and more attractive. District regulations are intended to maintain or improve the quality of the streetscape, control access to and from major roads, and accommodate pedestrian and bicycle movement. The District accommodates a wide range of nonresidential uses, including retail and consumer uses, services, office, public and community uses, and existing industrial uses. Residential uses are not encouraged except as part of mixed-use development at a maximum density of six dwelling units per acre.

F. Growth Mixed-Use 6 (GM6) District

The Growth Mixed-Use 6 (GM6) District is intended to provide a pedestrian and bicycle-friendly downtown Brunswick, a part of the Town Core Planning Area, bordered by the Androscoggin River to the north, Bowdoin College to the south, Federal Street to the east and Union Street to the west. The District regulations are intended to provide for a vibrant mix of primarily commercial uses (e.g., offices, retail and restaurants), cultural, educational and residential uses. Minimal dimensional and density standards allow flexibility for in-fill development. The Village Review Overlay Zone covers this District and maintains the mature and historic character of downtown Brunswick. In addition, the National Register of Historic Places-designated Lincoln Street Historic District is located within the GM6 District, as is a portion of the Federal Street Historic District (Park Row area).

G. Growth Mixed-Use 7 (GM7) District

The Growth Mixed-Use 7 (GM7) District is intended to provide a compact pedestrian-oriented mix of uses at Brunswick Landing that will provide a variety of live, work, play, and education opportunities. District regulations accommodate a range of nonresidential uses—such as neighborhood-scale retail, professional offices, business and support services, restaurants, hotels and conference centers, health and fitness centers, day care centers, and civic and cultural uses. A variety of residential uses, such as single family dwellings, townhomes, condominiums and apartments, and assisted living/senior housing are permitted at a maximum density of 24 dwelling units per acre. Brunswick Landing Design Guidelines, administered by the Midcoast Regional Redevelopment Authority, apply to all new development.

H. Growth Mixed-Use 8 (GM8) District

The Growth Mixed-Use 8 (GM8) District is intended to accommodate major hospitals, large scale medical uses, professional offices and associated uses, compatible with neighboring residential uses. Supplemental design and performance standards are provided so as to protect and enhance established abutting residential neighborhoods.

2.1.3. Growth Special Purpose Districts

A. Growth College 1 (GC1) District

The Growth College 1 (GC1) District is intended to accommodate the core areas of Bowdoin College campus and sports fields and facilities, to allow the college significant flexibility to meet the needs of its operations within those areas, to restrict more intense land uses such as residence halls and dining halls to the core campus area. Supplemental neighborhood protection

standards are in place to increase compatibility with residential uses near and adjacent to the District.

B. Growth College 2 (GC2) District

The Growth College 2 (GC2) District is intended to accommodate facilities and land uses owned by, operated by, or related to Bowdoin College on certain lands located near the edges of the campus, and to accommodate existing college facilities in those areas. Supplemental neighborhood protection standards are in place to increase compatibility with residential uses near and adjacent to the District.

C. Growth College 3 (GC3) District

The Growth College 3 (GC3) District is intended to accommodate facilities and land uses owned by, operated by, or related to Bowdoin College on certain lands located near the edges of the campus, and in the Longfellow Avenue area located between the core campus and the playing fields, and to accommodate existing college facilities in those areas. Supplemental neighborhood protection standards are in place to increase compatibility with residential uses near and adjacent to the District.

D. Growth College 4 (GC4) District

The Growth College 4 (GC4) District provides for the redevelopment of lands on the west side of the former Brunswick Naval Air Station (BNAS) conveyed to Bowdoin College. The District is intended to accommodate residential and non-residential college-related uses consistent with the BNAS Reuse Master Plan and conveyance documents. Supplemental neighborhood protection standards are in place to increase compatibility with residential uses near and adjacent to the District.

E. Growth Aviation (GA) District

The Growth Aviation (GA) District applies to an area containing and surrounding the runways, taxiways, and buffer areas of the Brunswick Executive Airport—areas designated Airport Operations and Aviation-Related Business in the Brunswick Naval Air Station (BNAS) Reuse Master Plan. The District is intended to accommodate primarily airport facilities and operations plus business, industry, transportation and distribution, technology employment, and other uses that rely on, or directly benefit from, proximity to airport facilities and operations. Such uses could include general and corporate aviation, aircraft maintenance/ repair/overhaul, aviation-related manufacturing, and government and aerospace research and development.

F. Growth Industrial (GI) District

The Growth Industrial (GI) District applies to lands appropriate for industrial and other types of more intensive nonresidential development (other than large retail uses), as well as to the area designated as Business and Technology Industries in the Brunswick Naval Area Station (BNAS) Reuse Master Plan. District regulations are intended to improve the environmental and visual quality of existing industrial areas and accommodate the development and redevelopment of a wide range of nonresidential uses, including light manufacturing, technology-based research and development, energy park, laboratories, warehouse and distribution uses, and related service and office uses—but not retail or consumer-oriented uses.

G. Growth Outdoor Recreation (GO) District

The Growth Outdoor Recreation (GO) District applies to the area designated Recreation and Open Space in the Brunswick Naval Area Station (BNAS) Reuse Master Plan. It is intended to provide suitable areas for a variety of commercial and public active and passive outdoor recreational opportunities for the community—including public parks, recreation fields, golf courses, public gardens, bicycle trails, and equestrian facilities.

H. Growth Natural Resources (GN) District

~~(1) Purpose~~

The Growth Natural Resources (GN) District is intended to preserve, maintain, and enhance existing natural areas in Growth Areas and includes: ~~that are~~

(1) ~~designated as~~ Natural Areas designated in the Brunswick Naval ~~Area~~ Air Station (BNAS) Reuse Master Plan, as amended, ~~to~~ providinge for the long-term benefit of the natural environment, including S1-ranked natural communities, and area residents; and~~.~~

(2) Town Commons and the Greater Town Commons Area.

As such, development is restricted to only those primary and accessory uses, ~~-~~as well as associated buildings, structures or improvements, that would not significantly alter the environment and/or would provide opportunities to protect and/or experience the environment, including uses such as pedestrian trails, nature and interpretive areas, and other ~~non-intrusive~~ passive outdoor recreation and educational uses, forest and wildlife management activities, soil and water conservation activities and nonstructural stormwater management facilities.

~~(2) Use Standards~~

~~Notwithstanding the Permitted Use restrictions in Section 3.2 (Growth Area Permitted Use Table), the use of land within the GN District shall be limited to uses that are consistent with the Public Benefit Conveyance of these parcels to the Town of Brunswick and with the adopted BNAS Reuse Master Plan. The following types of uses are considered appropriate:~~

~~a. Non-intensive recreational uses not requiring structures, such as hunting, fishing, bird watching, walking, and hiking;~~

~~b. Hiking trails, bridle paths, pedestrian trails, and walkways;~~

~~c. Forest management activities in accordance with an approved management plan;~~

~~d. Fire prevention activities in accordance with an approved management plan;~~

~~e. Wildlife management activities;~~

~~f. Soil and water conservation activities;~~

~~g. Surveying and resource analysis;~~

~~h. Emergency operations;~~

~~i. The harvesting of wild crops;~~

~~j. Nonresidential facilities for educational, scientific, or nature interpretation purposes;~~

~~k. Buildings accessory to permitted uses;~~

~~l. Temporary and permanent piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high-water line or within a water body or wetland;~~

~~m. Parking facilities to serve a permitted use;~~

~~n. Public utility facilities and structures;~~

~~o. Wetland mitigation activities;~~

~~p. Nonstructural stormwater management facilities;~~

~~q. Signs related to a permitted use or to provide public information; and~~

~~r. Other uses that are similar to the listed permitted uses and that are consistent with the Public Benefit Conveyance and the adopted BNAS Reuse Master Plan.~~

~~**(3) Development Standards**~~

~~In addition to the Development Standards in Chapter 4 (Development Standards), development in the GN District shall comply with the following standards:~~

~~a. The area of project disturbance must be less than 2,500 square feet~~

~~b. All buildings, structures, and improvements shall be located and designed to minimize their impact on the natural environment and the amount of impervious surface created by the facility.~~

~~c. All buildings and structures, except functionally water-dependent uses, shall comply with the water body and wetland setback regulations in Section 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands).~~

~~d. All activities shall comply with the shoreland area standards in Section 2.3.3.C, (Additional Requirements for the SPO District).~~

2.2 Rural Area Base Zoning Districts

2.2.1. Rural Natural Resources (RN) District

~~**Purpose**~~

The Rural Natural Resources (RN) District is intended to preserve, maintain, and enhance existing natural areas in Rural Areas that are designated as Natural Areas on the Reuse Master Plan for Brunswick Naval Area Station (BNAS) to provide for the long-term benefit of the natural environment, including S1-ranked natural communities, and area residents. As such, development is restricted to only those primary and accessory uses, as well as associated buildings, structures or improvements that would not significantly alter the environment and/or would provide opportunities to protect and experience the environment, including uses such as pedestrian trails, nature and interpretive centers, and other ~~non-intrusive~~ passive outdoor recreation and educational uses, forest and wildlife management activities, soil and water conservation activities and nonstructural stormwater management facilities.

~~**A. Use Standards**~~

~~Notwithstanding the Permitted Use restrictions in Section 3.3 (Rural Area Permitted Use Table) the use standards for the Growth Natural Resources (GN) District (see Section 0) shall also apply in the RN District.~~

~~**B. Development Standards**~~

~~In addition to the Property Development Standards in Chapter 4 , the development standards for the Growth Natural Resources (GN) District (see Section 2.1.3.H(3)) shall also apply in the RN District.~~

2.2.2. Rural Farm and Forest (RF) District

The Rural Farm and Forest (RF) District applies to Rural Areas where environmental systems are preserved and rural resources, including active and productive natural resource-based uses such as farming and forestry, are maintained. District regulations are intended to ensure that any

development or intensive use maintains rural character and protects natural and scenic resources, including wetlands, unfragmented wildlife habitats, and scenic roads. The district accommodates agriculture and forestry activities, residential development, at a maximum density of one dwelling unit per two acres (encouraging open space subdivisions as the preferred form of development), and very limited businesses and other nonresidential development that support or are based on rural and natural-resource-based uses.

2.2.3. Rural Residential (RR) District

The Rural Residential (RR) District applies to Rural Areas that define gateways into Brunswick and the rural character of areas outside its Growth Areas. District regulations are intended to ensure that any development or intensive use maintains rural character and protects natural and scenic resources, including wetlands, unfragmented wildlife habitats, and scenic roads. The district accommodates residential development at a maximum density of one dwelling unit per 1.5 acres (encouraging open space subdivisions as the preferred form of development), agriculture and forestry activities, and a wide range of small businesses and other nonresidential uses that support or are based on rural and natural-resource-based uses.

2.2.4. Rural Protection Districts (RP1 and RP2_Districts)

The Rural Protection (RP) districts apply to coastal watersheds in Rural Areas where environmental systems are preserved and rural resources, including active and productive natural-resource-based uses—particularly those that rely on the coastal waters—are maintained. District regulations are intended to manage land use and development to protect coastal embayments from the potential impact of stormwater runoff, nutrient loading, and other nonpoint source pollution by limiting impervious surfaces, enhancing stormwater management, ensuring maintenance of subsurface wastewater disposal systems, and managing lawn maintenance and agricultural practices. They are also intended to ensure that any development or intensive use maintains rural character and protects natural and scenic resources, including wetlands, unfragmented wildlife habitats, and scenic roads. The districts accommodate marine activities, water-dependent uses, agriculture, and forestry activities. They also accommodate very-low-density residential development (encouraging open space subdivisions as the preferred form of development) and low-intensity businesses and other nonresidential development that support or are based on rural and natural-resource-based uses.

2.2.5. Rural Mixed Use District (RM)

The Rural Mixed Use (RM) District applies to the Old Portland Road (Route 1) corridor outside the Town's designated Growth Area. Public water and sewer are not available outside the Growth Area. The District provides for a mix of residential and limited commercial and industrial uses designed to be compatible with the rural character of the corridor. Maximum density for residential uses is one dwelling unit per two acres. Supplemental standards protect the area's natural resources and scenic values, minimizing disturbance of existing features and vegetation during development.

2.3 Overlay Zoning Districts

2.3.1. General

Overlay districts are applied over base zoning districts and regulations for overlay districts supplement or supersede the provisions of the underlying base zoning district(s). If regulations for an overlay district conflict with those for the underlying base zoning district, the regulations for the applicable overlay district shall prevail. If regulations for one overlay district conflict with those for another applicable overlay district, the more restrictive regulations shall prevail.

2.3.2. Aquifer Protection Overlay (APO) Districts

Comment [AB51]: Proposed revisions accepted by BTWD, 11/19.

A. Purpose

The purpose of the Aquifer Protection Overlay (APO) districts is to protect the quality and quantity of Brunswick's present and future ground water resources by regulating activities and land use practices ~~that~~ which are likely to affect those resources. The protection of ground water is critical to promoting the health, safety, and general welfare of the residents of Brunswick.

B. Definition and Delineation of APO Districts

(1) The Aquifer Protection Overlay (APO) districts consist of sand and gravel aquifers and aquifer recharge areas. There are three APO districts:

a. Aquifer Protection Overlay 1 (APO1) District, defined in Section 2.3.2.C(1);

b. Aquifer Protection Overlay 2 (APO2) District, defined in Section 2.3.2.D(1); and

c. Aquifer Protection Overlay 3 (APO3) District, defined in Section 2.3.2.E(1).

(2) The boundaries of the APO districts are delineated on the Brunswick Zoning Map, and are based on:

a. "Hydrogeology of the Jackson, Taylor and Williams Stations Aquifer in Topsham and Brunswick, Maine" report, dated February 25, 1994, by Caswell, Eichler and Hill; and

b. "Hydrogeology of the Jordan Avenue Station Aquifer in Brunswick, Maine" report, dated March 22, 1994, by Caswell, Eichler and Hill.

C. Aquifer Protection 1 (APO1) District

(1) Definition of APO1 District

The APO1 District is the area within which leachable materials disposed of or applied into or onto land or water bodies can travel to the public water supply wells within 200 days.

(2) Use Standards for APO1 District

a. All uses are prohibited with exception of the following:

i. Conservation of soil, water, plants, and wildlife.

ii. Outdoor recreation—including fishing, nature study, and hunting—where otherwise legally permitted.

iii. Pedestrian, bicycle and horse paths, and bridges.

iv. Operation, maintenance, and expansion of public water supply facilities.

v. Timber harvesting.

vi. Natural gas or propane storage and transmission facilities.

b. Motorized vehicles may be used in conjunction with the allowable uses listed in subsection a above~~a above~~, except that the use of motorized vehicles for recreational purposes is prohibited.

c. The permitted uses shall meet the performance standards in Section 2.3.2.F (Performance Standards for Aquifer Protection Overlay (APO) Districts).

D. Aquifer Protection 2 (APO2) District

(1) Definition of APO2 District

The APO2 District is the area outside of the APO1 boundary that is drained by streams flowing directly into the sand and gravel aquifer. The streams in the APO2 District are important as they have eroded through the silt/clay cap leaving exposed a "window" to the underlying aquifer.

(2) Use Standards for APO2 District

a. All uses are prohibited, except those uses allowed in the APO1 District provided that they meet the requirements of the underlying base zoning district and the following standards:

i. All parts of all types of subsurface wastewater disposal systems shall be set back a minimum horizontal distance of 150 linear feet from the normal high water line of any stream. The Local Plumbing Inspector may consider and grant a request to reduce this setback for a replacement subsurface wastewater disposal system if a report prepared by a soils scientist or site evaluator registered in the State of Maine is submitted and accepted, and the report states that the existing system is failing and that the proposed location is the only suitable location on the applicant's property for the replacement system.

ii. All home heating fuel tanks, except natural gas or propane gas storage tanks, shall be enclosed and located within an impervious secondary containment unit.

iii. Application of pesticides, nitrogen fertilizer, or manure within a minimum horizontal distance of 150 linear feet from the normal high water line of any stream is prohibited. This setback requirement cannot be reduced.

iv. The storage of no more than two unregistered automobiles is prohibited.

b. The permitted uses shall meet the performance standards in Section 2.3.2.F (Performance Standards for Aquifer Protection Overlay (APO) Districts).

E. Aquifer Protection 3 (APO3) District

(1) Definition of APO3 District

The APO3 District is the area within which leachable materials disposed of or applied into or onto land or water bodies can travel to the public water supply wells in more than 200 days.

(2) Use Standards for APO3 District

a. The following uses and development activities are prohibited:

i. The disposal of solid waste other than brush or stumps.

ii. The disposal or storage of hazardous matters, as defined in Section 1.7.2 (Definitions and Rules of Construction), with the exception of the above-ground natural gas or propane gas tanks.

iii. The disposal or storage of leachable materials, except subsurface wastewater disposal systems and water from residential swimming pools.

iv. The bulk or commercial disposal or storage of road salt or other de-icing agents.

v. The storage of petroleum products in containers with a total volume in excess of ten gallons, except those stored for heating use by that property owner or his designee only.

vi. The disposal, storage, or application of sludge or other sludge-containing products, except for the application of Class A composted residuals that are licensed for unrestrained distribution by the Maine Department of Environmental Protection.

vii. The disposal of any unregistered automobiles or the storage of more than two unregistered automobiles.

viii. Use or storage of pesticides, other than for households or agriculture and those products that are permitted by the Organic Materials Review Institute (OMRI).

(A) The Codes Enforcement Officer may, upon written request, approve an exception to this prohibition to allow pesticides to be used to:

(1) Control or destroy a health hazard (i.e., a pest that has or is likely to have an adverse effect on the health of any person);

(2) Control or destroy pests which have caused infestation to property (i.e., where the presence of pests in numbers or under conditions that involve an immediate or potential risk of substantial loss or damage); or

(3) Control or destroy bees' nests or poison ivy.

(B) The Brunswick and Topsham Water District shall be notified of any such requests and approvals.

ix. Use or storage of fertilizer, compost, or manure, other than:

(A) Slow-release organic fertilizer;

(B) Products used for households and agriculture; and

(C) Natural organic compost that:

(1) Is in keeping, but not limited to, compost approved by USDA National Organic Program; or

(2) Is in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association (MOFGA) Certified Farms; or

(3) Meets the standards and test requirements to qualify for unrestrained distribution under Chapter 419 of the Maine Department of Environmental Protection regulations, titled "Agronomic Utilization of Residuals," as amended.

x. Aerial spraying of pesticides from aircraft, except for applications for public health reasons performed under the auspices of the Town of Brunswick or State of Maine.

xi. Pipelines for transmission of petroleum products or hazardous materials, except natural gas or propane storage and transmission facilities.

xii. Commercial boat, internal combustion engine, and motor vehicle sales, service, and repair.

xiii. Metal plating operations.

xiv. Dry cleaning operations.

xv. Truck terminals.

xvi. Furniture stripping, painting, and wood preserving operations.

xvii. Mining operations.

xviii. Sand and gravel extraction.

b. Uses or management practices not listed above may be permitted in the APO3 District provided that they are allowed in the underlying base zoning district, will not have an unreasonable adverse effect on the water supply, and meet the performance standards in Section 2.3.2.F (Performance Standards for Aquifer Protection Overlay (APO) Districts).

F. Performance Standards for Aquifer Protection Overlay (APO) Districts

All uses or activities within an APO1, APO2, or APO3 District, ~~other than nonconforming uses,~~ shall meet the following performance standards. Nonconforming uses existing on the effective date of this Ordinance shall also comply with standards set forth in subsection 1.6.3.Brunswick and Topsham

Comment [AB52]: Revised to reinsert nonconforming use standards reference (12/2)

(1) General Standards for Uses and Activities Subject to Development Review

The following standards apply to uses and activities subject to Development Review (see Section 5.2.7), with the exception of single and two-family dwellings:

Comment [AB53]: Added back from existing ordinance. (12/2)

a. Management of Stormwater Runoff

The stormwater runoff ~~of~~ from the use or expansion of the use shall be either retained on the specific property or allowed to infiltrate or transported off-site through a subsurface stormwater system to the Town's collection system and shall incorporate stormwater management techniques to minimize runoff volume and rate, as well as pollution and nutrient loadings, from the site in accordance with subsection 4.5.1.

Comment [AB54]: Revised (12/2). Same as existing.

b. Groundwater Contaminants

i. Monitoring wells may be required for a use known by the Code~~s~~ Enforcement Officer, in consultation with the Brunswick and Topsham Water District, to be an actual or potential source of groundwater pollution.

