



TOWN OF BRUNSWICK

**ZONING ORDINANCE REWRITE
COMMITTEE**

85 Union Street, Brunswick, ME 04011-1583

**WORK SESSION
AGENDA (revised)
TOWN HALL ROOM 206
85 UNION STREET
THURSDAY, MARCH 24, 2016, 11:00 AM**

1. Public Comment
2. Comments from Mark Worthing, Chair, Brunswick Rivers and Coastal Waterways Commission
3. Draft 2:
 - a. Chapter 4: Property Development Standards
 - b. Shoreland Zoning Overlay Section
4. Approval of Meeting Summaries
5. Other Business
6. 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.

Chapter 4 - Property Development Standards

4.1 Applicability of Property Development Standards

4.1.1. Generally

Except for single and two family developments, all developments must comply with the standards in Chapter 4. Property development standards shall apply to all development, with the exception of one and two-family dwellings constructed on a lot separate from an approved subdivision or site plan, unless specifically stated to be applicable.

4.1.2. Single and Two Family ~~Development~~Dwellings Constructed on Lots Separate From an Approved Subdivision or Site Plan

Single and two family residential dwelling projects constructed on lots separate from an approved Subdivision or Site Plan must comply with the standards in 4.2.2 (Dimensional and Density Standards), 4. . (Sewer), 4. . (Water), 4. . (Solid Waste), 4. . (Residential Recreation Areas), 4. . (Curb Cuts), and 4. . (Operation of Uses and Development) only.

Comment [AB105]: Confirm applicability of standards.

4.2 Dimensional and Density Standards

4.2.1. ~~Generally~~ Standard

All development ~~must~~ must comply with the applicable density and dimensional standards of the district in which the development is located.

4.2.2. Specific Standards

A. The tables in Section 4.2.34.2.2 (Growth Area Dimensional and Density Standards ~~Growth Area Dimensional and Density Standards~~) and Section 4.2.44.2.3 (Rural Area Dimensional Standards) set forth density and dimensional standards applicable to development in the various Growth Area and Rural Area base zoning districts. The standards in the tables are supplemented by provisions in Section 4.1.4 (Supplementary Dimensional Standards and Exceptions) that set forth additional standards, alternative standards, and exceptions to the standards in the tables. Where standards in Section 4.2.4 conflict with those in Section 4.2.2 or Section 4.2.3, the standards in Section 4.2.4 shall govern.

A.B. Nothing in this Ordinance precludes the subdivision of buildings into units, either attached or detached, on a single lot, provided that all applicable lot area, dimensional, and density standards are met. Applications for approval of any such proposal that involve Development Review must also include all legal documents related to unit associations, ownership in common, and appropriate by-laws, deeds, and covenants to be recorded in the Cumberland County Registry of Deeds by the applicant.

B.C. If a Common Development Plan designation has been obtained pursuant to Section 5.2.7.H, the terms of that designation may vary the standards in Tables 4.1.2 and 4.1.3, and may result in the required dimensional and density standards ~~s~~-applying to the exterior boundaries ~~lot(s)~~ approved of the ~~as the~~ Common Development Plan area, rather than to individual building sites within the Common Development Plan area.

Comment [AB106]: Clarification 12/30/15.

Chapter 4 - Property Development Standards
 Section 4.2 Dimensional and Density Standards
 Subsection 4.2.3 Growth Area Dimensional and Density Standards

4.1.2.4.2.3. Growth Area Dimensional and Density Standards

Table 4.2.34.2.34.2.2: Dimensional and Density Standards for Growth Area Zoning Districts
 [Unless separate standards approved in Common Development Plan]