(A) A licensed hydrogeologist chosen or approved by the Town shall determine the number, location, and depth of monitoring wells.

(B) Monitoring wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983).

(C) Monitoring wells shall be installed on the property at the expense of the owner.

(D) The Code~~s~~ Enforcement Officer, in consultation with the Brunswick and Topsham Water District, shall determine, in consultation with the Brunswick and Topsham Water District and/or a licensed hydrogeologist, when monitoring wells shall be sampled.

(E) Results from monitoring well samples shall be submitted to the Department and the Brunswick and Topsham Water District.

ii. The Brunswick and Topsham Water District shall promptly inform the Town Council, Code~~s~~ Enforcement Officer, Planning Board, and Zoning Board of Appeals when the calculated or actual levels of ~~any~~ contaminants in the groundwater reach ten percent of the ~~allowable~~ Maximum Contaminant Levels (MCLs) listed within the National Primary Public Drinking Water ~~Standards~~ Regulations for contaminants as measured at the Brunswick and Topsham Water District monitoring wells and recommend remedial actions.

~~iii. The Brunswick and Topsham Water District shall promptly inform the Town Council, Codes Enforcement Officer, Planning Board, and Zoning Board of Appeals when the~~

~~calculated or actual levels of any contaminants in the groundwater exceeds 50 percent of the allowable Primary Public Drinking Water Standards for contaminants as measured at the Brunswick and Topsham Water District monitoring wells.~~

Comment [AB55]: li above addresses this. No need to repeat.

~~iv.~~iii. No Development Review approval shall be granted for a use, expansion of the use, or activity that would cause the cumulative, calculated, or actual levels of ~~any~~ contaminants in the groundwater at the Brunswick ~~and~~ and Topsham Water District property line to exceed 50 percent of the ~~allowable~~ Maximum Contaminant Levels (MCLs) listed within the National Primary Public Drinking Water ~~Standards~~ Regulations. ~~as defined by the Federal Safe Drinking Water act, as amended.~~

~~v.~~iv. No Development Review approval shall be granted for a use, expansion of a use, or development activity that would cause the calculated or actual levels of ~~any~~ contaminants in the groundwater at the property line of the specific lot associated with the use, expansion of the use, or activity to exceed 50 percent of the ~~allowable~~ Maximum Contaminant Levels (MCLs) listed within the National Primary Public Drinking Water ~~Standards as defined by the Federal Safe Drinking Water Act, as amended.~~Regulations.

(2) Timber Harvesting

Timber Harvesting shall comply with the following provisions:

a. Selective cutting of no more than 40 percent of the total volume of trees four inches or more in diameter measured at 4½ feet above ground level on any lot in any ten year period is permitted. Harvesting operations shall not create single clear-cut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet, they shall be at least 100 feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For purposes of these standards, volume may be considered to be equivalent to basal area.

b. Timber harvesting operations exceeding the 40 percent limitation in subsection a above may be allowed by the Review Authority upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance.

c. No accumulation of slash shall be left within 50 feet of the normal high-water line of a river, tidal waters, or stream. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground. Any debris that falls below the normal high-water line of a water body shall be removed.

d. Timber harvesting equipment shall not use stream channels as travel routes.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds that are composed of gravel, rock, or similar hard surface that would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation at least 75 feet wide for slopes up to ten percent shall be retained between the exposed mineral soils and the normal high-water line of a river, tidal waters, or stream, or the upland edge of a coastal or

freshwater wetland. For each ten percent increase in slope, the unscarified strip width shall be increased by 20 feet. The provisions of this paragraph apply only to a face sloping toward the river, tidal waters, stream, coastal wetland, or freshwater wetland—provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet from the protected resource. In addition, an unscarified strip of vegetation at least 75 feet wide shall be retained between the exposed mineral soils and the normal high-water line of a stream.

(3) Application of Fertilizers and Manure

a. Application of nitrogen fertilizer and manure is permitted subject to approval from the applicable reviewing authority. Permit applications shall identify materials, application ~~Application~~ rates and shall conform to Section 2.3.2.F(1) (General Standards).

b. All manure spreading shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the University of Maine Soil and Conservation Commission in July 1972, ~~or the latest revision thereof~~as amended.

c. Runoff from areas where manure or fertilizer is being applied to the land shall be controlled.

d. Application of manure or fertilizer to sand, or bare soil where the topsoil has been removed, is prohibited.

Comment [AB56]: Added back from existing ordinance. Revised grammatically 12/2.

(4) Manure Storage

Agricultural operations that generate or utilize manure shall provide containment facilities for manure storage. Such facilities shall be adequate to hold one year's production, and shall be covered.

(5) Animal Husbandry

The landowner shall minimize potential impact on groundwater quality when managing manure generated on-site through utilization of effective collection and storage measures.

(6) Use of Pesticides

a. Land application of pesticides is allowed provided that surface runoff and erosion in areas where pesticides are being applied is contained.

b. Permit applications shall include copies of the pesticide labels, rate of application and materials safety information. Application rates shall conform to Section 2.3.2.F(1) (General Standards).

Comment [AB57]: Added back from existing ordinance (12/2)

(7) Subsurface Waste Disposal Systems

a. Disposal of hazardous materials to subsurface waste disposal systems, including organic solvents designed for cleaning septic systems, is prohibited.

b. Subsurface waste disposal systems in the APO1 and APO2 Districts shall be pumped out at least once every three years and maintained. The Local Plumbing Inspector may consider and grant a request to waive or reduce the frequency of pumping and maintenance if evidence of significant underusage of the disposal system is submitted and accepted.

c. Homeowners shall retain receipts when their tank is pumped to demonstrate compliance to the ~~Codes Enforcement Officer~~Local Plumbing Inspector during an inspection.

(8) Storage Tanks

a. All underground oil (petroleum products) storage tanks (other than propane gas or natural gas storage tanks) that are in place prior to ~~November~~ December 2, 1998 shall be nonconforming. All ~~such~~ existing oil underground storage tanks and piping systems that are single-walled and double-walled tanks without an interstitial space monitoring system shall be precision-tested annually. Double-walled tanks and piping systems with an interstitial space monitoring system are exempt from annual precision-testing. Tanks failing to pass the precision test shall be excavated and examined for leaks. If found to be leaking, the tank and any material discharged from the tank shall be removed at the expense of the owner in accordance with the requirements of the Maine Department of Environmental Protection (MDEP). When it becomes necessary to replace an underground tank and/or its piping systems it shall be replaced with a double-walled tank and/or piping system with an interstitial space monitoring system, or better.

Comment [AB58]: Added 12/2 for clarity

b. All aboveground oil (petroleum products) storage tanks (other than propane gas or natural gas storage tanks) that are in place within the APO1 or APO2 District prior to ~~November~~ December 2, 1998 and that are not enclosed and located within an impervious secondary containment unit shall be nonconforming. When it becomes necessary to replace these tanks, the replacement tanks shall be enclosed and located within a secondary containment unit.

Comment [AB59]: Added 12/2 for clarity

(9) Application of Compost, Sludge Products, or Organic Fertilizer

a. Land application materials are limited to those allowed in Section 2.3.2.E(2) (Use Standards for APO3 District).

b. Landowners shall keep records of past land applications of compost, sludge products, or organic fertilizers.

2.3.3. Shorelands Protection Overlay (SPO) District

Comment [AB60]: All proposed revisions based on DEP SP revisions. For review at next ZORC meeting

A. Purpose

The purposes of the SPO District are to:

(1) Further the maintenance of safe and healthful conditions;

(2) Prevent and control water pollution;

(3) Protect fish spawning areas, aquatic life, and bird and wildlife habitat;

(4) Protect buildings and lands from flooding and accelerated erosion;

(5) Protect archaeological and historic resources;

(6) Protect commercial fishing and the maritime industries;

(7) Protect freshwater and coastal wetlands;

(8) Control building sites and the placement of structures and land uses;

(9) Conserve shore cover;

(10) Conserve visual and actual points of access to inland and coastal waters;

(11) Conserve natural beauty and open space; and

(12) Anticipate and respond to the impacts of development in shoreland areas.

B. Definition and Delineation of SPO District

(1) The SPO District consists of:

a. All land areas within a horizontal distance of 250 feet from the:

i. Normal high-water line of any river,

ii. Upland edge of a coastal wetland, including all areas affected by tidal action, and

iii. Upland edge of a freshwater wetland; plus

b. All land areas within a horizontal distance of 75 feet from the normal high-water line of a stream.

(2) SPO District boundaries are delineated on the Brunswick Zoning Map.

C. Additional Requirements for the SPO District

The requirements in this subsection shall apply to all development within the SPO District.

(1) Setbacks of Structures from Water Bodies and Wetlands

a. Any new principal or accessory structure, except structures requiring direct access to the water as an operational necessity (including, but not limited to, piers, docks, retaining walls, and public waterfront trails, but excluding recreational boat storage buildings), shall be set back a minimum horizontal distance of-:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river;

iii. 125 feet from the upland edge of a coastal or freshwater wetland; and

iv. 250 feet from the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, where such areas are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of December 31, 2008, as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map. These areas are defined as "Resource Protection Areas" and include areas which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values.

b. Water body and wetland setback measurements shall be taken from the top of a coastal bluff such as those that have been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map, and as depicted on the Brunswick GIS. If an applicant for development approval and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist to make a determination.

(2) Prohibited Locations of New Structures Within the SPO District

No new principal or accessory structure, except structures requiring direct access to the water as an operational necessity (including, but not limited to, piers, docks, retaining walls, and public waterfront trails, but excluding recreational boat storage buildings), shall be located within any of the following areas:

a. Floodplains adjacent to tidal waters, rivers, and artificially formed great ponds along rivers, as defined by the 100-year floodplain designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps Flood Boundary and Floodway Maps or the flood of record.

b. Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.

c. Areas of two or more contiguous acres of wetlands that are not part of a freshwater or coastal wetland and are not surficially connected to a river, tidal waters, or stream during the period of normal high water.

d. Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.

(3) ~~Development of Properties Created before Shoreland Regulations~~ Special Resource Protection Permit Requirements

Properties that were created prior to June 6, 1994, and lie within the minimum setback from moderate or high value habitat areas established in Section 2.3.3.C(1)a.iv above~~2.3.3.C(1)a.iv above~~, and properties created prior to November 18, 2002, and lie within the minimum setback from a stream created after November 18, 2002, may be developed with 1-family dwelling through the Minor Development Review process if the Staff Review Committee makes a positive finding that the applicant has demonstrated that all of the following conditions are met:

a. There is no location on the property, other than a location within the SPO District, where the structure can be built.

b. The lot was established and recorded in the Cumberland County Registry of Deeds prior to June 6, 1994, or November 18, 2002, as appropriate.

c. All proposed buildings, sewage disposal systems, and other improvements are located on natural ground slopes of less than 20 percent.

d. All proposed buildings, sewage disposal systems, and other improvements are located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps. (If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.)

e. All buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation, and the development is otherwise in compliance with any applicable floodplain management regulations in Section 2.3.4 (Flood Protection Overlay (FPO) District).

f. The total ~~ground floor~~footprint area~~, including cantilevered or similar overhanging extensions,~~ as defined, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by Variance.

g. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body or upland edge of a coastal or freshwater wetland to the greatest practicable~~l~~ extent practicable, but not less than a horizontal distance of ~~not less than a horizontal distance~~ 75 feet from a stream and not less than a horizontal distance of 125 feet from a coastal or freshwater wetland or other water body. In determining "greatest ~~practical~~ extent practicable," the Staff Review

Committee shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

~~g.~~h. A Special Resource Permit shall expire one year from the date of issuance if on-site construction has not started during that period. If construction is started within one year from the date of permit issuance, the applicant shall have one additional year from the date of issuance to complete the project. If incomplete at the end of two years, the permit shall expire.

(4) Water-Dependent Structures

New principal and accessory structures requiring direct access to the water as an operational necessity are subject to the supplementary use standards in Section 3.4.1.T~~3.4.1.U~~ (Marine Activity).

(5) Agriculture

a. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. § 4201-4209).

b. Storage or stockpiling of manure shall be set back a minimum horizontal distance of:

   i. 75 feet of the normal high water line of a stream;

   ii. 125 feet from the normal high water line of a river or tidal waters; or

   iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. All manure storage areas shall be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

d. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the SPO District shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Ordinance. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District Office.

e. Newly established fields that require tilling of soil shall not be permitted within 75 feet, horizontal distance, of the normal high water line of any river, tidal waters, or stream, or of the upland edge of a coastal or freshwater wetland.

f. The tilling of fields that is associated with ongoing farm activities and is not in conformance with the setback requirement in subsection e above may continue, provided that such tilling is conducted in accordance with a Conservation Plan.

g. Newly established livestock grazing areas shall be set back as minimum horizontal distance of 75 feet from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland. Livestock grazing that is associated with ongoing farm activities and is not in conformance with the above setback requirement may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

(6) Beach Construction

Before beach construction is commenced, an applicant must obtain a permit from the Department of Environmental Protection and Site Plan Approval by the Planning Board.

(7) Timber Harvesting

Timber harvesting in the SPO District is subject to the Maine Forest Service's Statewide Standards for Timber Harvesting Activities in Shoreland Areas (04-058 C.M.R. ch. 21) and the Maine Bureau of Forestry's Forest Regeneration and Clearcutting Standards (01-669 C.M.R. ch. 20).

Comment [AB61]: In accordance with Mandatory Shoreland Zoning Act, in 2013, the Town opted to completely repeal the timber harvesting provisions from the current NRPZ standards, now enforced by the Bureau of Forestry.

(8) Clearing or Removal of Vegetation for Activities Other than Timber Harvesting

a. **Preservation of Vegetated Buffers along Water Bodies and Wetlands**

i. Except to allow for development of permitted uses, a buffer of vegetation shall be preserved within a strip of land extending a minimum horizontal distance of 75 feet inland from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland.

ii. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is retained.

iii. For purposes of the requirement in subsection ii above, a "well-distributed stand of trees" shall be defined as one rating a score of 24 or more in any 25- foot-by-50-foot rectangular (1250 square feet) area as determined by the following rating system.

TABLE 2.4.3-1: Rating System for Well-Distributed Stand of Trees

Diameter of Tree at 4½ feet above Ground Level	Points
2 < 4 inches	1
4 < 8 inches	2
8 < 12 inches	4
12 inches or greater	8

Example: If a 25-foot-by-50-foot plot contains four trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is: (4x1) + (2x2) + (3x4) + (2x8) = 36 points. Thus, the plot contains a well-distributed stand of trees. Trees totaling 12 points (36-24 = 12) may be removed from the plot provided that no cleared openings are created.

iv. The following shall govern in applying this point system:

(A) The 25-foot-by-50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(B) Each successive plot must be adjacent to, but not overlap, a previous plot;

(C) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(D) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

(E) Where conditions permit, no more than 50 percent of the points on any 25-foot-by-50-foot rectangular plot may consist of trees greater than 12 inches in diameter.

v. For purposes of the requirement in subsection ii above, retention of "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in

diameter at 4½ feet above ground level for each 25-foot-by-50-foot rectangular areas. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until 5 saplings have been recruited into the plot.

vi. There shall be no cleared opening in the buffer strip's forested canopy (as measured from the outer limits of the tree or shrub crown)—or the canopy of other existing woody vegetation if a forested canopy is not present—that is greater than 250 square feet in area—provided, however, that a single footpath no wider than six feet (as measured between tree trunks and/or shrub stems) is allowed for the purpose of accessing the shoreline provided that~~if~~ a cleared line of sight to the water through the buffer strip is not created.

Comment [AB62]: F or clarification.

vii. To maintain a buffer strip of vegetation, when the removal of storm-damaged, ~~diseased, unsafe, or~~ dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

viii. To protect water quality and wildlife habitat, existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for selective cutting or a foot path as allowed in subsections ii and vi above.

ix. Pruning of tree branches on the bottom third of the tree is allowed.

x. Notwithstanding the above provisions, no more than 40 percent of the total volume of trees four inches or more in diameter, measured at 4½ feet above ground level may be removed in any ten-year period.

xi. This subsection a. does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

b. **Limitation on Selective Cutting Adjacent to Water Bodies and Wetlands**

i. At horizontal distances greater than 75 feet from the normal high-water line of any water body or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40 percent of the volume of trees four inches or more in diameter, measured 4½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40 percent calculation. For purposes of this requirement, volume may be considered to be equivalent to basal area.

ii. In no event shall the aggregate area of openings cleared for any purpose (including, but not limited to, principal and accessory structures, driveways, lawns, and sewage disposal areas) exceed 25 percent of the lot area within the SPO District or 10,000 square feet, whichever is greater. Previously cleared land shall be included in calculating cleared openings.

c. **Clearing of Vegetation**

i. Legally existing cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance. This rule applies specifically to continued maintenance, but not enlargement, of lawns, gardens, and agricultural fields and pastures in existence on November 18, 2002.

ii. Fields and other cleared openings that have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated by subsection b.i above.

iii. In the following areas, clearing of vegetation shall be limited to that which is necessary for permitted uses:

(A) Areas within a horizontal distance of 250 feet from the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, where such areas are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map.

(B) Floodplains adjacent to tidal waters, rivers, artificially formed great ponds along rivers, as defined by the 100-year flood plain designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Boundary and Floodway Maps or the flood of record.

(C) Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.

(D) Areas of two or more contiguous acres of wetlands that are not part of a freshwater or coastal wetland and are not surficially connected to a river, tidal waters, or stream during the period of normal high water.

(E) Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.

(F) Land along the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map.

iv. The vegetation clearing standards of this Ordinance can be exceeded on a temporary basis with prior written approval of the Codes Enforcement Officer under the following conditions:

(A) The work shall be completed by a qualified professional under the supervision of a public natural resource agency or municipal department exclusively for the purpose of controlling the spread of invasive species and restoring natural areas.

(B) Woody species removed that exceed the required stand scoring limits are non-native invasive species including: Norway Maple (*Acer platanoides*), Japanese barberry (*Berberis thunbergii*), Asiatic bittersweet (*Celastrus orbiculata*), glossy buckthorn (*Frangula alnus*), Morrow's honeysuckle (*Lonicera morrowii*), Japanese honeysuckle (*Lonicera japonica*), Tartarian honeysuckle (*Lonicera tatarica*), multiflora rose (*Rosa multiflora*), or other species identified as woody invasive plants by the Maine Natural Areas Program (MNAP). If removal of these species exceeds the required "well-distributed stand" scoring limits in subsection a.ii above, native species will be planted to return the area to compliance with the "well distributed stand" requirement as prior to the start of the next growing season.

(C) Non-native invasive woody species under three feet in height and herbaceous invasive species—including Japanese knotweed (*Fallopia japonica*), purple loosestrife (*Lythrum salicaria*), and other species identified as invasive plants by the Maine Natural Areas Program (MNAP)—can be removed if the area is

replanted and monitored for the successful establishment of native species at an equal or greater density than the species removed.

(D) Temporary erosion control measures shall be installed prior to the start of the activity if the invasive species removal effort has the potential to result in erosion of soil into the resource.

(E) All disturbed areas shall be permanently stabilized.

(9) Erosion and Sedimentation Control

a. Activities requiring Development Review that involve filling, grading, excavation, or other similar activities resulting in unstabilized soil conditions shall ~~also~~ require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Review Authority for approval and shall include, where applicable, provisions for:

i. Mulching and revegetation of disturbed soil;

ii. Temporary runoff control features such as hay bales, silt fencing or diversion ditches; and

iii. Permanent stabilization such as retaining walls or rip rap.

b. To create the least potential for erosion, development shall be designed to fit with the site topography and soils. ~~of the site.~~ Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

c. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of ~~the~~ activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

d. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked by use of riprap, sod, seed, mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine months of the initial date of exposure. In addition:

i. Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.

ii. Anchoring the mulch with netting, peg and twine, or other suitable method may be required to maintain the mulch cover.

iii. Additional measures shall be taken where necessary to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

e. Natural and artificial drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed to carry water from a 25-~~-~~year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

(10) Mineral Exploration and Extraction

a. All mineral exploration and extraction within the SPO D~~d~~istrict shall be subject to the following requirements in addition to the supplemental use standards applicable to mineral extraction in Section 3.4.1.U~~3.4.1.V~~ (Mineral Extraction). The Review A~~a~~uthority may impose such conditions to a Site Plan Approval as necessary to minimize adverse impacts associated with mineral extraction operations on surrounding uses and resources.

b. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods that create minimal disturbance of less than 100 square feet of ground surface. A ~~Conditional Use~~Special Permit shall be required for mineral exploration that exceeds the above limitation.

c. All excavations, including test pits and holes, shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

d. No new gravel pits may be developed within the SPO District unless it can be demonstrated that no reasonable alternative exists outside the zone. When gravel pits must be located within the zone, they shall be set back as far as practicable, and, at a minimum, in conformance with the setback standards below.

e. Any extraction operation, including drainage and runoff control features, shall be set back a minimum horizontal distance of:

   i. 75 feet from the normal high water line of a stream;

   ii. 125 feet from the normal high water line of a river or tidal waters; and

   iii. 125 feet from the upland edge of a coastal or freshwater wetland.

f. Gravel pits shall be screened from a stream, river, tidal waters, or wetland by vegetation.

g. Extraction operations shall be set back a minimum horizontal distance of 75 feet from any property line without written permission of the owner of such adjacent property.

h. Extraction operations at an extraction site shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12-month period. Within 12 months after that time, ground levels and grades shall be established in accordance with the following:

   i. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on site. Only materials generated on-site may be buried or covered on-site.

   ii. The final graded slope shall be 2.5:1 (horizontal to vertical) or flatter.

   iii. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with native vegetation~~ native to the area~~. Additional top soil or loam shall be obtained from off-site sources, if necessary, to complete the stabilization project.

i. The reclamation plan required by Section 3.4.1.U(5)~~3.4.1.V(6)~~ (Reclamation Plan) shall include a detailed description of the procedures to be undertaken to fulfill the requirements of subsection h above.

(11) Structures Extending ~~o~~Over or ~~b~~Below a Water Body or ~~w~~Within a Wetland

The following requirements apply to piers, docks, wharves, bridges, and other structures ~~and uses~~ extending over or below the normal high-water line of a water body, or within a wetland or shoreline stabilization area. (Note: New permanent structures, and expansions thereof, projecting into or over water bodies require a permit from the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., § 480-C, as amended. Permits may also be required from the U.S. Army Corps of Engineers if located in navigable waters.)

a. No more than one (1) pier, dock, wharf, or similar structure extending over or located below the normal high-water line of a water body, or within a wetland or shoreline

stabilization area is permitted on a single lot; excepting single lots having a shoreline lot width at least twice the required lot width of the base zoning district, a second structure may be permitted and may remain as long as the lot is not further divided.

~~a.~~b. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

~~b.~~c. The location shall not interfere with existing developed or natural beach areas.

~~c.~~d. The ~~facility~~ structure shall be located so as to minimize adverse effects on fisheries.

~~d.~~e. The ~~facility~~ structure shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock, or wharf shall not be wider than six (6) feet for noncommercial uses.

~~e.~~f. No new structure shall be built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland or shoreline stabilization area unless the structure requires direct access to the water body or wetland or shoreline stabilization area as an operational necessity.

g. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Code~~s~~ Enforcement Officer that a temporary pier or dock is not feasible, and a permit has been obtained from the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., § 480-C, as amended.

~~f.~~h. A structure constructed on a float is prohibited unless it is designed to function as a watercraft and is registered as such with the Maine Department of Inland Fisheries and Wildlife.

~~g.~~i. No existing structures built on, over, or abutting a pier, dock, wharf, or other structure extending beyond the normal high-water line of water body or within a wetland shall be converted to residential dwelling units.

~~h.~~j. Structures built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland or shoreline stabilization area shall not exceed twenty (20) feet in height above the pier, wharf, dock, or other structure.

~~i.~~k. Commercial marine activities and piers, docks, wharves, breakwaters, causeways, marinas, bridges, and other structures projecting into water bodies shall conform to the supplementary use standards in Section 3.4.1.T~~3.4.1.U~~ (Marine Activity).

(12) Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts, and other related features.

a. Unless the Review Authority determines that no reasonable alternative exists, roads and driveways shall be set back a minimum horizontal distance of:

   i. 75 feet from the normal high water line of a stream;

   ii. 125 feet from the normal high water line of a river or tidal waters; and

   iii. 125 feet from the upland edge of any coastal or freshwater wetland.

b. On determining that no reasonable alternative exists to compliance with a minimum road/driveway setback requirement in subsection a above, the Review Authority may reduce the minimum setback to no less than 50 feet upon clear showing by the

applicant that appropriate techniques will be used to prevent sedimentation of the protected resource(s). Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the protected resource(s).

c. On slopes of greater than 20 percent, the minimum road/driveway setbacks required in subsection a above shall be increased by ten feet for each five percent increase in slope above 20 percent.

d. The minimum road/driveway setbacks required in subsection a above do not apply to approaches to water crossings to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or stream due to an operational necessity—excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of subsection a above except for that portion of the road or driveway necessary for direct access to the structure.

e. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body or wetland.

f. New roads and driveways are prohibited in the areas described in Section 2.3.3.C(2) (Prohibited Locations of New Structures), except that the Review Authority may grant a permit to construct a road or driveway to provide access to permitted uses within ~~the~~ those areas on finding that no reasonable alternative route or location is available outside of those areas—in which case the road and/or driveway shall be set back as far as practicable from the protected resource.

g. Road and driveway grades shall be no greater than ten percent except for segments of less than 200 feet.

h. Road and driveway banks shall be no steeper than a slope of 2:1 horizontal to vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 2.3.3.C(9) (Erosion and Sedimentation Control).

i. To prevent road and driveway surface drainage from directly entering a protected resource, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip along a stream, river, tidal waters, or wetlands.

   i. The minimum horizontal width of an unscarified buffer strip along the normal high water line of a stream shall be 25 feet.

   ii. The minimum width of an unscarified buffer strip along the normal high water line of a river or tidal waters, or upland edge of a coastal or freshwater wetland, shall equal 50 feet plus two times the average slope between the outflow point of the ditch or culvert and the river, tidal waters, or wetland.

j. Surface drainage directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

k. Ditch relief (cross drainage) culverts, drainage dips, and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

   i. Ditch relief culverts, drainage dips. and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Table 2.4.3-2: Spacing of Culverts, Drainage Dips, and Water Turnouts	
Grade	Spacing
0 – 2%	250 feet
3 – 5%	200 – 135 feet
6 – 10%	100 – 80 feet
11 – 15%	80 – 60 feet
16 – 20%	60 – 45 feet
21%+	40 feet

ii. Drainage dips may be used in place of ditch relief culverts only where the grade is ten percent or less.

iii. On sections having slopes greater than ten percent, ditch relief culverts shall be placed at approximately a 30 degree angle downslope from a line perpendicular to the centerline of the road or driveway.

iv. Ditch relief shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

l. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

(13) Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing and permitting procedures and the following:

a. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

b. Campgrounds shall contain a minimum of 5,000 square feet of land for each camp site. Land containing roads and driveways, lands containing supporting wetland vegetation, and land below the normal high water line of a water body shall not be included in calculating land area per camp site.

c. All campgrounds are subject to Site Plan Approval by the Planning Board and approval by the Department of Human Services.

(14) Individual Private Campsites

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

a. One campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the SPO District, whichever is less, may be permitted.

b. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation and no structure(s) except canopies shall be attached to the recreation vehicle.

d. The clearing of vegetation for the sitting of the recreational vehicle, tent, or similar shelter shall be limited to an area of 1,000 square feet.

e. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

f. No recreational vehicles, tent, or similar shelter shall be placed on-site for more than 120 days per year.

(15) Sanitary Standards

As well as meeting all requirements of the State of Maine Subsurface Wastewater Disposal Rules, all on-site septic systems located within the SPO District shall meet the following additional standards:

a. All parts of all types of subsurface wastewater disposal systems shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

b. No clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall occur within a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream

ii. 125 feet from the normal high water line of a river or tidal waters;

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. A holding tank is not allowed for a first-time residential use.

d. The Local Plumbing Inspector may consider and grant a request to reduce this setback for a replacement subsurface wastewater disposal system if a report prepared by a soils scientist or site evaluator registered in the State of Maine is submitted and accepted, and the report states that:

i. the existing system is failing;

ii. no suitable location exists outside the setback; and

iii. the proposed location meets the required setbacks to the greatest extent practicable.

e. Setbacks for new subsurface wastewater disposal facilities cannot be reduced by Variances.

(16) Overboard Discharge Systems

Overboard discharge from a sewage disposal system, in which sewage (chlorinated or otherwise) flows into a protected resource, is prohibited. Systems licensed prior to June 6, 1994, may continue as long as they are in compliance with all appropriate State law and do not involve expansion of the existing system.

(17) Water Quality

No activity shall deposit on or into the ground, or discharge to the waters of the State, any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body or wetland.

(18) Soils

a. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction.

b. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and prepared by a State-certified professional. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevations, presence of ledge, drainage conditions, and other pertinent data that the evaluator deems appropriate. The soils report shall include recommendations for the proposed use to counteract soil limitations where they exist.

(19) Archaeological Sites

a. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places (as determined by the Maine Historic Preservation Commission) shall be submitted to that Commission for review and comment at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application. A list of Historic Places compiled by the Commission shall be kept on file in the Planning and Codes Enforcement Offices.

b. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's Level 1 or Level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(20) Parking Areas

a. Parking areas shall meet the minimum water body and wetland setback requirements for principal and accessory structures in Section 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands). On finding that no reasonable alternative to compliance with a required minimum setback exists, the Review authority may reduce the minimum setback for parking areas serving a public or private boat launching facility to no less than 50 feet from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland.

b. Parking areas shall be designed to prevent stormwater runoff from flowing directly into a protected resource, and where feasible, to retain all runoff on-site.

c. Parking areas shall conform to the design standards in Section 4.7 (Parking and Loading). In addition parking spaces for vehicles with boat trailers shall be at least 40 feet in length.

(21) Stormwater Runoff

a. All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features such as berms, swales, terraces, and wooded areas shall be retained to reduce runoff and encourage infiltration of stormwater.

b. Direct discharge of stormwater into any water body shall be avoided.

c. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

(22) Minor Utilities

a. Where feasible, the installation of minor utilities shall be limited to existing public ways and existing service corridors.

b. The installation of minor utilities other than road-side distribution lines is not allowed in the SPO District except to provide services to a permitted use within the district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

c. Damaged or destroyed public utility transmission and distribution lines, towers, and related equipment may be replaced or reconstructed without a permit.

2.3.4. Flood Protection Overlay (FPO) District

A. Purpose

The purpose of the FPO District regulations is to:

(1) Protect human life, health, and welfare;

(2) Encourage the use of construction practices that will prevent or minimize flood damage in the future;

(3) Reduce financial burdens on the Town and its residents by discouraging unwise design and construction in areas subject to flooding;

(4) Minimize the need for and cost of rescue and relief efforts associated with flooding;

(5) Minimize prolonged business interruptions;

(6) Minimize damage to public facilities and utilities such as streets and bridges; water and sewer lines; gas lines; electric, telecommunications, and telephone lines;

(7) Minimize flooding of water supply and sanitary sewage disposal systems and the public health risks related to interruptions of these important public services;

(8) Minimize interference with floodwater storage and conveyance facilities;

(9) Maintain natural drainage and minimize the impact of development on the natural and beneficial functions of floodplains; and

(10) Meet the requirements of the National Flood Insurance Program and all related requirement of Maine law.

B. Definition and Delineation of FPO District

(1) The FPO District consists of any land in the floodplain lying within the 100-year flood boundary (Special Flood Hazard Area) as delineated on the Flood Insurance Rate Map of the Town as part of the National Flood Insurance Program.

(2) The FPO District is comprised of Zones A, A1-A30, and V1-V30, as identified by the Federal Emergency Management Agency in the report "Flood Insurance Study - Town of Brunswick, Maine, Cumberland County" dated January 3, 1986, with the accompanying "Flood Insurance Rate Map" (FIRM) and "Flood Boundary and Floodway Map"—which are incorporated by reference into this Ordinance.

(3) In a case where the boundary of the FPO District or one of its zones is believed to be incorrectly delineated, the property owner may apply to the Federal Emergency Management Agency for a Letter of Map Correction as outlined in the National Flood Insurance Program Regulations 44 CFR Part 65.

C. Permit Requirements for the FPO District

(1) Flood Hazard Development Permit Required

All development within the FPO District shall require a Flood Hazard Development Permit obtained in accordance with Section 5.2.4 (Flood Hazard Development Permit Requirements).

(2) Certificate of Compliance

No land in the FPO District shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Codes Enforcement Officer subject to the following provisions:

a. The applicant shall submit to the Codes Enforcement Officer written notification that the development is complete and complies with this Ordinance, along with a completed Elevation Certificate completed by:

   i. A Professional Land Surveyor for compliance with Section 2.3.4.D(2) (Residential Structures), Section 2.3.4.D(3) (Nonresidential Structures), Section 2.3.4.D(4) (Mobile Homes), and Section 2.3.4.D(12) (Coastal Floodplains); and,

   ii. A registered professional engineer or architect for compliance of floodproofed nonresidential structures with Section 2.3.4.D(3) (Nonresidential Structures) and compliance of structures constructed in the coastal floodplains with Section 2.3.4.D(12) (Coastal Floodplains).

b. The Codes Enforcement Officer shall review the Elevation Certificate and shall issue a Certificate of Compliance if the building conforms to the provisions of this Ordinance.

D. Additional Requirements for the FPO District

The requirements in this subsection shall apply to all development within the FPO District.

(1) General

a. All development shall be designed or modified and anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement resulting from the hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. Construction material and utility equipment shall be resistant to flood damage.

c. Construction methods and practices shall be used to minimize flood damage.

d. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

e. All new and replacement sanitary sewage systems including on-site waste disposal systems, shall be designed, located, and constructed to minimize or eliminate

infiltration of flood waters into the system and discharges from the systems into flood waters.

f. All electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

g. All development associated with altered or relocated portions of a water course shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the water course.

(2) Residential Structures

a. New construction or the substantial improvement of any residential structures located within Zones A1-A30 shall have the lowest floor (including the basement) elevated at least one foot above the base flood elevation.

b. New construction or the substantial improvement of any residential structures located within Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing elevation information available from federal, State, and other sources.

c. New construction or the substantial improvement of any residential structures located within Zones V1-30 shall meet the requirements of Section 2.3.4.D(12) (Coastal Floodplains).

(3) Nonresidential Structures

a. New construction or substantial improvement of any nonresidential structures located within Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities, shall:

i. Be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be part of the application for a Flood Hazard Development Permit, and shall include a record of the elevation above mean sea level to which the structure is flood proofed.

b. New construction or substantial improvement of any nonresidential structures located within Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation by utilizing elevation information elevation available from federal, State, or other sources or together with attendant utility and sanitary facilities meet the floodproofing standards of Section 2.3.4.D(3) (Nonresidential Structures).

c. New construction or substantial improvement of any nonresidential structures located within Zones V1-30 shall meet the requirements of Section 2.3.4.D(12) (Coastal Floodplains).

(4) Mobile Homes

a. New or substantially improved mobile homes located within Zones A1-30 shall:

i. Be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation; and,

ii. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(A) Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (modular housing less than 50 feet long requires one additional tie per side); or by,

(B) Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (modular housing less than 50 feet long requires four additional ties per side).

iii. All components of the anchoring system described above shall be capable of carrying a force of 4,800 pounds.

b. New or substantially improved mobile homes located within Zone A shall be elevated on a permanent foundation such that the lowest floor is elevated to at least one foot above the base flood elevation as determined by utilizing information on the base flood elevation available from federal, State, and other sources.

c. New or substantially improved mobile homes located within Zones V1-30 shall meet the requirements of Section 2.3.4.D(12) (Coastal Floodplains).

(5) Recreational Vehicles

a. Recreation vehicles located within Zones A1-30 shall either:

i. Be on the site for fewer than 180 consecutive days;

ii. Be fully licensed and ready for highway use (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions.); or

iii. Be permitted in accordance with the elevation and anchoring requirements for "modular housing" in Section 2.3.4.D(3)a above.

b. Recreation vehicles located within Zones V1-30 shall meet the requirements of either Section 2.3.4.D(5)a.i or Section 2.3.4.D(5)a.ii2.3.4.D(5)a.ii or Section 2.3.4.D(12) (Coastal Floodplains).

Comment [AB63]: Delete second section reference

(6) Accessory Structures

a. Accessory structures located within Zones A1-30 and A shall be exempt from the elevation criteria required in Section 2.3.4.D(2) (Residential Structures) and Section 2.3.4.D(3) (Nonresidential Structures) if all other requirements of Section 2.3.4.D (Additional Requirements for the FPO District) and all the following requirements are met.

b. Accessory structures shall:

i. Have an area of 500 square feet or less and have a value less than $3,000;

ii. Have unfinished interiors and not be used for human habitation;

iii. Have hydraulic openings as specified in Section 2.3.4.D(8)a.ii(C) in at least two different walls of the accessory structure;

iv. Be located outside the floodway;

v. When possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwater and be placed further from the source of flooding than is the primary structure; and

vi. Have only ground fault interrupt electrical outlets and have electric service disconnects located above the base flood elevation and, when possible, outside the Special Flood Hazard Area.

(7) Floodway Encroachments

a. In those riverine areas within Zones A1-30 for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map," encroachments—including fill, new construction, substantial improvement, and other development—shall not be permitted in the floodway unless the encroachment is a necessity and a technical evaluation certified by a registered professional engineer is provided demonstrating that the encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b. In those riverine areas within Zones A1-30 and Zone A for which no regulatory floodway is designated, encroachments—including fill, new construction, substantial improvement, and other development—shall not be permitted in the floodway (as determined in accordance with subsection c below) unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

i. Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and

ii. Is consistent with the technical criteria contained in Chapter 5 ("Hydraulic Analyses") of the Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/January 1995, as amended).

c. In riverine areas within Zones A and A1-30 for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

(8) Enclosed Areas Below The Lowest Floor

a. New construction or substantial improvement of any structure in Zones A1-30 and Zone A that meets the standards in Section 2.3.4.D (Additional Requirements for the FPO District), including the elevation requirements of Section 2.3.4.D(2) (Residential Structures), Section 2.3.4.D(3) (Nonresidential Structures), Section 2.3.4.D(4) (Mobile Homes), and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation provided all the following standards are met:

i. Enclosed areas shall not be ~~not~~ "basements" as defined in Section 1.7.2 (Definitions).

ii. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either Be engineered and certified by a registered professional engineer or architect or meet the following standards:

(A) A minimum of two openings having a total net area of not less than one square inch shall be provided for every square foot of the enclosed area;

(B) The bottom of all openings shall be no higher than one foot above the lowest grade; and,

(C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means.

iii. The enclosed area shall not be used for human habitation.

iv. The enclosed areas shall be usable solely for building access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

(9) Bridges

New construction or substantial improvement of any bridge located within Zones A1-30 and Zones V1-30 shall:

a. When possible, be designed so that the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

b. Be certified by a registered professional engineer that:

i. The structural design and methods of construction meet the elevation requirements of this section and the floodway standards in Section 2.3.4.D(7) (Floodway Encroachments); and

ii. The foundation and superstructure attached to the bridge are anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

(10) Containment Walls

a. New construction or substantial improvement of any containment wall located within Zones A1-30 and Zones V1-30 shall:

i. Have the containment wall elevated to at least one foot above the base flood elevation;

ii. Have structural components capable to resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

b. New construction or substantial improvement of any containment wall located within Zone A shall have the containment wall elevated to at least one foot above the base flood elevation.

(11) Wharves, Piers, and Docks

New construction or substantial improvement of wharves, piers, and docks are permitted in Zone A, Zones A1-30, and Zones V1-30 in and over water and seaward of the mean high tide if the following requirements are met:

a. The wharf, pier, or dock shall comply with all applicable local, State, and federal regulations; and

b. Any commercial wharf, pier, or docks involving fill shall adhere to the design and construction standards contained in the U.S. Army Corps of Engineers' "Shore Protection Manual."