Standard	New Zone	GR1	GR2	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 ^[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN ^[2]
	Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I1, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3 & R-B&TI	R-R&OS	BCN
Lot area, min.		n/a for residential uses; 7,000 sq. ft. for non-residential uses									n/a for residential uses; 7,000 sq. ft. for non-residential uses								n/a for residential uses; 7,000 sq. ft. for non-residential uses ^[2]							
Density, max. (dwelling units per acre of net site area)		8	4	6 ^[3]	6	7	10	5	6	6	6	10	10	15	6	n/a	24	6	12	24 ^[4]	40 ^[5]	24	n/a	n/a	n/a	n/a
Lot width, min. (feet)		40	65	75	75	100 ^[6]	65	65	65	65	60	65	75	60	75	n/a	n/a	75	65	65	65	40	50 ^[2]	50	n/a	n/a ^[2]
Building frontage, min. (% of lot width)		80													75 ^[6]							n/a	n/a	n/a	n/a	n/a ^[2]
Building frontage, max. (% of lot width)		100													100 ^[7]											n/a ^[2]
Front setback, min. (feet) ^[8]		n/a ^[8]	15	20	20	15	15	20	20	20	20	15	30	0	15	n/a ^[8]	0	20	15 ^[19]	15	15	10	0	10	0	n/a ^[2]
Build-to Zone (feet) ^[8]															0-5 ^[10]											n/a ^[2]
Rear setback, min. (feet)		0	20	20	20	20	15	20	20	20	20	20	30	15	15	n/a ^[8]	0	30	15 ^[19]	15 ^[19]	15	10	20	20	20	n/a ^[2]
Side setback, min. (feet)		0	15	15	15	15	15	15	15	15	15	15	0	20	n/a ^[8]	0	30	15 ^[19]	15 ^[19]	15	10	15	15	15	10	n/a ^[2]
Impervious surface coverage, max. (% of lot area)		45	35	35	35	35	50	35	35	35	75	50	60	80 ^[11]	70	100 ^[12]	100	50	60	50	50	50	80 ^[2]	80	10	n/a ^[2]
Building height, min. (stories/feet) both minimums apply^[13]		2/ 24													2/ 24 ^[14]	2/ 24										n/a ^[2]
Building height, max. (stories/feet) or feet both maximums apply^[15, 146]		4/ 50	35	35	35	35	35	35	35	35	40	35	60	40 ^[16]	45	40 ^[17]	4/	40	70 ^[20]	45 ^[20]	35 ^[20]	70 ^[20]	100	60	35	n/a ^[2]
Building footprint per structure, max. (1,000 square feet)		20 ^[3]	5	5	5 ^[18]	5 ^[19]	7.5	5	5	5	20	5	n/a	50 ^[18, 20]	20	n/a	n/a	7.5	n/a	8.5	5 ^[19, 17]	n/a	n/a	n/a	n/a	n/a ^[2]

Comment [AB107]: Corrected 3/9/16

Comment [AB108]: Staff recommendation 2/5/16

NOTES:
 [1] All new, enlarged, or redeveloped buildings and additions in the GM4 District subject to Development Review shall also be consistent with the Cook's Corner Design Standards, unless such design standards are waived in accordance with Section 5.2.7.M (Waiver Provisions).
 [2] See Section 1.1.1.A(1) () for alternative standards applicable in the GN District. Area of new disturbance per parcel shall not exceed 1% of total

Chapter 4 - Property Development Standards
 Section 4.2 Dimensional and Density Standards
 Subsection 4.2.4 Rural Area Dimensional Standards

Table 4.2.34.2.2: Dimensional and Density Standards for Growth Area Zoning Districts
 [Unless separate standards approved in Common Development Plan]

Standard	New Zone	GR1	GR2	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 ^[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN ^[2]
	Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 1, 1-4	MU1, CC	HC1 & 2	TC1, 2, 3	R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3 & R-B&TI	R-R&OS	BCN