(12) Coastal Floodplains

a. All new construction located within Zone A, Zones A1-30, and Zones V1-30 shall be located landward of the reach of the mean high tide except as provided in subsection b.vii below.

b. New construction or substantial improvement of any structure located within Zones V1-30 shall meet the following standards:

i. The structure shall be elevated on posts or columns such that:

(A) The bottom of the lowest structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation; and

(B) The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

ii. The structure shall have the space below the lowest floor:

(A) Free of obstructions;

(B) Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or

(C) Constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than 10, nor more than 20, pounds per square foot.

iii. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the structure and certify that they:

(A) Meet or exceed the technical criteria contained in the current edition of the Coastal Construction Manual, and

(B) Are in accordance with accepted standards of practice for meeting the standards in this subsection b.

iv. The use of fill for structural support is prohibited.

v. Human alteration of sand dunes is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

vi. The enclosed areas may be used solely for parking vehicles, building access, and storage.

vii. Lobster sheds and fishing sheds located seaward of mean high tide shall be exempt from the elevation requirement in Section 2.3.4.D(2) (Residential Structures) and are permitted in accordance with the requirements of Section 2.3.4.D(7) (Floodway

Encroachments) and Section 2.3.4.D(8) (Enclosed Areas Below The Lowest Floor) and all of the following standards:

(A) The sheds shall be limited to low value structures, such as metal or wood sheds, that have a floor area of 200 square feet or less and do not exceed more than one story.

(B) The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

(C) The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

(D) The structure shall have unfinished interiors and shall not be used for human habitation.

(E) Any mechanical, utility equipment, and fuel storage tanks shall be anchored and either elevated or floodproofed to one foot above the base flood elevation.

(F) All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located onshore, above the base flood elevation, and when possible, outside the Special Flood Hazard Area.

(13) Statement of FPO District Regulations Applicability

A statement that construction and other development in the FPO District must meet the requirements of this subsection shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure—including, but not limited to, a time- share interest. The statement shall clearly articulate that the Town may enforce any violation of these requirements. The statement shall also be included on any map, plat, or plan to be signed by the Review Authority as part of the approval process.

(14) Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted with such areas will be free from flooding of flood damages. This Ordinance shall not create liability on the part of the Town of Brunswick or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

2.3.5. Wildlife Protection Overlay (WPO) District

A. Purpose

(1) The purpose of the Wildlife Protection Overlay (WPO) District is to reduce the continuing loss of habitat for native species in rural zoning districts, while simultaneously accommodating development within those districts.

(2) The intent of the requirements of this Section 2.3.5 is to minimize the removal of woody vegetation that breaks large unfragmented forest blocks ~~of forest~~ into smaller patches of forest; and to minimize activities that block or limit species movement between unfragmented forest blocks ~~of forest~~. These activities are hereafter referred to as "fragmentation".

B. Delineation

(1) The WPO District comprises two parts:

a. Wildlife Habitat Blocks consist of the rural portions of large (greater than 150 acres) continuous blocks of naturally occurring stands dominated by woody vegetation.

b. Wildlife Corridors consist of the overland connections between Wildlife Habitat Blocks that provide naturally vegetated linkages supporting daily and seasonal species movement between Wildlife Habitat Blocks.

(2) WPO District boundaries and the boundaries of Wildlife Habitat Blocks and Wildlife Corridors are delineated on the Brunswick Zoning Map and are based on aerial photo imagery that depict land-use changes known to have occurred through December 2014. Those boundaries will be adjusted as approved development within the WPO District occurs.

C. ~~Additional~~ Requirements ~~for the WPO District~~

(1) Applicability and Exempt Activities

a. The requirements in this S~~s~~ubsection C shall apply to the following activities:

i. Disturbance, as defined in Subsection 1.7.2 (Definitions);

ii. ~~New subdivisions~~New development;~~;~~

iii. Construction, enlargement or placement of a new building or structure;

iv. Construction of a road, driveway, or parking lot;

v. Creation or expansion of commercial utility corridors;

vi. Installation of a fence within the Wildlife Corridors except:

(A) fences used as lawn accessories; or

(B) fences that enclose existing cleared areas; or

(C) fences erected for standard agricultural purposes; or

(D) fences lower than 4-½ feet and that have at least 16 inches of clearance between the lowest horizontal part of the fence and the ground.

b. The following activities do not pose a significant adverse impact on the environmental value of unfragmented blocks and corridors, and therefore are exempt from the requirements of this subsection C. (The standards of the underlying base zoning district and other overlay districts continue to govern these activities where applicable):

i. Maintenance of existing hayfields and pastures.

ii. Standard farming activities at an existing establishment practicing agriculture—including, but not limited to:

(A) The construction of traditional walls and fences for the purpose of enclosing existing livestock areas or delineating existing fields, pastures, crops, and garden plots;

(B) Construction or improvement of structures used for an existing agricultural usee;

~~(B)~~(C) Bush-hogging existing regenerating fields for agricultural purposes;

~~(C)~~(D) Creation of utility lines and corridors directly associated with farm operations; and

~~(D)~~(E) Creation of impervious surfaces for the purposes of equipment and product storage, and access to existing agricultural facilities, fields, and pastures.

iii. Forest management activities, including: commercial woodlot management completed in accordance with Maine Forest Practices Act; harvesting of wood products for personal use (but not permanent clearing as defined in Section 1.7.2 (Definitions); and removal of dead, dying, and diseased trees (The removal of stumps, and grading conducted to limit natural regeneration of trees is not considered a forest management activity.).

iv. Structures constructed or placed on existing maintained lawns or impervious surfaces.

v. Permanent clearings within Wildlife Corridors less than 10,000 square feet in size.

vi. The construction of one 1-family dwelling and accessory structures on a lot that is created by a single division of an existing parcel and has frontage on a public road, where the total area of disturbance within the WPO District does not exceed 1 acre.

vii. The ~~enlargement~~ maintenance of existing agricultural clearings~~, or the creation of new agricultural clearings~~ (including pastures)~~, provided the permanent clearings are utilized for agricultural purposes for a minimum of 30 years prior to any nonagricultural use.~~

~~If such clearings are used for agriculture for fewer than 30 years, but are maintained as permanent clearings, the area maintained as a permanent clearing within the WPO District shall be considered a disturbance for the purposes of Section 2.3.5.E (Habitat Mitigation Requirements and Density Bonus Eligibility).~~

~~If the agricultural use is abandoned during the 30-year period and the clearing is allowed to naturally regenerate, the cleared area will not be considered a disturbance.~~

Comment [AB64]: Staff revision based on ZORC discussion 12/2 and limited ConCom comments.

Comment [AB65]: Removed since will now only consider maintenance of ag clearings, not enlargements. 12/2

D. General Standards

(1) Activities in the Wildlife Protection Overlay District shall minimize disturbances to the extent feasible.

(2) Activities are subject to habitat mitigation, or eligible for density bonuses, based on the provisions in Section 2.3.5.E (Habitat Mitigation Requirements and Density Bonus Eligibility).

(3) The Review Authority may reduce front, side, and rear setback requirements to minimize disturbances within the Wildlife Protection Overlay District provided that:

a. No other reasonable alternative exists; and

b. The setback reduction(s) will not cause unreasonable adverse impacts to the adjacent property.

E. Habitat Mitigation Requirements and Density Bonus Eligibility

(1) Wildlife Habitat Blocks

a. Habitat mitigation requirements within a Wildlife Habitat Block are set forth in the following table, as determined separately for each percentage category of disturbance.

Table 2.43.5: Habitat Mitigation Requirement/Density Bonus Eligibility

Percentage of Wildlife Habitat Block Area within Original Parcel that is Disturbed [1,2]	Percentage of Original Parcel Area Covered by Wildlife Habitat Block		
	0 – 50%	51 – 75%	76 – 100%
0%	No mitigation	Density bonus: See Table 4.1.4.E	Density bonus: See Table 4.1.4.E
1 - 15%	No mitigation	No mitigation	Density bonus: See Table 4.1.4.E
16 – 25%	1:1 mitigation	No mitigation	Density bonus: See Table 4.1.4.E
26 – 50%	2:1 mitigation	1:1 mitigation	1:1 mitigation
51 – 100%	3:1 mitigation	2:1 mitigation	2:1 mitigation

NOTES:
1. The amount of the Disturbance is the cumulative amount on parcels that exist as of record on April 5, 2006 ("original parcels"). The subsequent division of the original parcel does not change the measurement of cumulative Disturbance on the original parcel. The burden of documenting and calculating all disturbance to the original parcel since April 5, 2006, is on the applicant.
2. In the case of subdivisions, disturbance includes those portions of residential lots that are not encumbered by conservation easement, deed restriction, or similar mechanism that limits future disturbances to those meeting the purposes of the WPO District.

b. Land for Wildlife Habitat Block mitigation required in accordance with the table in subsection a above shall be permanently protected through a conservation easement, deed restriction, or similar mechanism that limits future disturbance, in accordance with subsection 4.1.4.C (Open Space Developments). Such a mechanism can be utilized on portions of newly created lots to meet the mitigation requirement.

c. Mitigation land should be within the same continuous block as the disturbed area. If the Review Authority determines that no land is available in the same Wildlife Habitat Block, then land in another Wildlife Habitat Block or in a Wildlife Corridor may be used to satisfy this requirement.

d. Habitat Block protection that complies with the requirements of subsections a, b, and c. above shall receive a density bonus as shown in Table 4.1.4.C.5 (Open Space Developments).

(2) Wildlife Corridors

a. ~~Subdivisions~~ New developments that avoid disturbance in the Wildlife Corridor and place structures so as to avoid blocking wildlife travel ways are eligible for the bonus shown in Section 4.1.4.E (Density Bonuses).

b. Land for Wildlife Corridor mitigation required in accordance with subsection a above shall be permanently protected through a conservation easement, deed restriction, or similar mechanism that limits future disturbance, in accordance with subsection 4.1.4.C (Open Space Developments). Mitigation land must be located within the same corridor as the disturbed area.

c. If the requirements in b above cannot be met, then the applicant can satisfy mitigation requirements by restoring or enhancing woody vegetation cover in portions of the Wildlife Corridor that have been previously disturbed by clearing or similar disturbance. Restoration and enhancement proposals must be reviewed and approved by the Director, and the restored and/or enhanced acreage must be placed under

permanent protection through a conservation easement, deed restriction, or similar mechanism, in accordance with subsection 4.1.4.C (Open Space Developments).

F. Density Bonus for Permanent Habitat Protection

A density bonus shall be granted in accordance with the eligibility provisions in subsection E above only if undisturbed land in the WPO on the parcel is permanently protected in accordance with the criteria and procedures contained in subsection~~sec.~~ 4.1.4.C~~.6~~

2.3.6. Mobile Home Park Overlay (MHO) District

A. Purpose

The Mobile Home Park Overlay (MPO) District is intended to recognize and provide for the development of mobile home parks in a manner that allows the Town to address their potential impacts on adjacent neighborhoods through special review and the application of specific standards, and subject to site plan and/or subdivision approval.

B. Mobile Home Park Standards

(1) Review Requirements

All new and expansions of mobile home parks are subject to subdivision approval.

(2) Underlying Base Zoning District Standards

All use and development regulations applicable in the underlying base zoning district shall continue to apply in the MHO District unless expressly provided otherwise in this subsection. Mobile homes on individual lots located outside of mobile home park boundaries but within the overlay district shall meet dimensional and density standards set forth for 1-2 family dwelling units.

(3) Public Water and Public Sewer

Sufficiently sized public water and public sewer facilities are required for all mobile home parks, unless it can be demonstrated that adequate on-site water supply and septic disposal systems are available.

(4) Minimum Lot Size and Density

a. With public sewer, the minimum individual lot size shall be 4,000 square feet.

b. With on-site sewage disposal within a community septic system for the park approved by the Maine Department of Health and Human Services, the minimum individual lot size shall be 13,000 square feet, provided that the maximum residential density in the park does not exceed one dwelling unit per 20,000 square feet of net site area.

c. Where on-site sewage disposal is located on each lot, the minimum individual lot size shall be 20,000 square feet.

d. Mobile home parks shall not be additionally subject to the underlying district ~~residential~~ dimensional and density requirements. ~~except as provided in subsection b above.~~

(5) Lot Dimensions

Dimensions for individual mobile home sites are as follows:

a. Minimum Site Width: 50 feet

b. Minimum Setback Distance of Each Mobile Home from its Individual Site Lines:

i. Front: 10 feet

ii. Rear: 15 feet

iii. Side: 10 feet

(6) Open Space and Recreation

An area equal to at least ten percent of the combined area of all individual lots shall be reserved for playgrounds and other recreational facilities and open space.

(7) Park Setbacks

a. Structures within a mobile home park shall maintain a minimum setback of 25 feet from all exterior property lines, except where the mobile home park abuts a residential use or development, where the minimum setback shall be 50 feet.

b. The minimum setback area may be included as part of the required open space.

c. The minimum setback area shall be sufficiently landscaped or fenced to effectively screen the park from surrounding properties, in accordance with subsection 4.5.2.C.

(8) Landscape Plan

A mobile home park shall have a landscape plan that takes into consideration the relationship of individual sites to one another, the proposed use of open space, the relationship of the park to surrounding property, and a specific planting scheme, in accordance with subsection 4.5.2. The plan shall include a permanent landscape maintenance program, in accordance with Subsection 4.13.2.

(9) Placement on Pad

In a mobile home park, each individual unit shall be placed upon a dwelling unit pad and shall have ~~a~~ skirting placed around its base to screen the base from view.

2.3.7. Airport Approach Overlay (AAO) District

A. Purpose

The purpose of the Airport Approach Overlay (AAO) District is to prevent development that is incompatible with safe flight operations at the Brunswick Executive Airport.

B. Definition and Delineation

(1) The AAO District is comprised of two zones:

a. The Runway Protection Zone (RPZ), which includes those areas beyond the ends of airport runways where certain structures and other development could potentially obstruct or interfere with safe aircraft operations and/or are particularly vulnerable to aircraft landing and take-off accidents. There are two RPZ areas, one to the north and one to the south of the runway.

b. The Airport Approach Zone (AAZ), which includes those areas adjacent to the airport where development is particularly vulnerable to the adverse impacts of aircraft noise.

(2) AAO District boundaries and the boundaries of the Runway Protection Zone and Airport Approach Zone are delineated on the Brunswick Zoning Map and are based on the Airport Layout Plan, Brunswick Executive Airport, 2010, revised 2013 (available in the Brunswick Department of Planning and Development ~~Office~~).

C. Consideration of Safety and Noise

Issues of safety and noise will be carefully reviewed by the Planning Board as it considers any and all Special Permit or Conditional Use Permit applications within the AAO District.

D. Modified Use Standards

In addition to the Permitted Use and Conditional Use provisions in Sections 3.2 and 3.3 (Permitted Use Tables), the table below lists uses that are expressly prohibited or allowed only with a Conditional Use in the Runway Protection Zone and Airport Approach Zone. Where a use designation in this table conflicts with the use designation relating to any applicable base district or other applicable overlay district, the most restrictive designation shall apply.

Table 2.4.7: Use Table for AAO District Zones

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited

Use	RPZ	APZ
Principal Uses		
Residential Uses		
Household Living		
Dwelling, 1-family	X	PC
Dwelling, 2-family	X	C
Dwelling, multifamily	X	X~~C~~
Mobile home	X	X~~C~~
~~Mobile home for disabled persons~~	~~X~~	~~C~~
Group Living		
Assisted/Congregate Living Facility	X	X
Boarding house	X	X
Nursing home	X	X
Residence hall	X	X
Public, Institutional, and Civic Uses		
Community, Cultural, and Educational Uses		
Club or lodge	X	X
College ~~facility not listed~~	X	C
Community center	X	X
Day care facility, small	X	X
Day care facility, large	X	X
Hospital	X	X
Library, museum, or art gallery	X	C
Municipal facility	X	C
Park or conservation area	X	~~C~~P
Religious institution	X	X
School	X	X
Communication Uses		
Small-scale telecommunications tower	X	C
Telecommunications tower	X	C
Commercial Uses		
Agriculture and Animal Care Uses		
Aquaculture	X	C
Equestrian facility	X	C
Farm	P	PC
Kennel	X	P
Plant nursery	X	P
Urban agriculture	X	P
Veterinary office	X	C
Food, Beverage, and Entertainment		
Adult entertainment establishment	X	X
Golf course	X	C
Recreation facility, as a principal use	X	C

Comment [AB66]: M RRA change since 12/2 ZORC meeting

Comment [AB67]: M RRA Change since 12/2 ZORC meeting

Table 2.4.7: Use Table for AAO District Zones

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited

Use	RPZ	APZ
Restaurant or dining facility	X	X
Theater	X	X
Lodging		
Campground	X	X
Hotel	X	X
Retail Sales and Services		
Bank	X	C
Neighborhood store	X	C
Office	X	C
Retail, Class I	X	C
Retail, Class II	X	C
Service business, Class I	X	C
Service business, Class II	X	C
Studio	X	C
Transportation and Vehicle-Related Uses		
Aviation operations	P	P
Aviation-related business	X	P
Bus or rail station	X	C
Car wash	X	P
Marina or boat storage	X	P
Motor vehicle fueling station	X	X
Motor vehicle service or repair	X	P
Parking facility, as a principal use	X	C
Ultra-light airpark	X	X
~~Vehicle fueling station~~	~~X~~	~~X~~
Vehicle sales, rental, or storage	X	P
~~Vehicle service or repair~~	~~X~~	~~P~~
Industrial Uses		
Contractor's space	X	C
Industry, Artisan	X	C
Industry, Class I	X	C
Industry, Class II	X	C
Junkyard or automobile graveyard	X	P
Marine activity	X	P
Mineral extraction	X	~~P~~X
Recycling collection facility, as a principal use	X	P
Renewable energy generating facility, as a principal use	X	C
Utility facility, major	X	C
Utility facility, minor	C	C
Warehousing and storage	X	C
Accessory Uses		
Accessory apartment	X	C
Bed and breakfast	X	X
~~Convenience store~~	~~X~~	~~C~~
Day care facility, small	X	X~~C~~
Day care facility, large	X	X~~C~~
Drive-through service	X	C
Home occupation	X	C
Parking facility, as an accessory use	C	P
Recreation facility, as an accessory use	C	C
Renewable energy generating facility, as an accessory use	X	C

Table 2.4.7: Use Table for AAO District Zones

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited

Use	RPZ	APZ
Temporary Uses		
Garage or yard sale	X	P
Outdoor sales	X	P
~~Special event~~	~~X~~	~~C~~
Temporary construction office or yard	X	C
Temporary movable storage container	X	P
Temporary real estate sales office	X	C

Comment [AB68]: Previously deleted from use table

E. Additional Requirements for the AAO District

(1) Residential density shall not exceed one unit per two acres.

(2) The maximum building height is 35 feet.

(3) Additional sound insulation measures are recommended for habitable spaces.

2.3.8. Telecommunications Overlay (TCO) Districts

A. Purpose

The Telecommunications Overlay (TCO) District is intended to provide for the development of wireless telecommunication towers in a manner that allows the Town to address their potential impacts on adjacent neighborhoods through special review and the application of specific standards. Wireless communication equipment that is attached as accessory structures onto or within existing buildings (other than telecommunications towers) are not regulated by these provisions, except that the provisions of Section 2.3.8.D(2)a.i shall apply.

B. Definition and Delineation

(1) The Telecommunications Overlay (TCO) Districts have been identified as suitable locations for telecommunication towers, which shall be permitted by right in the TCO Districts, subject to site plan approval.

(2) There are two Telecommunications Overlay zones:

a. The Telecommunications Overlay 1 (TCO1) District accommodates telecommunication towers from 200 to 400 feet tall.

b. The Telecommunications Overlay 2 (TCO2) District accommodates telecommunication towers from 120 to 200 feet tall.

(3) TCO District boundaries are delineated on the Brunswick Zoning Map.

C. Permits

(1) To erect a telecommunication tower, the applicant must first obtain a permit from the Federal Aviation Administration. As part of the application for a Building Permit, the applicant shall file with the Codes Enforcement Officer a copy of the application to, and the permit issued by, the Federal Aviation Administration.

(2) Upon compliance with all the requirements of this Section 2.3.8, the Codes Enforcement Officer shall issue a Building Permit to the applicant without the necessity of site plan review.

D. Standards for Telecommunication Towers in the TCO Districts

(1) Dimensional Standards

The standards in the table below shall apply to the TCO Zones.

Table 2.4.8: Dimensional Standards for TCO Districts

Dimensional Standard	TCO1	TCO2
Minimum lot area (square feet) [1]	80,000	30,000
Minimum lot width (feet) [1]	200	60
Minimum front setback (feet)	30	30
Minimum rear setback (feet)	30	30
Minimum side setback (feet)	30	30
Maximum impervious surface coverage (% of lot area) [1]	50	50
Maximum tower height (feet)	400	199
NOTES: 1. For purposes of this subsection, leased land shall be treated as a lot.		

(2) FAA and FCC Compliance

a. The installation and operation of all towers and equipment shall be in accordance with Federal Aviation Administration and Federal Communications Commission regulations, including without limitation those provisions generally requiring that:

i. Applications for new equipment attached to existing buildings or existing tower structures (collocation) be processed within 90 days of receipt of a complete application, unless exceptional circumstances apply or the applicant consents to an extension; and

ii. Applications for collocation of "eligible facilities" as defined in the federal Telecommunications Act and Middle Class Tax Relief and Job Creation Act (2012) (as amended and interpreted by the federal courts) shall be processed in 60 days if ~~they~~ the application meets the requirements of that Act, and within 90 days if ~~they~~ it does not meet the requirements of that Act; and

iii. Applications for new freestanding structures shall be processed within 150 days of receipt of a complete application, unless exceptional circumstances apply or the applicant consents to an extension.

Comment [AB69]: Minor revisions 12/10

b. Upon request by the Town, the applicant shall certify compliance with all applicable FCC radio frequency exposure guidelines.

(3) Evidence of Need

a. The applicant of a telecommunication tower shall submit evidence, satisfactory to the Codes Enforcement Officer, that no existing tower can serve the purpose and accommodate the equipment proposed for deployment on the proposed tower. This evidence may include the contract stipulated in subsection (13)b.i below, drive test data and other correspondence from prospective users of the tower.

b. The Codes Enforcement Officer may require an independent analysis of this evidence prior to issuance of a Building Permit. If an independent analysis is required, the applicant shall deposit funds in a dedicated Town account to cover the cost of the independent analysis.

(4) Collocation

a. Existing Telecommunications Facilities

i. Requests for collocation, removal, or replacement, or "eligible facilities requests", as defined in ~~this Code~~Section 1.7.2 and under federal law, for a modification of an existing wireless telecommunications facility that does not substantially change the physical dimension of the facility shall be granted.

ii. An applicant shall file an eligible facilities request with the Codes Enforcement Officer ~~Community Development Department~~ demonstrating that the proposed modification will not substantially change the physical dimensions of the facility, as the term "substantial change" is defined in federal laws and regulations.

iii. The ~~Community Development Department~~Codes Enforcement Officer shall determine whether the application constitutes an eligible facilities request, and grant the request within 60 days. Applications for collocations that do not qualify as eligible facilities requests shall be granted within 90 days. These review periods include the review for determining whether the application is complete. This timeframe may be extended by mutual agreement or if the ~~City~~ Town informs the applicant in timely manner that the application is incomplete.

Comment [AB70]: Or reviewed? (MAW question to Don?) 12/10

(5) Tower Structure

a. In the TCO1 District, if guy wires and anchors are to be located on adjoining property, permanent easements must be obtained by the applicant and presented to the Codes Enforcement Officer as part of the application for a Building Permit.

b. In the TCO2 District, only AM radio towers/antennae or similar installations may be installed with guy wire support and transmission wiring. All other new telecommunication tower must be a freestanding monopole structure with a round base and section throughout its length.

c. Guy wired towers/antennae shall include techniques to mitigate bird and bat injuries.

(6) Fall Zone

Any telecommunication tower constructed in the TCO2 District shall be designed to collapse upon itself and no habitable structure shall be located within 100 feet of the tower. The tower owner shall own or otherwise have control of the land within this 100-foot-radius "fall zone" in order to assure compliance with this requirement.

(7) Accessory Facilities

Accessory facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcasting studios, except for emergency purposes, or other uses that are not needed to send or receive transmission signals.

(8) Screening, Materials and Color

a. A new telecommunication tower and related equipment shall be buffered ~~screened with plants~~ from view by abutting properties to the greatest extent practicable, in accordance with subsection 4.5.2.C.

b. Provided there are no FAA color requirements to the contrary, a new telecommunication tower and related equipment must be constructed with material and colors that match or blend with the surrounding natural or built environment, to the maximum practical extent. Galvanized metal shall be considered to satisfy this provision.

(9) Preservation of Vegetation and Landforms

Existing plants and natural landforms on the site shall be preserved to the greatest extent practicable. The cutting of trees or other vegetation within the "fall zone" described in subsection (6) above shall be limited to the minimum necessary for:

a. Construction of the tower, accessory structures, fencing, and vehicular access to the facility;

b. Removal of trees that are dead or diseased, and/or create a hazard; and

c. A footpath through the area not to exceed six feet in width.

(10) Parking

~~At least one parking space~~Parking shall be provided for each telecommunication tower, along with circulation and vehicle access, in accordance with Sections 4.7 and 4.6, respectively.

(11) Lighting

In any case where a tower is determined by the FAA to need obstruction marking or lighting, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in FAA applications. Security lighting must comply with the lighting standards in Section 4.8 (Outdoor Lighting).

(12) Fencing

A new telecommunication tower and related equipment ~~must~~ shall be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers. Fencing shall be a minimum of six feet in height and be topped with barbed wire.

(13) Building Code Compliance

a. All towers must be constructed so as to meet or exceed the manufacturer's specifications and the current building code of the Town. The Codes Enforcement Officer can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the Building Permit.

b. Prior to issuance of a Building Permit for a new tower, the applicant shall provide to the Codes Enforcement Officer:

   i. A copy of an executed contract between the applicant and an FCC licensed carrier to provide space on the tower for a minimum of five years.

   ii. Copies of all necessary permits and approvals from the FCC, FAA and any other agency having jurisdiction over the tower and the carrier's telecommunications facilities.

   iii. A financial guarantee, satisfactory to the Codes Enforcement Officer, that shall cover the cost of removal of the tower and related equipment in accordance with subsection (14) below.

~~c. The owner shall arrange for an annual inspection of each tower to determine that it meets the most current building code standards. One copy of the inspection results shall be submitted to the Codes Enforcement Officer with a plan and schedule for correction of each deficiency noted. The owner shall have the deficiency corrected within 90 days of the receipt of the report.~~

Comment [AB71]: We don't require an annual inspection of any other use.

(14) Abandonment of Tower

a. A telecommunications tower that is not operated for a continuous period of 12 months shall be considered abandoned.

b. The Codes Enforcement Officer shall notify the owner of an abandoned tower in writing and order the removal of the tower within 90 days of receipt of the written notice.

c. The owner of the facility shall have 30 days from the receipt of the notice to demonstrate to the Codes Enforcement Officer that the tower has not been abandoned.

d. If the Owner fails to show that the tower is in active operation, the owner shall have 60 days to remove the tower.

e. If the tower is not removed within this time period, the municipality may remove the tower in accordance with the financial guarantee provided for this purpose at the time of issuance of the Building Permit in accordance with subsection (13)b.iii above.

f. The owner may apply to the Codes Enforcement Officer for release of the financial guarantee when the tower is removed to the satisfaction of the Codes Enforcement Officer.

2.3.9 Village Review Overlay (VRO) District

A. Purpose

The purpose of the Village Review Overlay (VRO) District is to protect and preserve the architectural context and historical integrity of downtown neighborhoods in the Town of Brunswick by:

(1) Applying Ordinance standards and design guidelines in a reasonable and flexible manner to maintain Brunswick's traditional character and to ensure compatible construction and rehabilitation of existing structures in the Village Review Overlay District without stifling change or forcing modern recreations of historic styles.

(2) Developing administrative processes and objective standards that identify and encourage the preservation and enhancement of neighborhood character, sites, and structures having historic or architectural significance.

(3) Promoting economic development by enhancing the attractiveness of the Town to businesses and their patrons, residents, and visitors to Brunswick.

(4) Fostering civic pride in the Town's history and development patterns as represented in distinctive sites, structures, and objects.

(5) Promoting and protecting significant features of the historic patterns of development, including traditional landscaping, densities, structural mass and scale.

B. Definition and Delineation

The Village Review Overlay (VRO) District applies to specific areas of Brunswick as delineated on the Brunswick Zoning Map.

C. Classification of Architectural and Historic Resources

(1) Architectural and historic resources subject to VRO District- review procedures consist of:

a. Contributing resources which shall include:

i. Properties listed on the National Register of Historic Places.

ii. Properties eligible for listing on the National Register of Historic Places, as determined by the Maine Historic Preservation Commission.

iii. Properties located within a National Register Historic District, deemed to be contributing resources by the Maine Historic Preservation Commission.

iv. Properties considered to be contributing resources of local and regional significance by the Town of Brunswick.

b. Noncontributing resources, which are all remaining architectural and historic resources not considered to be contributing.

D. Certificate of Appropriateness Required

A Certificate of Appropriateness is required for activities in the VRO District involving contributing resources or noncontributing resources visible from a public right-of-way, and in accordance with the review procedures in Section 5.2.6 (Village Review Overlay Design Review).

Chapter 3 - Property Use Standards

3.1 General

3.1.1. Abbreviations Used in the Permitted Use Table

The Permitted Uses, Conditional Uses, ~~and~~ Prohibited Uses, Accessory Uses and Temporary Uses in each zoning district are indicated in Tables 3.2 and 3.3 below. Additional overlay standards regulating property use contained in Section 2.4 (Overlay Zoning Districts) may apply.

A. A "P" in a cell of Tables 3.2 or 3.3 indicates that the use is permitted by-right in that zoning district, subject to compliance with the Supplemental Use Standards in the right-hand column of that line of the table.

B. A "C" in a cell of Tables 3.2 or 3.3 indicates that the use is permitted only after the applicant obtains a Conditional Use approval pursuant to Section 5.2.2, and subject to the Supplemental Use Standards in the right-hand column of that line of the table.

C. An "X" in a cell of Tables 3.2 or 3.3 indicates that the use is Prohibited in that zoning district.

D. An "A" in a cell of Tables 3.2 or 3.3 indicates that the use is only permitted accessory to a Permitted or Conditional Use and subject to compliance with applicable Supplemental Use Standards noted for that use.

E. A "T" in a cell of Tables 3.2 or 3.3 indicates that the use is only permitted on a temporary basis subject to compliance with the Supplemental Use Standards in the right-hand column of that line of the table.

3.1.2. Other Restrictions on Permitted Uses

A. A development may include multiple principal uses listed in Tables 3.2 and 3.3, including a combination of residential and nonresidential uses, provided that each use is either a Permitted Use or a Conditional Use in that zoning district, that a Conditional Use Permit is obtained for any Conditional Use, all Supplementary Use Standards applicable to each use are met, the development complies with all applicable density and~~,~~ dimensional~~, impervious surface, development, and performance~~ standards, and all ~~Site Plan~~ required approvals are obtained.

B. The Codes Enforcement Officer has the authority to interpret whether a proposed land use is included within the listed land use shown in Tables 3.2 or 3.3, based on its scale, character, traffic impacts, and potential impacts on surrounding properties.

C. If the Codes Enforcement Officer determines that the proposed land use is not included as a Permitted, Prohibited, or Conditional Use in Tables 3.2 or 3.3, the applicant may file an application for a Special Permit approval of that use, pursuant to Section 5.2.3.

D. In addition to the use restrictions contained in the Permitted Use Table and related Supplemental Use Standards, development of former Brunswick Naval Air Station ~~NAS~~ (BNAS) lands shown in Appendix G ~~-~~shall comply with all existing covenants and deed restrictions as contained in conveyance documents issued by the US Navy at the time of transfer and subsequently recorded. Such covenants and deed restrictions may include, but shall not be limited to, groundwater extraction, soil disturbance, and the ongoing maintenance of hazardous material remediation monitoring facilities as needed. Development of transferred former BNAS lands identified by the US Navy as being within Soils and Groundwater Management Zones shall comply with Land Use Controls established for specific sites with mapping and land use controls, as amended, provided as reference material to this Ordinance.

3.2 Growth Area Permitted Use Table

Table 3.2: Permitted Use Table for Growth Area Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed only as Temporary Use

Land Use / NEW ZONE	GR1	GR2	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	I2	GI	GO	GN	Supplementary Use Standards
CURRENT ZONE	RR	R1	R2 & 8	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN		
Principal Uses																											
Residential Uses																											
Household Living																											
Dwelling, 1- or 2-family	P	P	P	P	P	P	P	P	P	P	P	P	P	P		X	P	P	P	P	P	X	X	X	X		3.4.1.A
Dwelling, multifamily	P	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X		3.4.1.B
Mobile home	Permitted Only in Mobile Home Park Overlay District																										
Group Living																											
Assisted/Congregate Living Facility	P	P	P	P	P	P	P	P	P	P		P	P	P	P		P	P	P	P	P	X	P	X	X		
Boarding house	X	X	X	C	P	C	X	C	C	P	P		C	C	C		P	X		X	X	X	X	X	X		
Nursing home	X	X	X	X	X	X	X	X	X	X	X						P	X	X	X	X	X	X	X	X		
Residence hall	X	X	X	X	X	X	X	X	P	X			C	X				P			P	X		X	X		3.4.1.C
Public, Institutional, and Civic Uses																											
Community, Cultural, and Educational Uses																											
Club or lodge	X	X	X		X	C	X	C	C	P	C		C	C			P	X	X	X	X	X		X	X		
College	X	X	X				X			X		X	P			P	X	P			P				X		
Community center	A	X	X		C	C	X	C	C	P			P				P	P	X		P	X		X	X		
Day care facility, small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X		
Day care facility, large	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P		P	P	P	P	P	P	P	P	X		
Hospital	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X		
Library, museum, or art gallery	X	X	X		C		X		C	P	C	C	P		P		C	P		P	P	X		X	X		
Municipal facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X		
Park or conservation area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Religious institution	X	X	X	C	C	P	C	P	P	P					P	P	P	P	P	P	P	X	P	X	X		
School	P	X	P	C	P			P	P	P			P	P	P	P	P	P		P	P	P		P	X		
Communication Uses																											
Telecommunication tower	Permitted only in Telecommunications Overlay District																										
Telecommunication tower, small-scale	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X		X	X	X	X	X	X	C	X	X		3.4.1.D
Commercial Uses																											
Agriculture and Animal Care Uses																											
Aquaculture	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	~~P~~X		
Equestrian facility	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X			X	X	P	X		
Farm	X	X	X	P X	X	X	X	X	X	~~X~~ C	~~X~~ C	C	~~X~~ C	~~X~~ C	X	~~X~~ C	~~X~~ C	X	X		P	X	~~X~~ C	P	X		
Kennel	X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	X	X	X	X	X	X	X		X	X		

Comment [AB72]: Under review (11/17)

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P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
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Land Use	NEW ZONE	GR1	GR2	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN	Supple-mentary Use Standards
	CURRENT ZONE	RR	R1 & 2	D &8	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN	
Plant nursery		X	X	C	P	P	P	C	X	X	P	P		P	P					X	P	P	X	P	P	X	
Urban Agriculture																		P									3.4.1.F
Veterinary office		X	X	X			X	X	X	X	P	C		P	P			P	X	X	X	X	X		X	X	
Food, Beverage, and Entertainment																											
Adult entertainment establishment		X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	3.4.1.G
Golf course		X	X	X	P	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X		X	
Recreation facility, as a principal use		X	X	X	C	C	C	X		X	P	P	P	P	P			C	P	X		P	X		P	P[1]	
Restaurant or dining facility		X	X	X	X	X	C	X	X	X	P			P	P	P		A	P	X		P	P		X	X	3.4.1.H
Theater		X	X	X			C	X		X	P	C		P	P			X	P	X	P	P	X		X	X	
Lodging																											
Campground		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X		X			X	X	X	P	X	
Hotel		X	X	X	X	X	C	X	X	X	P	C		P	P	P			X	X		X	X		X	X	3.4.1.I
Retail Sales and Services																											
~~Bank~~Financial Institution		X	X	X	X	X	C	X	X	X	P	C		P	P	P			X	X	X	X	P		X	X	
Neighborhood store		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X		X	X	3.4.1.J
Office		X	X	X	X	C	C	X	X	C	P	P	P	P	P	P	P	P	P			P	P			X	3.4.1.K
Retail, Class I		X	X	X	X	X	C	X	X	X	P	C	P	P	P	P			X	X	X	P	P		X	X	3.4.1.L
Retail, Class II		X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P		X	X	X	X	X		X	X	3.4.1.L
Service business, Class I		X	X	X	X	C	C	X	X	X	P	C	C	P	P	P	P	A	X	X	X	P	P	P	X	X	3.4.1.M
Service business, Class II		X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P		X	X	X	X	P	P	X	X	3.4.1.M
Studio		C				C	C	C	C	C	P	P	P	P	P	P	P	P	P	X	P	P	X		X	X	
Transportation and Vehicle-Related Uses																											
Aviation operations		X	X	X	X	X	X	X	X	X	X		C	C	C	C						X	P		X	X	
Aviation-related business		X	X	X	X	X	X	X	X	X	X		C	C	C	C		X				X	P		X	X	
Bus or rail station		X	X	X	X	X	X	X	X	X	X	X	X		X			X		X	X	X	X	X	X	X	
Car wash		X	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	X	X	X	X	X	X	X	
Marina or boat storage		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	X	C	C	C		X		X	X	
Motor vehicle fueling station		X	X	X	X	X	X	X	X	X	C	X	X	C	P	X	P	X	X	X	X	X	P		X	X	3.4.1.N
Motor vehicle service or repair		X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	P	X	X	X	X	P	X		X	X	
Parking facility as a principal use		X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P			P	P	P	X	X	
Ultra-light airpark		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C					X	C	C	X	X	1.1.1.A~~3.4.1.O~~
Vehicle sales, rental, or storage		X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	X	X	X	X	X	X	X		X	X	3.4.1.O~~3.4.1.P~~
Industrial Uses																											
Contractor's space		X	X	X		X	X	X		X	C			C					X	X		X	A	P	X	X	3.4.1.P~~3.4.1~~

Comment [AB72]: Under review (11/17)

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CURRENT ZONE	RR	R1 & 8	7 & 8	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN	
																										~~.Q~~
Industry, Artisan									X	P		P	P			P	X	X								
Industry, Class I	X	X	X	X	X	X	X	X	X	P			C				X	X	X	X	X	P	P	X	X	3.4.1.Q~~3.4.1.R~~
Industry, Class II	X	X	X	X	X	X	X	X	X	C			C	X			X	X	X	X	X	P	P	X	X	3.4.1.R~~3.4.1.S~~
Junkyard or automobile graveyard	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	3.4.1.S~~3.4.1.T~~
Marine activity	X							P		P	P	P	P	P	P			X						P		3.4.1.T~~3.4.1.U~~
Mineral extraction	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		X	X	3.4.1.U~~3.4.1.V~~
Recycling collection facility, as a principal use	X	X	X	X	X	X	X	X	X									X	X	X	X			X	X	1.1.1.A~~3.4.1.W~~
Renewable energy generating facility, as a principal use	C								C															C		3.4.1.V~~3.4.1.X~~
Utility facility, major	C								C	C	C	C	C	C	C	C	C	C	C	C						
Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Warehousing and storage	X	X	X	X	X	X	X	X	X	P	C	P	P	C	X	P	C	P	A	A	P	P	P	X	X	
Accessory Uses																										
Accessory apartment	P ~~A~~	~~A~~ P	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~		P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	X	~~A~~ P	X	X	3.4.2.A
Bed and breakfast	X	X	X	P ~~A~~	P ~~A~~	P ~~A~~	~~A~~ C	~~A~~ C	~~A~~ C	P ~~A~~	P ~~A~~		P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	~~A~~ C	P ~~A~~	~~A~~ C	~~A~~ P	X	P ~~A~~	X	X	
Canopy																										3.4.1.N
Day care facility, small	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	X	
Day care facility, large	C	C	C	C	C	C	C	C	C													C	C	C	X	
Drive-through service	X	X	X	X	X	X	X	X	X	~~A~~ P	X		A P	~~A~~ P	X C	C	~~A~~ P	X	X	X	X	X	X	X	X	3.4.2.B
Helipad	X	X	X	X	X	X	X	X	X	X	X	~~A~~ C	X	X	X	X	~~A~~ C	X		X	X	X	~~A~~ C	X	X	
Home occupation	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	~~A~~ P	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	X	3.4.2.C
Parking facility, as an accessory use	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	~~A~~ P	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	P ~~A~~	
Recreation facility, as an accessory use																						X		X		
Renewable energy generating facility, as	P	P	P	P	~~A~~	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	~~PA~~	3.4.1.V~~3.4.~~

Comment [AB72]: Under review (11/17)

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P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
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Land Use	NEW ZONE	GR1	GR2	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	I2, I3, RBTI	GI	GO	GN	Supplementary Use Standards
	CURRENT ZONE	RR	R1 ~~&5~~	R2 ~~&8~~	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR		R-R&OS		BCN	
an accessory use		A	A	A	A	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		~~1.X~~
Temporary Uses																												
~~Garage and yard sales~~																												~~3.4.2.D~~
Outdoor sales		X								X																		3.4.2.D~~3.4.2.E~~
Special event		X	X	X	X	X	X	X	X	X	C	C	C	C				C	C	C	C	C	C	C				
Temporary construction office or yard																												3.4.2.E~~3.4.2.F~~
Temporary movable storage container																												3.4.2.F~~3.4.2.G~~
Temporary real estate sales office																												3.4.2.G~~3.4.2.H~~

Notes:

[1] Limited to passive recreation uses.