- [3] 1 du per 20,000 sf of net site area for developments using subsurface wastewater disposal systems.
- [4] Except that lands north of Bath Road shall be limited to 8 du/ac.
- [5] ~~Except that parcels between South Street and Grove Street/Longfellow Avenue shall be limited to 510 du/ac.~~
- [6] Applicable only to the first floor of buildings along Maine Street. Does not apply to buildings on Park Row.
- [7] Does not apply to buildings on Park Row.
- [8] Front setback averaging applies; See [Section 4.1.4.B\(4\)-subsection 4.2.5.B\(4\)](#)
- [9] See Cook's Corner Design Standards for maximum front setbacks applicable along Bath Rd., Gurnet Rd., proposed Perimeter Rd, Thomas Point Rd., and all public and private connector roads.
- [10] Applicable only to the first floor of buildings along Maine Street. For all other buildings in the GM6 District, the build-to zone is determined by the range of front setback of principal buildings on the nearest occupied lots on either side on the same block face. Does not apply to buildings on Park Row.
- [11] Limited to 50% impervious coverage and maximum building footprint of 20,000 sq. ft. north of Route 1.
- [12] Except that parcels adjacent to Park Row shall have a maximum lot coverage of 45%.
- [13] ~~Where minimum building height is expressed in stories or feet, both minimums shall apply.~~
- [13] Minimum height is triggered if floor area is being increased by 50%, and must be met at front lot line.
- [15] ~~Where maximum building height is expressed in stories and feet, both maximums shall apply.~~
- [14] Unless restricted to a lower height by Flight Path Overlay (FPO) District regulations (see Section 2.3.7).
- [15] Except that lands north of U.S. Highway 1 shall have a maximum building height of 60 ft.
- [16] May be increased to up to 30,000 square feet for a community living facility as defined by 30-A M.R.S.A § 4357-A, with a Conditional Use Permit approved in accordance with Section 5.2.3 (Conditional Use Permit).
- [17] 10,000 square feet for multifamily dwellings, and 20,000 square feet for the ~~Longfellow School-Bowdoin College Edwards Center for Art and Dance~~ building.
- [18] ~~25,000~~ 300,000 square feet if the structure meets one of the conditions listed in Section ~~004.2.4.B(9)~~.
- [19] ~~See subsection 4.2.4.5.B(4)d for additional setback requirements.~~
- [20] ~~See subsection 4.2.5.B.(7) for additional height requirements.~~

Comment [AB109]: Insert adoption date.

Comment [AB110]: Staff recommendation 2/5/16.

Comment [AB111]: From existing 204.3 requirements.

Comment [AB112]: Same comment.

~~4.1.3.4.2.4.~~ Rural Area Dimensional Standards

Table 4.12.34: Dimensional and Density Standards Table for Rural Zoning Districts

Standard	New Zone	RN ^[1]	RF	RR	RP1	RP2	RM
	Current Zone	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5
Minimum Lot Area	Residential	n/a ^[4]	2 ac	1.5 ac	20,000 sf ^[2]	20,000 sf ^[2]	2 ac
	Nonresidential	n/a ^[4]			4 ac ^{[4][2]}	4 acres ^[2]	
Maximum Density	Developments subject to Development Review	n/a ^[4]	1 du per 2 ac	1 du per 1.5 ac	1 du per 4 ac	1 du per 4 ac	1 du per 2 ac
	Developments not subject to Development Review	n/a ^[4]			1 du per 5 ac	1 du per 5 ac	
Lot width, min. (feet)		n/a ^[4]	150	150	125	125	← 150
Front setback, min. (feet)		n/a ^[4]	25	25	30	30	25 ^[3]
Rear setback, min. (feet)		n/a ^[4]	30	30	30	30	30
Side setback, min. (feet)		n/a ^[4]	30	30	25	25	30

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Table 4.12.34: Dimensional and Density Standards Table for Rural Zoning Districts

Standard	New Zone	RN ^[1]	RF	RR	RP1	RP2	RM
	Current Zone	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5
Impervious surface coverage, max. (% of lot area)		[1]	20%	20%	Lesser of 35% or 10,890 sf	Lesser of 40% or 21,780 sf	25%
New lawn area for wooded sites (1,000 square feet)		[1]			20	20	
Building height, max. (stories/feet or feet) ^[4]		n/a	40	40	40	40	40
Building footprint per structure, max. (1,000 square feet)		n/a	10	10	10	10	10