Comment [AB72]: Under review (11/17)

3.3 Rural Area Permitted Use Table

Table 3.3: Permitted Use Table for Rural Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use

Land Use	NEW ZONE	RN	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5	
Principal Uses								
Residential Uses								
Household Living								
Dwelling, 1- or 2-family		X	P	P	P	P	P	3.4.1.A
Dwelling, multifamily		X	P	P	X	P	P	3.4.1.B
Mobile home		X	P	P	P	P	P	
Group Living								
Assisted/Congregate Living Facility		~~P~~X			P			
Boarding house		X	C	C	X	C	C	
Nursing home		X	X	X	X	X	X	
Residence hall		X					X	

Table 3.3: Permitted Use Table for Rural Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use

Land Use	NEW ZONE	RN	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5	
Public, Institutional, and Civic Uses								
Community, Cultural, and Educational Uses								
Club or lodge		X	C	C		C	P	
College		X	C	C	C	C	C	
Community center		X	C	C		C	P	
Day care facility, small		X	P	P	P	P	P	
Day care facility, large		X	C	P	C	C	C	
Hospital		X	X	X	X	X	X	
Library or museum, or art gallery		X	C	P		C	P	
Municipal facility		~~P~~X	P	P	P	P	P	
Park or conservation area		P	P	P	P	P	P	
Religious institution		X	C	C	C	C	C	
School		X	P	P	P	P	P	
Communication Uses								
Telecommunication tower		Permitted only in Telecommunications Overlay District						
Telecommunication tower, Small-scale		X	X	X	X	X	P	3.4.1.D
Commercial Uses								
Agriculture, Aquaculture, and Animal Care Uses								
Aquaculture		X	P	P	P	P	P	3.4.1.E
Equestrian facility		X	P	P	P	P	P	3.4.1.E
Farm		X	P	P	P	P	P	3.4.1.E
Kennel		X	C	C	X	C		
Plant nursery		X	P	P	P	P	P	
Veterinary office		X	P	P	X	P	P	
Food, Beverage, and Entertainment								
Adult entertainment establishment		X	X	X	X	X	X	
Golf course		X	C	C	X	C	C	
Recreation facility, as a principal use		P[1]	C	C	C	C	C	
Restaurant or dining facility		X	X	X	X	X	X	3.4.1.H
Theater		X	X	X	X	X	X	
Lodging								
Campground		X	C	C	C	C	C	
Hotel		X	X	X	X	X		
Retail Sales and Services								
~~Bank~~Financial Institution		X	X	X	X	X	C	
Neighborhood store		X	P	P	P	P	P	3.4.1.J
Office		X	X	X	C	X	P	
Retail, Class I		X	X	P	X	X	P	

Table 3.3: Permitted Use Table for Rural Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use

Land Use	NEW ZONE / CURRENT ZONE	RN / BCN	RF / FF1, CR1	RR / CR2, MU1	RP1 / CP1, FF3	RP2 / CP2	RM / MU5	Supplementary Use Standards
								3.4.1.L
Retail, Class II		X	X	X	X	X	X	
Service business, Class I		X	[redacted]	X	C	C	P	
Service business, Class II		X	C	X	X	C	P	
Studio		X	P	P	C	P	P	
Transportation and Vehicle-Related Uses								
Aviation operations		X	X	X	X	X	C	
Aviation-related business		X	X	X	X	X	X	
Bus or rail station		X	X	X	X	X	X	
Car wash		X	X	X	X	X	[redacted]	
Marina or boat storage		X	C	C	C	C	C	
Motor vehicle fueling station		X	X	X	X	X	X	
Motor vehicle service or repair		X	X	X	X	X	C	
Parking facility, as a principal use		X	X	X	X	[redacted]	C	
Ultra-light airpark		X	X	X	X	X	C	1.1.1.A~~3.4.1.O~~
Vehicle sales, rental, or storage		X	X	X	X	X	C	
Industrial Uses								
Contractor's space		X	C	C	[redacted]	C	C	
Industry, Artisan		X	X	X	X	X	P	
Industry, Class I		X	X	X	X	X	P	
Industry, Class II		X	X	X	X	X	[redacted]	
Junkyard or automobile graveyard		X	X	X	X	X	X	
Marine activity		P	P	P	P	[redacted]	P	3.4.1.T~~3.4.1.U~~
Mineral extraction		X	P	P	P	P	P	3.4.1.U~~3.4.1.V~~
Recycling collection facility, as a principal use		X	X	X	X	X	C	
Renewable energy generating facility, as a principal use		X	C	C	C	C	C	3.4.1.V~~3.4.1.X~~
Utility facility, major		X	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
Utility facility, minor		P	P	P	P	P	P	
Warehousing and storage		X	[redacted]	X	[redacted]	C	P	
Accessory Uses								
Accessory apartment		X	PA	PA	PA	PA	PA	3.4.2.A
Bed and breakfast (as accessory to a dwelling)		X	AP	PA	PA	AP	PA	
Canopy		X	P	[redacted]	[redacted]	[redacted]	[redacted]	3.4.1.N
Day care facility, small, as an accessory use		X	PA	PA	PA	PA	PA	
Day care facility, large, as an accessory use		X	C	[redacted]	[redacted]	[redacted]	[redacted]	
Drive-through service		X	X	X	X	X	X	
Home occupation		X	PA	PA	PA	PA	PA	3.4.2.C
Parking facility, as an accessory use		XP	PA	PA	PA	PA	PA	

Table 3.3: Permitted Use Table for Rural Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use

Land Use	NEW ZONE / CURRENT ZONE	RN / BCN	RF / FF1, CR1	RR / CR2, MU1	RP1 / CP1, FF3	RP2 / CP2	RM / MU5	Supplementary Use Standards
Recreation facility, as an accessory use		PA[1]	PA	PA	PA	PA	PA	
Renewable energy generating facility, as an accessory use		X	PA	PA	PA	PA	PA	3.4.1.V~~3.4.1.X~~
Temporary Uses								
~~Garage and yard sales~~								~~3.4.2.D~~
Outdoor sales		X						3.4.2.D~~3.4.2.E~~
Special event		C	C	C	C	C	C	
Temporary construction office or yard		X						3.4.2.E~~3.4.2.F~~
Temporary movable storage container		X						3.4.2.F~~3.4.2.G~~
Temporary real estate sales office		X						3.4.2.G~~3.4.2.H~~

Notes:

[1] Limited to passive recreation uses.

3.4 Supplementary Use Standards

The following standards apply to each of the uses indicated, regardless of whether that use is listed as a Permitted Use or a Conditional Use in Tables 3.2 and 3.3.

3.4.1. Principal Uses

A. 1- or 2-family Dwelling

(1) One or two-family dwellings shall be permitted without Site Plan approval on individual lots, or as part of an Open Space Development, provided that all density requirements are satisfied.

(2) A lot may contain more than one principal residential structure, provided that each dwelling unit has sufficient area and setbacks to comply with the applicable dimensional and density requirements.

B. Multifamily Dwelling

(1) Multifamily dwellings shall require Site Plan approval in accordance with review thresholds contained in Table 5.2.7.B herein. This includes the adding of units to any unit that contains two or more dwelling units.

(2) In the GC-1 district, this is a Permitted U~~u~~se north of Longfellow Avenue and a Conditional Use to its ~~the~~ south. ~~of that street.~~

C. Residence Hall

(1) In the GR9 district, Residence Halls are limited to properties currently ~~or formerly~~ owned and operated as college fraternity houses.

(2) In the GC1 district, this is a Permitted U~~u~~se north of Longfellow ~~Street~~ Avenue and a Conditional Use to ~~the~~ its south. ~~of that street.~~

Comment [AB73]: Z ORC to review Bowdoin request included in 1/7/16 packet.

(3) In the GC2 district, Rresidence ~~h~~Halls shall be configured with individual kitchens, bathrooms, and living rooms. For the purposes of calculating density, each individual apartment shall constitute one dwelling unit.

(4) In the GC3 district, Residence Halls are limited to properties in use as a hotel, boarding house or restaurant as of October 15, 2001.

D. Small Scale Telecommunications Tower

Small Scale Telecommunication Towers (not including amateur radio installations) shall comply with the following standards:

(1) All standards in Section 2.3.8.D (Standards for Telecommunication Towers in the TCO Districts) shall apply except that:

a. Section 2.3.8.D(5)a does not apply; and

b. In Section 2.3.8.D(5)b, the "fall zone" shall be 50 percent of the tower height instead of 100 feet.

(2) The maximum height of any tower shall not exceed 120 feet, including antenna arrays and other attachments.

(3) New towers shall be configured to minimize the adverse visual impact of the tower and antennas through careful design, siting, landscape screening and innovative camouflaging techniques. Innovative camouflaging techniques like stealth flagpoles, monopines (tree poles) and alternative mounting techniques like flush mounted antennas shall be used whenever possible.

(4) A latticed or monopole tower or a tower stylistically similar to a latticed or monopole tower shall be used. Guy wires shall not be permitted.

(5) New accessory facilities shall comply with Section 2.3.8.D(7) (Accessory Facilities) and shall be no taller than one story in height. Accessory facilities shall be adjacent to the tower base unless an alternative location will be less visually obtrusive or topographic considerations require an alternative location.

(6) Advertising and commercial signs shall not be allowed on the tower or its accessory facilities.

(7) Signals, lights or illumination shall not be allowed on the tower unless required by the Federal Aviation Administration, Federal Communication Commission or another federal agency.

(8) Lighting may be allowed as part of a stealth flagpole installation to properly illuminate the flag as required by the United State Code (Title 4, Chapter 1, Section 6a).

~~**(9)** In the GI district, the minimum lot area for the placement of small scale wireless communication towers may be reduced to no less than 10,000 square feet.~~

Comment [AB74]: No longer needed since lot size has been reduced to 7,000 square feet.

E. Reuse of Agricultural Structures in Rural Districts

The purpose of this provision is to provide guidance to applicants and the Reviewing Authority whenever a Development Review, Conditional Use Permit, or Special Permit application involves the reuse of an agricultural structure in a Rural district. These standards are to ensure that such applications result in the preservation of the appearance of the structure as agricultural, and to ensure that the proposed development is compatible with the structure. Any agricultural structure, or portion of a structure, last legally used for the purpose of conducting agriculture, or legally converted to other uses, may be converted to another use with a Conditional Use Permit, pursuant to Section 5.2.2 (Conditional Use Permit) and the requirements of this subsection. If the applicant proposes to reuse the structure for one that is permitted in the zoning district, these

standards shall be applied only when the project requires Development Review. In cases where a Conditional Use Permit is necessary for the use, the Planning Board shall find that the proposed use complies with these standards in addition to the Conditional Use Permit requirements of Section 5.2.2:

(1) The subject structure must be at least 1,000 square feet in size.

(2) The proposed use may not result in an increase in vehicular traffic flow beyond that of an agricultural activity that might typically occupy a similarly sized agricultural structure.

(3) The structure shall retain its general appearance as an agricultural structure. The structure's facade, silhouette, configuration, roof line, and exterior treatment shall render it to be readily identifiable as a former agricultural structure.

(4) Parking areas, loading areas and drives shall be situated first on areas that are currently impervious. If the site contains preexisting parking areas, loading areas and drives, those areas shall be utilized first for those purposes. Additional parking areas, loading areas and drives shall be incorporated into existing ~~ones~~areas.

(5) Any application submitted under this subsection must include disclosure of ~~which~~ any ~~involves the~~ storage, handling, use or disposal of hazardous matter. ~~must be disclosed.~~ The handling, storage, disposal or use of hazardous materials shall comply with all Federal, State and local laws, ordinances, rules and regulations.

F. Urban Agriculture

This primary use is subject to the following standards:

(1) The keeping of farm animals, poultry and bees shall be in accordance with Chapter 3, Animals, of the Brunswick, Maine Code of Ordinances, as amended. ~~Greenhouses, hoop houses, cold frames, storage sheds, and any accessory structures shall comply with applicable district dimensional standards and those standards specific to accessory structures contained in Section _____.~~

(2) ~~Accessory s~~Structures used for the sheltering of animals and poultry, or beekeeping shall comply with applicable zoning district dimensional standards and ~~are limited to a maximum height of 10 feet and shall comply~~ with standards set forth in Chapter 3, Animals, of the Brunswick, Maine Code of Ordinances, as amended. ~~.~~

~~The cumulative area covered by structures more than 4 feet above grade shall not exceed 25% of the site.~~

(3) The ~~S~~sale~~s~~ of products grown on the site is permitted on the site, provided that the structure used for sales is no larger than ~~100~~ 150 square feet and is not located in a required setback.

~~Food products may be grown in soil native to the site if a composite sample of the native soil has been tested for lead content and the lead content in the soil is determined to be at or below the Maine direct contact standards for lead the Town determines through maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past.~~

~~Food products may be grown in clean soil at least 18 inches in depth brought to the site without the need for testing of the existing soil.~~

~~F.~~G. Adult Entertainment Establishment

No Adult Entertainment Establishment may be located closer than 1,000 feet from any school, religious institution, library, dwelling unit or other Adult Entertainment Establishment. The

Comment [AB75]: Reformat margins

Comment [AB76]: Now compatible with existing Animal Ordinance standards.

Comment [AB77]: Accessory structure standards (sec 4.1.4.d) is from existing and is confusing. More than Setbacks are regulated in section but only refers to setback requirements in title.

Comment [AB78]: Now compatible with existing Animal Ordinance standards.

Comment [AB79]: Revisions based on 12/2 ZORC discussion

Comment [AB80]: Question enforcement.

distance of 1,000 feet shall be measured in a straight line without regard to intervening structures or objects, from the customer entrance of the adult entertainment establishment to the nearest point on the boundary of the property occupied by the school, religious institution, library, dwelling unit or other Adult Entertainment Establishment.

~~G.~~H. Restaurant or Dining Facility

(1) In the GC-1 district, this is a Permitted use north of Longfellow Avenue and a Conditional Use to the south of that street.

(2) In the GC3 district, restaurants are limited to properties in use as a hotel, boarding house or restaurant as of October 15, 2001.

(3) In the GA district restaurants are only permitted in conjunction with aviation related activities or uses.

~~H.~~I. Hotel

In the GC3 district, hotels are limited to properties in use as a hotel, boarding house or restaurant as of October 15, 2001.

~~I.~~J. Neighborhood Store

The establishment ~~and/~~or expansion of a Neighborhood Store is subject to Minor Development Review in accordance with subsection 5.2.7 herein.

~~J.~~K. Office

In the GR9 district, office uses are permitted only on properties ~~currently or~~ formerly owned and operated as college fraternity houses.

~~K.~~L. Retail, Class I and Class II

~~Class I and Class II retail uses that are to occur in new structures over 20,000 square feet, or any application for a shopping center containing at least one use that is greater than 20,000 square feet, shall be subject to the following design standards. Retail uses located in the GM4 district are subject to these standards as well as the specific district requirements of the Cook's Corner Design Standards. If there is conflict between the standards of this section and those of the GM4 District, the more restrictive shall apply. The purpose of these standards is to manage large scale retail operations to encourage design that is consistent with Brunswick's traditional scale. For any pre-existing retail use, these standards shall apply only if an addition of 20,000 square feet or greater is proposed, and shall apply only to the new portions of the structure; in such cases the Planning Board may waive the requirement if it finds that the design is infeasible or impractical.~~

~~a. Facades and Exterior Walls~~

~~i. Horizontal facades greater than 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.~~

~~ii. Ground floor facades that face public streets shall have display windows, entry areas, awnings, or other such features along 40% or more of their horizontal length.~~

~~iii. Where principal buildings contain additional, separate stores which in total occupy less than 20,000 square feet of gross floor area, with separate, exterior customer entrances, the following shall apply:~~

~~(A) The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 40~~

Comment [AB81]: ZORC to review Bowdoin request included in 1/7/16 packet.

Comment [AB82]: Based on 12/2 ZORC discussion will now include design standards/guidelines section in Chapter 4. Referencing applicability of Cook's Corner Design Standards, VRZ, and Brunswick Landing Design Guidelines, as well as revising thise standards delted here to apply to structures over 10,000 square feet in new floor area.

Comment [AB83]: Discussion for ZORC

Comment [AB84]: Discussion. Thought it was agreed by ZORC to apply standards to any redeveloped/change of use in GM4?

~~percent of the horizontal length of the building facade of such additional stores.~~

~~(B) Windows shall be recessed and should include visually prominent sills, shutters or other such forms of framing.~~

~~**b. Entryways**~~

~~Each principal building on a site shall have a clearly defined, highly visible customer entrance featuring three or more of the following features. Where additional stores will be located in the principal building, and customer entrances to such stores are outdoors, each additional store shall have a clearly defined, highly visible customer entrance featuring three or more of the following features.~~

~~i. canopies or porticos;~~

~~ii. overhangs;~~

~~iii. recesses or projections;~~

~~iv. arcades;~~

~~v. raised corniced parapets over the door;~~

~~vi. peaked roof forms;~~

~~vii. arches;~~

~~viii. outdoor patios;~~

~~ix. display windows;~~

~~x. architectural details such as tile work and moldings which are integrated into the building structure and design; or integral planters or wing walls that incorporate landscaped areas or places for sitting.~~

~~**c. Pedestrian and Bicycle Amenities**~~

~~Large retail establishments shall provide for pedestrian and bicycle accessibility within the site, and provide for the appropriate connections to points outside of the site. The following standards pertain to public sidewalks and internal pedestrian and bicycle circulation systems which have the goal of providing user-friendly access as well as pedestrian and bicycle safety, shelter, and convenience within the center grounds.~~

~~Sidewalks shall be provided along all sides of the lot that abut a public street and shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting a public road or parking area.~~

~~i. Continuous internal walkways shall be provided from the public sidewalk right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials.~~

~~ii. Internal walkways provided in conformance with Part ii above shall provide weather protection features such as awnings within 30 feet of all customer entrances. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.~~

Comment [AB85]: Moved to subsection 4.6.3. ZORC discussion topic.

~~d. Central Features and Amenities~~

~~Each retail establishment subject to these standards shall contribute to the establishment or enhancement of the pedestrian environment by providing at least two of the following features, each of which shall be in an area with direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape:~~

~~i. patio/seating area;~~

~~ii. pedestrian area with benches;~~

~~iii. transportation center;~~

~~iv. window shopping walkway;~~

~~v. outdoor playground area;~~

~~vi. kiosk area;~~

~~vii. water fountain;~~

~~viii. clock tower; or~~

~~ix. other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Board, adequately enhances the pedestrian environment.~~

In the GA district, Class I retail uses are only permitted in conjunction with aviation-related activities or uses.

~~(2) In the GM4 district, Class II retail structures that will be occupied by a Retail Class II occupant that occupies an area with a footprint of more than 50,000 square feet shall include specific community improvements in keeping with the 1998 Cook's Corner Master Plan as amended, such as community facilities, enhanced public space, environmental improvements, and public artwork with a minimum value of one percent of the total construction budget. This condition may be satisfied, through approval by the Planning Board, by providing:~~

~~(3) Community improvements on the project site; or~~

~~(4) Community improvements elsewhere in the GM4 District; or~~

~~A cash payment equal to one percent of the total construction budget to the Town for planning and/or creation of community improvements in the Cooks Corner area.~~

~~L.~~M. Service Business, Class I and Class II

In the GA district Class I and Class II service business uses are only permitted in conjunction with aviation related activities or uses.

~~M.~~N. Canopies for Motor Vehicle Fueling Station and Other Drive-Through Uses ~~Canopies~~

Canopies for Motor Vehicle Fueling Stations and all other canopies permitted as accessory structures to any Permitted or approved Conditional or Special ~~Use~~ Permit Use shall comply with the following requirements:

(1) In all districts except the GM4 and GM5 districts, canopies shall be a single color. ~~and c~~Corporate colors and patterns shall not be permitted on canopies, except for signs located on the canopy.

~~(2) Canopies are not permitted in the GM6 district.~~

Comment [AB86]: Banks have canopies further regulated by VRO standards.

~~(3)~~(2) No portion of the lighting fixture shall extend beyond the lower horizontal surface of the canopy.

~~N. Ultra-light Airpark~~

~~All ultra-light air parks shall require Major Development Review by the Planning Board.~~

Comment [AB87]: This should be stated in Dev. Review.

O. Vehicle Sales, Rental or Storage

The sale or display of automobiles for sale or display shall not occur within any required setback.

P. Contractor's Space

In the GA district contractor's space uses are only permitted in conjunction with aviation related activities or uses.

Q. Industry, Class I

In the GM3 district, this use is ~~only allowed~~permitted by right for properties accessed by Cressey Road or Columbus Drive, south of the limited access portion of Route 1.

R. Industry, Class II

In the GM3 district, this use is ~~only allowed~~permitted by right for properties accessed by Cressey Road or Columbus Drive, south of the limited access portion of Route 1.

Comment [AB88]: Added to accommodate reuse of existing large-scale industrial-type structure.

S. Junkyard or Automobile Graveyard

Junkyards and automobile graveyards existing on or before _____ shall comply with the requirements of 30-A M.R.S.A. 3751-3760, as amended. Expansion of an existing junkyard is subject to approval of a Conditional Use Permit in accordance with Section 5.2.2.

T. Marine Activity

Marine Activity uses shall comply with the following standards:

(1) Proposed access from the shoreline will not cause erosion, sedimentation and/or siltation.

(2) The proposed activities, construction, or the materials used will not adversely affect fisheries, spawning areas or other wildlife. In making this determination, the reviewing entity shall request that the applicant submit a letter to that effect from the Brunswick Marine Resources Committee or the Maine Department of Marine Resources.

~~(3) Land area portions of the site are large enough and adequate to sustain water-related uses.~~

Comment [AB89]: Proposing deletion since dimensional standards would determine suitability, where marine activity is permitted.

~~(4)~~(3) All fuel storage systems will be designed so that secondary storage areas will capture and retain any spill or leakage. Any spill or leakage shall be promptly removed.

~~(5) The additional development standards found in Section 2.3.4 (Flood Protection Overlay (FPO) District) apply to Marine Activities taking place in a Special Flood Hazard Area.~~

~~(6)~~(4) New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., § 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

~~(7) The minimum lot size for commercial marinas shall be 80,000 square feet.~~

~~(8) 0.75 parking space shall be required for each boat slip and mooring that is serviced by a commercial marina.~~

Comment [AB90]: Included in Parking standards

~~(9)~~(5) Boat launch facilities owned/and or managed by a public entity are permitted in all zones subject to the following:

a. Maximum impervious surface coverage shall ~~be limited to~~not exceed 30% or the applicable zoning districte standard, whichever is greater.

b. There shall be no subsurface wastewater disposal systems within the required 125 foot setback from the upland edge of the applicable water body.

c. There shall be no moorings, slips or fuel storage facilities.

~~T.~~U. Mineral Extraction

Major Development Plan ~~Site Plan~~ approval shall be required for mineral extraction activities, ~~and must comply~~in accordance with ~~all of~~ the following requirements. For mineral extraction operations existing on **[Date of original adoption of this provision]** ~~Site Plan~~Major Development Plan approval shall ~~only~~ be required ~~when~~ if the operation expands beyond the limits of excavation at the time of ~~enactment~~ordinance adoption.

~~(1) Location~~

~~This use is not permitted on lands formerly part of Brunswick Naval Air Station.~~

Comment [AB91]: Permitted as provided in the Use Table.

~~(2)~~(1) Water Quality Impact Assessment

The applicant shall provide appropriate information such as soil borings or test pit data, collected and researched by a qualified and licensed engineer. With this information, the applicant shall demonstrate that the excavation will have no adverse impact on area water quality or supply.

~~(3)~~(2) Excavation Schedule

The applicant shall submit an excavation schedule and the anticipated annual yield of the operation for the duration of the scheduled operation. Phasing plans shall also be required if phasing is a part of the excavation operation. If a development permit is granted, it shall cover a specified time period. Any further operation or expansion beyond the specified date shall require a new ~~Site Plan~~Major Development Plan approval.

~~(4)~~(3) Soil Protection and Erosion Control Techniques

The applicant shall include soil profiles of the land as mapped by the USDA Soils Conservation Service. This information shall be provided by a qualified soils specialist or licensed engineer.

~~(5)~~(4) Traffic Impact Analysis

The applicant shall submit a traffic plan and analysis for truck traffic. The plans shall include:

a. Routes to major highways.

b. Anticipated ~~T~~trips per day per truck.

c. Weight impacts on roads.

d. Signage at ingress/egress of property.

~~(6)~~(5) Reclamation Plan

The applicant shall submit a reclamation plan prepared by a qualified professional, licensed soils engineer, licensed landscape architect, and/or mining reclamation specialist or scientist. The plan must include the following:

a. A photographic display constituting a 360-degree wide-angle view of planned mining areas. The photographs shall show the horizon with ground levels in the forefront as the land naturally exists before mining.

b. Location of boundary lines, rights-of-ways, names of abutting property owners, area of expected operation, contour levels before and after excavation, and phasing plans if applicable.

c. Amount of overburden to be removed, the area it is to be removed from, where it is to be stored during the excavation process, and the method of covering overburden. The overburden shall be covered if it is to be exposed to weather elements for more than 60 days.

d. The photographic display shall provide the profile information after reclamation. The reclamation plan shall indicate ~~any~~ the proposed uses for reclaimed land.

e. Landscaping plans shall outline all replanting and final stabilization of the mined area. The plans shall include a list of native plants, shrubs, and trees to be planted as well as assurances that these plantings will survive in a reclamation area.

f. Preliminary sketch of proposed use of reclaimed land after the operation closes.

g. Long-term impacts, if any, provided by a qualified professional.

~~**U. Recycling Collection Facility, as a Principal Use**~~

~~In the GM3 district, this use is only allowed south of Route 1.~~

V. Renewable Energy Generating Facility

(1) Wind Energy Collection Facility

a. Small Wind Energy System (SWES) Application (Accessory Use)

A Building Permit is required for the installation of a ~~application for a~~ Small Wind Energy System (SWES) as an accessory use in the Growth or Rural districts. The building permit application shall contain the following:

i. Description of the project including specific information on the type, size, tower type and height, rotor material and diameter, rated power output, performance, safety and noise, manufacturer and model of SWES.

ii. Evidence that the proposed height of the SWES does not exceed the height recommended by the manufacturer of the system.

iii. Structural drawings of the wind tower, base or foundation, prepared by the manufacturer or a professional engineer. If attachment to an existing structure is proposed, a description or drawing acceptable to the Codes Enforcement Officer shall be submitted.

iv. If connection to the publicly regulated utility grid is proposed, evidence making clear that the utility is aware of the proposed connection and finds it acceptable.

v. Photographs of the proposed site.

vi. A Site Plan depicting setbacks to all property lines.

vii. Any additional information deemed necessary by the Codes Enforcement Officer.

b. Standards for SWES in All Growth and Rural Districts (Accessory Use)

Small Wind Energy Systems in both the Growth and Rural districts shall be reviewed according to the following ~~criteria~~standards:

Comment [AB92]: Updated Wind Energy related standards relative to noise and placement in growth districts.

i. An approved Building Permit from the Codes Enforcement Officer is required prior to installation.

ii. All parts of an SWES shall be setback from all property lines, public rights-of-way, overhead utility lines and all dwelling units a minimum distance equal to the total height of the system measured from the ground to the systems highest point or the minimum setback of the district in which the system is located, whichever is greater.

iii. Unless otherwise conditioned in subsections c. and d. below, Aan SWES shall not exceed the noise standards set forth in Section 4.12.1.A.

iv. An SWES shall not be lighted and shall not display any signs, writing, symbols or graphic representations of any kind except appropriate manufacturer's or installer's identification and warning signs.

v. The minimum distance between the ground and all blades of an SWES shall be 25 feet as measured at the lowest arc of the blades.

vi. The SWES shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground.

vii. An SWES which is not generating and has not generated electricity for 12 consecutive months shall be deemed abandoned and shall be dismantled by the owner within 120 days of receipt of notice from the Town unless the SWES is not in operation due to the property being in the process of being sold. A system owner may request in writing to the Codes Enforcement Officer an extension of up to one year if the owner is actively pursuing the repair of the system for future use.

viii. An SWES shall be equipped with both manual and automatic over-speed controls.

ix. An SWES must comply with applicable town, state and federal regulations, including any necessary approvals for installations within FAA regulated zones.

x. All roof-mounted ~~small wind energy systems~~SWES must be approved by an architectural engineer prior to installation.

c. Additional ~~Conditions~~ Standards for SWES in Rural Districts (Accessory Use)

In addition to those ~~criteria~~ standards in subsection b above, ~~Small Wind Energy Systems~~SWES as accessory uses in the Rural districts shall be reviewed according to the following ~~criteria~~standards:

i. An SWES shall have a maximum height of 125 feet from the ground level to the system's highest point.

ii. All components of an SWES used to generate electricity including blades and all accessory parts shall not have a diameter of more than 25 feet.

iii. On lots less than three acres in size, no more than one SWES installation shall be allowed.

iv. On lots of three acres or more, up to three systems shall be allowed.

d. Additional ~~Conditions~~ Standards for SWES in Growth Districts (Accessory Use)

In addition to those ~~criteria~~ standards in subsection b above, Small Wind Energy Systems in the Growth districts shall be reviewed according to the following:

i. An SWES shall have a maximum height of 80 feet from the ground level to the system's highest point.

ii. All components of an SWES used to generate electricity including blades and all accessory parts shall not have a diameter of more than 15 feet.

iii. Roof-mounted SWES shall not exceed a height of 8 feet above the tallest roof ridgeline of the structure.

~~ii.~~iv. Decibel levels for the system shall not exceed 45 decibles (dBA) at any time, as measured from the exterior surface of an abutting residential structure existing at the time of the SWES installation. This level may be esceeded during short-term events such as utility outages and/or severe wind storms.

~~iii.~~v. One SWES per lot shall be allowed.

e. Wind Turbines ~~as~~ **Primary Uses** ~~of Land~~

Comment [AB93]: Draft #2 staff addition 1/7/16

i. An approved Building Permit from the Codes Enforcement Officer is required prior to installation.

~~i.~~ii. The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to the total extended height.

~~ii.~~iii. Towers shall not exceed 200 feet in height, but shall not exceed 75 feet in height within any mapped Migratory Bird Flight Path, and shall not project into any imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection;

~~iii.~~iv. Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the wind energy collection facility installation, shall not exceed 55 dba (decibels day/night average) for any period of time. The 55 dba sound level may be exceeded during short-term events out of the owner's control such as utility outages or severe wind storms;

~~iv.~~v. The turbine and tower shall have a nonreflective surface. ~~remain painted or finished in the color that was originally applied by the manufacturer~~;

~~v.~~vi. The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades;

~~vi.~~vii. All signs on a wind ~~generator~~turbine, tower, building or other structure associated with a small wind energy system visible from any public road, are prohibited with the exception of ~~except~~ (a) the manufacturer's or installer's identification, (b) appropriate warning signs, or (c) owner identification, ~~are prohibited~~;

~~vii.~~viii. No illumination of the turbine or tower shall be allowed unless required by the FAA;

viii. The wind turbine and tower shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground.

~~viii. Any portion of the structure lower than 12 feet above grade shall be that could be used by unauthorized persons to climb the structure shall be removed, designed, or blocked to prevent climbing by such persons.~~

ix. This use shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator;

x. A wind turbine which is not generating and has not generated electricity for 12 consecutive months shall be deemed abandoned and shall be dismantled by the owner within 120 days of receipt of notice from the Town unless the wind turbine is not in operation due to the property being in the process of being sold. A system owner may request in writing to the Codes Enforcement Officer an extension of up to one year if the owner is actively pursuing the repair of the system for future use.

~~x.~~xi. ~~If a wind turbine is inoperable for six consecutive months the owner shall be notified that it must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six month time frame, then the owner shall be required, to remove the wind turbine from the tower for safety reasons, at its expense. If the owner(s) fails to remove the wind turbine from the tower, the city may pursue legal action to have the wind generator removed at the owner's expense~~.

(2) Solar Energy Collection Facilities

Comment [AB94]: Staff revisions for 1/7/16

a. Primary Use, Ground Mounted

i. Ground-mounted s~~S~~olar ~~collectors~~ energy collection facilities shall be located a minimum of ~~six~~ ten feet~~.~~ from all property lines and other structures, or be setback a distance equal to the total height of the facility, whichever is greater.

ii. Ground mounted s~~S~~olar energy collection facilities ~~collectors~~ shall not exceed ~~five~~ 20 feet in height, measured from the ground level to the highest point of the facility.~~.~~

iii. Ground mounted ~~S~~solar ~~collectors~~ energy collection facilities shall be operated, and their angles of collection controlled, to prevent glare from entering the windows of any primary structure containing a residential use on an adjacent property.

iv. Ground mounted s~~S~~olar ~~collectors~~ energy collection facilities shall be screened from view from ~~each adjacent property containing a~~ any residential use, located within 100 feet or less of the facility, ~~in a one- or two-story structure~~ by a solid/ completely blocking from view fence or vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height.

~~v.~~ Ground mounted ~~S~~solar ~~collectors~~ energy collection faciltiies shall be screened from view from each adjacent public right-of-way by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height.

v. All ancilliary structures shall comply with all applicable zoning district dimensional standards.

vi. The facility shall be secured from unauthorized access subject to the review and acceptance of the Brunswick Fire Chief relative to the provision of emergency services.

b. Accessory Use, Ground Mounted

i. Ground mounted s~~S~~olar ~~collectors~~ energy collectors as an accessory use shall not be located in any front setback or between the ~~any~~ façade of a principal structure and an adjacent public right-of-way.

ii. Ground mounted s~~S~~olar energy collectors shall comply with applicable accessory structure setbacks stated in subsection _____ ~~be located a minimum of six feet from all side and rear property lines~~.

iii. Ground mounted s~~S~~olar energy collectors ~~areas~~ in any Residential district shall not exceed the greater of one-half the footprint of the principal structure or 600 square feet, whichever is greater.

iv. Solar collector facilities in any Mixed Use or Special Purpose district shall not exceed one-half of the footprint of the principal structure.

~~v.~~ Ground mounted s~~S~~olar energy collectors shall not exceed ~~five~~ 10 feet in height or be setback a distance equal to the total height of the facility, whichever is greater.~~t.~~

Comment [AB95]: Recommend consideration be given to restrict size based on serving the power/heating/cooling needs of the use.

Comment [AB96]: See above comment.

c. **Accessory Use, Building Mounted**

i. A ~~s~~Solar energy ~~collection system~~ collectors may be located on a principal or accessory structure in any zoning district.

~~ii. Solar collectors shall be located a minimum of six feet from all property lines.~~

~~iii.~~ii. Roof-mounted ~~S~~solar energy collectors shall not exceed the maximum height permitted in the zoning district in which it is located by more than 18 inches.

Comment [AB97]: If on building, distance is irrelative.

~~iv.~~iii. Roof-mounted ~~S~~solar energy collectors shall not extend more than 18 inches above the tallest roofline of a one ~~family~~ or two family residential structure, or more than three feet above the roofline of a multi-family, mixed use or non-residential structure.

d. **Solar Energy Facilities or Collectors in the Village Review Overlay ~~or Historic~~ District**

Solar energy facilities or collectors proposed on a lot within ~~a historic district or~~ the Village Review Overlay District shall obtain a Certificate of Appropriateness pursuant to Section 5.2.6 (Village Review Overlay Design Review).

(3) Geothermal Energy Collection Facilities

Comment [AB98]: Staff revisions for 1/7/16

a. Accessory use geothermal energy collection facilities shall be located entirely underground, except that facilities connecting underground collection facilities to an aboveground structure are permitted provided:

i. They are located on a~~the~~ side or rear side of the building not abutting a public or private right-of-way unless screened by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height;

ii. They do not exceed two feet in height above grade level; and

iii. They do not extend more than two feet horizontally from the building face.

b. Primary use geothermal energy collection facilities shall be located entirely underground, except that aboveground monitoring and control equipment are permitted provided:

~~i.~~ They are located on the rear one-half of the property; ~~and~~

~~ii.~~i. The equipment does not exceed four feet in height above grade level; and

~~iii.~~ii. They are screened from view from ~~each~~ adjacent public or private rights-of-way by a~~n~~ vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height.

3.4.2. Accessory and Temporary Uses

A. Accessory Apartment

(1) An accessory apartment does not require Development Review.

(2) The creation of an accessory apartment shall not be counted for density purposes.

(3) Accessory apartments are allowed on lots primarily used as single or two family residential ~~and~~ or commercial purposes ~~lots~~ in either a principal or accessory structure.

Comment [AB99]: Confirm acceptance on commercial lots 1/7/16

(4) Only one accessory apartment is permitted per lot.

(5) No front facade shall be altered to construct an accessory apartment.

(6) The accessory apartment shall not be greater than 750 square feet or 35 percent of the floor area of the principal structure, whichever is greater.

(7) The accessory apartment shall be secondary, incidental and subordinate to the single or two family residential or commercial use.

B. Drive-through Service

In the GM6 district, Drive-through s~~S~~ervice windows shall be allowed only as accessory to banks, and shall not be located, either attached or separately constructed, between the front façade of the bank and the ~~street~~public or private right-of-way.

C. Home Occupations

All home occupations shall comply with the standards below. Home occupations that cannot comply with these standards shall be considered non-residential activities subject to all applicable requirements of this Ordinance.

(1) Only one person other than family members residing on the premises may be employed on site at any one time.

(2) ~~A~~ Only one home occupation shall ~~only~~ be permitted per dwelling unit in a single or two-family dwelling unit.

Comment [AB100]: To clarify current practice of only one home occupation per single or two family dwelling unit. 12/30/15

(3) Automobile and truck traffic generated shall not be greater than 16 trips per day. No deliveries by trucks of the size typically larger than single unit trucks shall be permitted.

(4) In Growth districts, there shall be no exterior storage of materials, equipment, commercial vehicles with a Gross Vehicle Weight (GVR) rating excess of 10,000 pounds, or other supplies used in conjunction with a home occupation.

(5) No exterior alterations to an existing structure may be made in relation to the home occupation. If incorporating a home occupation in a new single or two-family dwelling unit, the structure shall maintain the appearance of a typical residential structure.

(6) The home occupation may not exceed the lesser of 35 percent of the gross floor area of the dwelling unit and finished portions of accessory structures associated with that dwelling unit or 750 square feet whichever is less.

(7) No retail sales shall occur on the premises with the exception of internet-based sales.

(8) Each home occupation is entitled to one four square foot non-illuminated sign upon obtaining a sign permit.

(9) The home occupation shall not contribute to excessive noise, traffic, nuisance, fire hazard, and other possible adverse impacts as determined by the Codes Enforcement Officer.

~~D. Garage and Yard Sales~~

~~Garage and yard sales are limited to no more than two events per calendar year, with no event to exceed three consecutive days in duration.~~

Comment [AB101]: Deleted by ZORC.

~~E.~~D. Outdoor Sales

Where permitted, outdoor sales are limited to no more than four events per calendar year, with no event to exceed seven consecutive days in duration

~~F.~~E. Temporary Construction Office or Yard

Temporary construction offices and yards may be located on the site where construction is taking place, or on an adjacent parcel with the permission of that parcel owner, between the date that a Building Permit for the construction is obtained until no more than 30 days after a Certificate of Occupancy for the completed construction is issued, or if no Certificate of Occupancy is required for the project, then until no more than 30 days after the construction is completed.