NOTES: ac = acre(s) sf = square feet
 [1] ~~See Section 1.1.1.A, for alternative standards applicable in the RN District. Area of new disturbance per parcel shall not exceed 1% of total acreage, measured at time of ordinance adoption.~~
 [2] ~~20,000 sf for lots created by the division of a lot existing on November 6, 2001, and having an area of at least 3.5 ac but less than 7 ac, into two lots. See Subsection 4.2.5 (Supplementary Dimensional and Density Standards for Exceptions) for additional requirements.~~
 [3] Wooded buffers fronting Old Portland Road on [effective date of this Ordinance] shall be maintained at a minimum depth of 50 feet, subject to necessary interruptions for infrastructure, to be finalized during Development Review or Building Permit approval.
 [4] ~~20,000 sf for lots created by the division of a lot existing on October 9, 1991, and having an area of at least 160,000 sf, but less than 10 ac, into two lots.~~

Comment [AB113]: Insert adoption date.

Comment [AB114]: ZORC discussion.

4.1.4.4.2.5. Supplementary Dimensional and Density Standards and Exceptions

A. Calculation of Net Site Area

Comment [AB115]: Jared

Net site area is calculated by subtracting from the parcel the full area of land that:

- (1) Includes slopes at a gradient of more than 25 percent that are greater than 5,000 contiguous square feet.
- (2) Is located below the upland edge of any wetland.
- (3) Is located below the normal high water line of any freshwater or coastal wetland.
- (4) Is located within any existing or proposed public street or private street right-of-way.
- (5) Contains habitat for species appearing on the official State or Federal lists of endangered or threatened species, where there has been evidence of the occurrence of the species.
- (6) Contains any of the following as defined by the Department of Inland Fisheries and Wildlife:
 - a. High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; or
 - b. Shorebird nesting, feeding, and staging areas
 - c. Significant vernal pools; and
 - d. Seabird nesting islands.
- (7) Contains critical spawning and nursery areas for Atlantic sea run salmon, whether or not mapped, as defined by the Atlantic Sea Run Salmon Commission.

B. Variations and Exceptions to Dimensional Standards

(1) Rear Lots ("Flag Lots")

- a. Rear lots are not subject to the lot width requirements of the zoning district in which it is located.
- b. A rear lot shall be accessed by one of the following:
 - i. **Access Strip**
 - (A) A single rear lot may be accessed by a strip of land owned by the owner of the rear lot that has a minimum width of 25 feet and a minimum public street frontage of 25 feet. In Growth Area zoning districts, these widths may be reduced to 15 feet with approval of a stormwater management plan by the Town Engineer.
 - (B) No more than two access strips shall be adjacent to one another unless a shared driveway shall be used. In such a case, the width of each access strip shall be reduced to 15 feet.
 - ii. **Deeded Right-of-Way**

A rear lot may be accessed by a deeded right-of-way through another parcel that has a minimum width of 25 feet. In Growth Area zoning districts, this width may be reduced to 15 feet with approval of a stormwater management plan by the Town Engineer.
- c. All rear lots shall have safe access for fire, police, and emergency vehicles as determined by the Fire Chief.

(2) Spaghetti Lots Prohibited

No lot created by a subdivision having shore frontage on a river, stream, brook, great pond, or coastal wetland as defined, shall have a lot depth to shore frontage ratio greater than five to one.

Comment [AB116]: Added per Title 30-A, Sec. 4404. Only applicable as now stated.

(3) Cul-de-Sac Lot Width

Minimum lot width requirements may be reduced to 50 feet for lots fronting on a cul-de-sac.