~~G.~~F. Temporary Movable Storage Container

Temporary movable storage containers on private property must be located on a driveway or paved area of the lot, if one exists, and shall be in place for no more than 30 consecutive days.

~~H.~~G. Temporary Real Estate Sales Office

Temporary real estate sales offices may be located on the site where a new building(s) or lot(s) ~~are~~ is being sold or leased, or on an adjacent parcel with the permission of that parcel owner, between the date that a first Building Permit for the construction is obtained until no more than 30 days after the last portion of the building(s) or lot(s) have been leased or sold.

Bowdoin

December 21, 2015

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

Re: Additional Comments to Section 3.4 and Section 4.10 of the Brunswick Zoning Ordinance, Second Draft dated July 2015

Dear Committee Members:

We offer following comments:

for 1/7/16 ZORC meeting discussion

1. **Section 3.4 Supplementary Use Standards,** Pages 3-7 and 3-10
As discussed in work session, we ask the ZORC to consider amending the following sections as follows:

3.4.1.C (1) In the GR9 district, residence halls are ~~limited to properties~~ permitted only on properties currently ~~or formerly~~ owned and operated as college ~~fraternity houses~~ .residence halls or offices.

3.4.1.K. In the GR9 district, office uses are permitted only on properties currently ~~or formerly~~ owned and operated as college ~~fraternity houses~~ offices or residence halls.

2. **Section 4.10 Neighborhood Protection Standards (NPS),** Pages 4-43 through 4-44
A. Application of a Sliding Scale Standard for Height
The ZORC has discussed incorporating a sliding scale for setback and height into the NPS but has not produced or reviewed any draft language to date. As the College has noted at previous work sessions, this sliding scale method is used in the current ordinance on one very small edge of the College property around the Harpswell Place neighborhood. We are anxious to review actual draft language to understand how this concept might be applied in the context of a neighborhood protection standard.

In the interim, we offer the following comments.

- The existing standard allows the College to build to a height of 45 feet within the current setbacks of 15 feet of what is now CU3. Currently the requirements of Section 204.3 G. of the Zoning Ordinance would also allow the College to increase height by 5 feet for every additional 10 feet of setback, up to a maximum height of 55 feet. So today in CU3 the College can build a structure to a height of 55 feet by setting the development back 35 feet from a boundary.

- In the proposed draft, NPS restrict the height of a structure within 30 feet of a residential lot with a dwelling to 35 feet. Beyond 35 feet, the height limit is now 70 feet. We are sensitive to the concerns of neighbors along the edge of Harpswell Place and agree some continuing sliding scale along the residential boundaries in this area could be appropriate, given the added height standard

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proposed for this edge (70 feet). To accomplish this, we suggest adding the following note to Table 4.1.2: Dimensional and Density Standards for Growth Area Zoning Districts in the row for Building Height, column for GC1:

[21] Except that and not withstanding applicable standards of section 4.10.2.A., structures within 35 feet of a boundary of a residential lot with an existing 1- or 2- family dwelling within the GR7 district are limited to a height of 55 feet. Building height may be increased 5 feet for every additional 10 feet of setback up to the maximum height of 70 feet.

- This proposal accomplishes three things: (1) neighbors see a reduction by 10 feet (roughly one story) in the permitted height of a structure within 30 feet of a boundary, (2) the existing restriction on height to 55 feet within 35 of the boundary remains in place, and (3) the College gains some flexibility in developing in the core of the campus by increasing the height standard to 70 feet. However, any structure built at the maximum height would be set back a minimum of 60 feet from the residential lots in Harpswell Place.

In conclusion, we think some additional protection along the boundary of Harpswell Place is reasonable but we also think that broadly applying an additional sliding scale standard for height to other areas where the neighborhood protection standards would apply is unnecessary and potentially overly restrictive. Many edges of the campus are either already buffered by generous setbacks or are developed at the scale of institutional buildings. For these edges, we believe the application of the proposed NPS in Section 4.10.2.A. that limits height of structures to 35 feet within 30 feet of a residential lot with a dwelling is a reasonable approach.

B. Section 4.10.1 Applicability and 4.10.2 Standards

The Neighborhood Protection Standards (NPS) apply in Growth Mixed Use (GMU) and Growth Special Purpose (GSP) districts to development ***that abuts or is across the street from*** a Growth Residential (GR) district lot that contains an existing 1- or 2- family dwelling.

The draft Standards set forth in 4.10.2 A., B., C., and E. all refer to shared lot lines and/or distances from shared lot lines. For those cases where the mixed use or special purpose district is separated from a residential district by a street with three or fewer lanes, there are no shared lot lines making it unclear from which lot line distance will be measured. We believe the intent is that measurements be made from the boundary of the residential lot being buffered and respectfully request that the ZORC add language to the ordinance that clarifies this point. If the intent is to measure from the boundary of the districts, we respectfully request that where streets separate district boundaries, those district boundaries be drawn along the center line of the street. Currently and on the draft zoning map, streets separating GC and GR districts are included in the residential districts. In the case of Upper Park Row, two streets separated by an esplanade all are included in the residential district abutting the GC district, creating an already significant buffer to the dwellings along the GR boundary.

For illustration, please see the attached map showing areas where GC and GM are separated from residential districts by streets.

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C. Section 4.10.2. C Compatibility Standards
As indicated in our initial comments on this section (October 2014), we believe that this standard should allow more flexibility in accomplishing the intent of establishing visual buffers to non-residential development. Development subject to development review already must comply with the buffering standards for landscaping in Section 4.5.2.C. The additional requirement for installation of a solid fence as a visual buffer may afford additional neighborhood protections in some cases, but in others, fencing may be inappropriate or undesired. We believe the additional buffering should be considered on a case by case basis through the process of development review.

If the standard is to remain, the language of the second draft regarding fencing along shared lot lines is improved from the first draft but remains problematic for large lots and for districts that are separated by streets. We ask the ZORC to consider exempting large lots from this standard or having the standard apply only when the development footprint is within some reasonable distance from the shared lot line or setback, **and** when no other natural buffer exists. This standard should not apply to development in a GMU or a GSP district that is across the street from a GR district.

For example, in the case of the College's solar PV installation at the former naval base, this standard would have required the College to place a 200 foot fence along some portion of a district boundary to buffer a development that is not visible from any residential lot due to the considerable distance from the neighboring residential lots, topography, and existing undeveloped wooded buffer. As drafted, the College could be required to cut trees to put up a fence that would effectively serve no purpose.

We do not believe this is the intent of the buffer requirement and ask the ZORC to eliminate this section.

We hope the ZORC will discuss these issues in the very near future so that there is adequate time to fully review the proposed language prior to the draft ordinance being shared with the Planning Board and Town Council.

Thank you,

Catherine Ferdinand

Catherine Ferdinand
Project Assistant

Cc: S. Catherine Longley
Don Elliot

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BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION

SEPTEMBER 23, 2015

MEMBERS PRESENT ZONING ORDINANCE REWRITE COMMITTEE: Mr. Frizzle, Chair; Margaret Wilson, Vice Chair; Richard Visser; Mrs. Breinich, Director of Planning and Development; Jared Wollsten, Town Planner: and Jeff Hutchinson, Code Enforcement Officer

MEMBERS ABSENT ZONING ORDINANCE REWRITE COMMITTEE:

CONSULTANT PRESENT: Don Elliott of Clarion Associates (104)

Mr. Frizzle opened the meeting.

1. Public Comment: Mr. Frizzle opened the meeting to public comments on items not included on the agenda.

Bill Morrell asked if the Committee will be reviewing the new Shoreland Zoning that the DEP has released in January that simplifies the methodology of expansion. Mr. Frizzle replied that the Committee will be looking into this at future meetings. Mr. Hutchinson agreed that these new regulations do simplify things.

Mr. Wiercinski expressed his concern over the zoning of the St. John's Parish Church which is partially in the MU2 and TR1 Zoning Districts and would become part of the GR6. Mr. Wierciniski stated that the difference in this change is the allowable footprint and impervious coverage as these changes would prohibit the changes the church is making. Mr. Wiercinski suggested moving the lot lines and stated that if the church was in the GM6 Zone as the Post Office, then there would be no issues or adding an exemption note to the overlay. Mr. Frizzle replied that the Committee can review this.

Will Wilkoff Co-Chair of the Bicycle and Pedestrian Committee, asked that the Zoning Committee review Complete Streets and asked that the Committee reconsider Section 4.6.1.A.4; the Bicycle Pedestrian Committee would like the restriction to State Roads removed to all roads and that the reference to the Capital Improvements Plan and that this be replace with a policy similar to what Bath, Lewiston and surrounding municipalities use. Mr. Frizzle replied that he is hesitant to making this kind of policy change at this point in the draft and expressed the concerns he believes that would come up in any effort in vetting this issue. Mr. Frizzle suggested that Mr. Wilkoff speak with those in the road development community to see how they would feel and to ask the Town Council if they would be interested in this type of policy. John Love, member of the Bicycle and Pedestrian Committee clarified that this policy simplifies the rules and is reflective to what is already occurring such as ensuring adequate bike paths, signage, cross walks, elimination and making sure that this is part of the process when any new road is created or adopted. Mr. Wilkoff asked that a reference to the effect that a policy will be forthcoming, be inserted in the ordinance. Mrs. Breinich replied that she has asked the Town Engineer, John

Foster, to review the Bicycle Pedestrian policy, but that she has not heard back from him at this time.

Carol Liscovitch, Bowdoin College neighborhood resident, expressed her disappointment that the neighborhood protections that were decided upon were not included in the second draft of the ordinance. Mr. Frizzle replied that he is not sure why this was not included in the second draft, but stated that these protections will be included in the final draft. Mrs. Breinich added that they have created a matrix of all the protections both past and current and those that were not included, where they will be.

Mr. Frizzle closed the public forum session.

2. Draft 2:

a. Review of reworked Draft #2 Sections (Use and Dimensional Tables, Stormwater Management, Open Space Development and others that may be mentioned during the meeting)

Mrs. Breinich stated that the Committee may want to reconsider where they want to allow farming as a use and stated that they could be broader if they generated a basic standard or condition especially in the current R3, R4, R5 and R6 or the proposed GRGR3, GR4, GR5 and GR6; GR6 makes no sense. Mrs. Breinich believes that they could accomplish this change through supplemental standards. Margaret Wilson said that they will need to distinguish the difference between farm and urban agriculture. Mr. Frizzle suggested that staff review this further and bring back to the Committee something that they can review. Mr. Frizzle stated that he does not want to make farming more difficult.

Footnotes (pg. 3-5) In reference to the footnote found on the bottom of the page Mrs. Breinich said that Clarion had a question regarding the last two sentences found on the bottom of page 3-5. Mrs. Breinich reviewed the last two sentences and the question of office use; the Committee reviewed all office use areas. Mrs. Wilson replied that in general, college offices are a general use in college use zones. Mrs. Breinich stated that this may have been a footnote from another draft and she has asked Clarion for a copy of the draft ordinance with no footnotes.

Inclusion of the Farmers Market (pg. 3-6): Mrs. Breinich asked if they can classify Farmers Market under Retail Class I or Retail Class II or do they need this to be a separate use. Mrs. Breinich would like to minimize uses and would like to classify this as retail. Mr. Hutchinson stated that the issue is that retail is based on building square footage and farmers markets do not have a building; Mr. Hutchinson prefers more uses as this generates more definitions and less questions. Mr. Frizzle asked if they need to make a separate definition or could they include this in retail. Mr. Hutchinson replied that it would need its own definition. The Committee reviewed the definition of

outdoor sales. Mr. Frizzle stated that they do not want to necessarily restrict this use and asked staff to figure out a way to administer this. Mrs. Wilson stated that she does not want to see flea markets excluded from this definition.

Industry Class II (pg. 3-8): In terms of supplemental use standards, Mrs. Breinich stated that she would like to say that Industry Class II is *permitted* and not just allowed; if south of the highway, limited access to Route 1. Mrs. Breinich to take the information pertaining to this out of the supplementary table and list it underneath.

Section 204 College Use Protections (pg. 3-9): To include dining as an accessory use in the GC3 District. Staff to place dining in the supplemental standard as a permitted use.

Special Event (pg. 3-10): Considered temporary use, staff would like to remove this from the ordinance due to enforcement issues. Margaret Wilson pointed out that there is no definition for Special Events. Planning and Codes staff to review the pros and cons of removing this from the ordinance. Mrs. Breinich reviewed what is considered a Special Event per Mrs. Wilson's request. Citizen pointed out that a definition for Special Permit was in a previous definition and review the definition and problems with the removed definition. Suggestion by Committee and staff that this would be best handled in the Clerk's Office.

Outdoor Sales (pg. 3-10) footnote 324: Per the new definition, Mrs. Breinich asked if they want to list this as temporary as the current ordinance does. Mr. Frizzle stated that there may be outdoor displays, but the sale takes place inside at the register. (Don Elliot entered the meeting) Carol Liscovitch pointed out that Wal-Mart has blocked off part of their parking for outdoor display. Jeff Hutchinson replied that this expansion was approved. Mrs. Loscovitch stated that if building footprint is part of the zoning ordinance, then the outdoor sales should be part of the ordinance as well. Suggestion by Margaret Wilson to rewrite this footnote; cannot tell what was and what is. Mrs. Breinich stated that flea market and farmers market also need to be removed from this definition.

Aviation Operations (pg. 3-14) conditional use: Do they need to have supplementary standards or can they just say FAA standards are enough. Don Elliot to tie the supplemental standard to the FAA.

Dimensional Table (pg. 4-3): N/A and 0 (zero) are used interchangeably. Decision to use 0 (zero) where suitable.

Building height limitations (Pg. 4-4), reference feet instead of stories.

Consolidation of TC-1, TC-2 and T-3: Mrs. Breinich pointed out that with this consolidation, it means that there is no limit to building footprint. Mrs. Breinich stated that in an effort to maintain the character of Park Row, they need a maximum building

footprint. Staff to review the buildings that currently exist on Park Row and suggest a maximum footprint for review.

Table 4.1.3 (Pg. 4-6) Mrs. Breinich clarified footnote and note issues. Suggestion by Mr. Hutchinson that RP1 (note 4) have 2 adoption dates referenced for the addition of FF3. Clarifications made within the table.

Suggestion to add assisted / congregate care to note 18 on pg. 4-5. Citizen stated that the height as listed at 35 feet would be difficult and suggested a sliding scale per the neighborhood protection standards for accepted uses. Mr. Elliot stated that 35 feet for residential homes fits, but advises not instituting a general sliding scale as it would be a major change to how they deal with use in residential neighborhoods. Mr. Elliot explained the Fair Housing Act.

b. Public Outreach Discussion

Mrs. Breinich reviewed examples of outreach material on ordinances. Staff is looking for feedback on the examples provided. Mrs. Wilson suggested creating a density fact sheet and updated tables reflecting the changes in draft 2 for the next public meeting. Discussion on creating a public information / fact handout. Discussion on interactive code and the associated cost. Discussion on locations of posting upcoming meeting dates and times.

3. Approval of Meeting Summary: June 10, 2015:

MOTION BY MARGARET WILSON TO APPROVE THE MEETING SUMMARY OF JUNE 10, 2015 AS MODIFIED. MOTION SECONDED BY JEFF HUTCHINSON, APPROVED UNANIMOUSLY.

4. Other Business: No other business.

5. Next meeting: Meeting date forthcoming, possibly after Columbus Day.

Adjourn

This meeting was adjourned at 3:35 P.M.

Respectfully Submitted,

Tonya Jenusaitis

Recording Secretary

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION

NOVEMBER 10, 2015

MEMBERS PRESENT ZONING ORDINANCE REWRITE COMMITTEE: Mr. Frizzle, Chair; Vice Chair Margaret Wilson, Vice Chair; Richard Visser; Mrs. Breinich, Director of Planning and Development; Jared Woolsten, Town Planner: and Jeff Hutchinson, Code Enforcement Officer

MEMBERS ABSENT ZONING ORDINANCE REWRITE COMMITTEE:

CONSULTANT PRESENT:

Mr. Frizzle opened the meeting.

1. Public Comment

Charlie Wiercinski asked if the Committee would be discussing his comment from the November 10th meeting regarding his suggested change to the St. Johns Parish Church Zoning District. Anna Breinich replied that they will not be discussing this today.

Carol Liscovitch, Bowdoin College neighborhood resident, asked if the Committee would be discussing neighborhood protection standards. Anna Breinich replied that they will not be discussing this today.

2. Draft 2:

a. Review of reworked Draft #2 Sections to Date (see packet)

Section 1.5: Decision to rework the last sentence in the paragraph and eliminate duplication.

Section 1.6: Decision to remove 1.6.1.B, Remedy of Unsafe Conditions.

Section 1.6.3.B: Decision to reword *natural beauty*.

Section 1.6.3.C: Jeff Hutchinson to review and discuss at a future meeting.

Section 2.1.1.B: Anna Breinich to look into GR8 District location - College Park neighborhoods.

b. Discussion Topics/Updates

i. Added Definitions: Anna Breinich reviewed added / changes definitions.

ii. Natural Resource Districts Descriptions/Uses (subsections 2.1.3 and 2.2.1): Anna Breinich explained that they took the use standards out of the description section and moved them into the use table. These are manly passive recreation and activities that are not identified as uses anywhere else in Brunswick.

iii. Aquifer Protection Overlay (under review by BTWD): Anna Breinich reviewed her concerns and said that she has sent the draft Stormwater Management Section to Al Fraisier at the Brunswick Topsham Water District for review / input. To be discussed at the next work session.

iv. Wildlife Protection Overlay (disturbance criteria): Anna Breinich reviewed the changes and clarification edits. With regards to 30 years under Roman numeral vii under 2.3.5.C.1.b., Anna said that she has tried to research where this number was derived from, but has been unsuccessful. Margaret Wilson said that she understands the concept, but that she too does not know how it will be enforceable. Charlie Frizzle replied that it will only be enforceable by complaint. Charlie suggested leaving the language as currently drafted and review at another point in time for simplification, enforceability and clarification.

v. Airport Approach Overlay Uses: Anna Breinich suggested removing multi-family dwelling and mobile home from the acceptable uses in the Airport Approach Zone; decision to remove all housing from this zone. Anna reviewed other suggested changes. Jeff Hutchinson questioned why anything should be developable in the APZ and Margaret Wilson questioned why there are two zones for this area. Staff to review further and possibly eliminate all uses in the APZ area and combine RPZ and APZ into one.

vi. Telecommunications Overlay Annual Inspections: Anna Breinich reviewed changes / edits. Staff to clarify the wording regarding Applications for collocation, 60 / 90 day requirements.

vii. Use Table: Anna Breinich reviewed the changes in the in the Permitted Use Table. Committee suggested other changes; these changes were incorporated.

viii. Urban Agriculture: The committee discussed the domesticated farm animal ordinance. Discussion on adding supplementary standards for agriculture uses.

ix. Retail Classes I and II and Pedestrian/Bicycle Access: Anna Breinich discussed the addition of Retail Class I and Retail Class II. Decision to continue to look into Retail Class I and Retail Class II and how they apply to the Cook's Corner Design Standards.

Anna reviewed the proposed changes to Pedestrian / Bicycle amenities; decision for staff to tighten up the wording. Decision to remove Retail Class I and Retail Class II designation as this standard can apply to other uses. Staff to research

further materials and ADA requirements for distinguishing walkways in parking areas.

x. Stormwater Management: In reference to Stormwater management, Jared Woolsten is currently reviewing this and this will be discussed at the next work session.

xi. Complete Streets Update: Anna Breinich said that the Bicycle and Pedestrian Committee is going in the direction of using the Complete Street Policy. Anna pointed out that if approved by the Town Council, this will be policy and not ordinance change.

xii. Signs (Reed v. Gilbert U.S. Supreme Court ramifications update): Jared Woolsten provided a brief overview of the Reed v. Gilbert U.S. Supreme Court case and the use of an unconstitutional sign ordinance. Discussion among Committee that they cannot control what the content of the sign is, but they can regulate the size.

3. Public Information Updates

a. Use Comparison Table

3. Approval of Meeting Summaries: June 10, 2015; September 23, 2015

September meeting minutes postponed.

June minutes were approved at the September 23, 2015 meeting.

4. Other Business: 11/20 ZORC informational training.

5. Next meeting: December 2nd at 1:00P.M.

Adjourn

This meeting was adjourned at 4:35 P.M.

Respectfully Submitted,

Tonya Jenusaitis

Recording Secretary