(4) Setbacks

a. Reduction of Minimum Front Setback to Average Setback

~~In the case where, if existing structures located on the same block face and in the same zoning district as a lot form a uniform and consistent street wall with an average front setback less than the required minimum front setback required for the lot by~~ ~~Subsection 4.2.24.2.3 (Growth Area Dimensional and Density StandardsGrowth Area Dimensional and Density Standards)~~ ~~or~~ ~~Subsection 4.2.34.2.4 (Rural Area Dimensional StandardsRural Area Dimensional Standards)~~, the minimum front setback required ~~on the lot~~ shall be reduced to the block face average—provided, however, that the front of a structure ~~on the lot~~ shall be no more than five (5) feet behind the reduced minimum front setback.

b. Front Setback Requirement on Corner and Through Lots

- i. Whenever a side or rear yard is adjacent to a street, the minimum front setback requirement shall apply to such side or rear yard.

- ii. To establish a new public street or private access-street right-of-way that would convert one or more existing lots into a corner lot, ~~the width of the street or access right of way shall be at least 50 feet and~~ existing structures on such new corner lot ~~shall meet must be able to satisfy~~ the minimum front setback requirement along the new public street or access-private street right-of-way.

c. Permitted Encroachments into Required Yards

The following encroachments into required yards are allowed:

Table 4.2.5.B(4)c4.2.5.B(4)c4.2.4.B(4)c : Allowable Required Setback Encroachments		
Structure or Feature	Encroachment Conditions or Limits	
i.	Open fire escape	Up to 4 feet into any required rear or side setback
ii.	Steps or stoop	Up to 8 feet into any required front setback; up to 4 feet into <u>any</u> required rear or side setback
iii.	Awning or movable canopy	Up to 6 feet into any required setback
iv.	Cornice, eave, and other similar architectural feature	Up to 3 feet into any required setback
v.	Front or wraparound porch that is open or enclosed only with screens (not glassed in)	Up to 10 feet into any required front setback
vi.	Semi-public space such as table and patio	Anywhere in any required front setback
vii.	Access ramp for persons with disabilities	Anywhere in any required setback provided that it is designed in a manner that is compatible with the design and style of the building
viii.	Seawall, wharf, pier, or dock	Anywhere in required rear or side setback along water
ix.	Retaining wall	Anywhere in required rear or side setback
x.	Fence or wall	Anywhere any-in required front yard setback if no more than 4 feet high. Customary agricultural wire or board fencing that does not obstruct visibility may be higher if first approved by Code Enforcement Officer); Anywhere in any-a required rear or side setback.
xi.	Other accessory structure	See Section-subsection 4.2.4.B(4)d 4.2.45.B(4)e.

d. Setback Requirements for Growth-College Districts

- i. As illustrated by Map 4.2.4, minimum setbacks within the Growth College 1 Zoning District, along college boundaries A and B shall be 125 feet; 80 feet along college boundary C.
- ii. A minimum rear and side setback of 25 feet shall be provided for lots located within the Growth College 2 Zoning District and fronting Park Row or Longfellow Avenue.
- iii. Tree cutting, with the exception of hazard tree and overgrowth removal, is prohibited in the GC1 (Growth College 1) Zoning District within 125 feet of college boundaries A and B as illustrated by Map 4.2.4.

Comment [AB117]: Former 204.3.B).

d.e. Setback Requirements for Accessory Structures

Swimming pools, tennis courts, garages, storage sheds, and other accessory structures not addressed by subsection c above may encroach into required rear and side setbacks in accordance with the following requirements:

- i. ~~With the exception of Growth Residential Zoning Districts, s~~swimming pools, tennis courts, garages, storage sheds, and other structures ~~accessory to a residential use~~ may be located in a rear yard provided ~~that they~~the structure does not exceed fifteen (15) feet in height and does not occupy more than ten (10%) percent of the area of the rear setback, including the areas where the rear and side setback overlap.
- ii. In Growth Residential (GR) zoning districts, swimming pools, tennis courts, garages, storage sheds, and other accessory structures may be located no ~~closer~~less than ten (10) feet to rear or side lot lines. ~~For lots except that on lots with a lot width of less than eighty (80) feet or less of road frontage, portions of such~~ structures not exceeding one (1) story in height may be located no ~~closer~~less than three (3) feet to side lot lines. In all other districts, swimming pools, tennis courts, garages, storage sheds, and other accessory structures may be located no ~~closer~~less than five feet to rear or side lot lines.
- iii. No swimming pool, tennis court, garage, storage shed, or other accessory structure shall be located closer to the street than the minimum front setback required for a principal building, ~~excepting that~~ fences, gates, mailboxes, newspaper receptacles, signs, bus stop shelters, sand storage bins, and similar roadside structures with a footprint less than 100 square feet, as well as ornamental structures such as entry pillars and statues shall be permitted. No lighted structure in the front setback may shed glare onto the public ~~roadway right-of-way, and no flash lights shall be permitted.~~
- iv. Any swimming pool, tennis court, garage, storage shed, or other accessory structure with a footprint greater than 600 square feet shall be located further to the rear of the lot than the principal structure in all Growth Area zoning districts. In Rural Area zoning districts, if any swimming pool, tennis court, garage, storage shed, or other accessory structure with a footprint greater than 600 square feet is located in front of the principal building, it shall be set back from the street at least twice the minimum front setback requirement.

f. Setback Requirements ~~s~~ for Driveways

- i. Except as otherwise provided in subsections ~~b-ii~~ through ~~0 below~~below, driveways shall be set back at least twenty (20) feet from side lot lines in Rural Area districts and at least ten (10) feet from side lot lines in Growth Area districts.
- ii. Common driveways may occupy any part of a side yard adjoining the lot of another user of the common driveway.
- iii. ~~For On~~ lots with a lot width of less than eighty (80) feet ~~of road frontage~~, no driveway setback shall be required for individual driveways.
- iv. The minimum side setback requirement for structures shall apply as the minimum driveway setback where it is less than the minimum driveway setback requirement in subsection ~~0 above~~above.

(5) Impervious Surface Coverage for Multiple-Lot Developments

If development is proposed on two or more lots and the Director finds that the development functions as a single project, the maximum impervious surface coverage requirement shall be applied to that project as though the lots ~~on which it is located~~ were a single lot.

(6) Height Limit for Fences and Walls

No fence on a residential lot in a Growth Area zoning district shall exceed six feet in height. (See subsection (4)c above for a height limit for fences and walls exempted from front setback requirements.)

(7) Height Limitations for Growth College Districts

For GC1 District, structures within 35 feet of a residential lot boundary with an existing 1- or 2-family dwelling located within the GR5 District shall be limited to a height of 45 feet. Building height may be increased five (5) feet for every additional ten (10) feet of setback up to a maximum height of 70 feet.

(8) Height Limitation Exceptions

Otherwise applicable height limitations shall not apply to:

- a. Any flagpole, radio or television antenna, spire or cupola, chimney, elevator or stair bulkhead, parapet, railing, or any similar structure provided that such structure is firmly attached to the roof or side of a building and covers no more than ten percent of the roof area;
- b. Satellite dishes greater than two feet in diameter; and
- c. Uses in the Telecommunications Overlay (TCO) District.

(9) Maximum Building Footprint Area Limits in GM4 District

a. In the GM4 District:

i. The maximum building footprint per structure is 250,000 square feet if the structure meets any one of the following conditions:

- (A) The structure will be occupied entirely by Office, Industry Class I, or Industry Class II uses.
- (B) The principal use of the structure is a hotel.

~~The structure will be occupied by multiple Retail Class I or Retail Class II uses and no individual occupant will occupy an area with a footprint of more than 50,000 square feet.~~

ii. The maximum building footprint for a single-structure shopping center or mixed use development shall not exceed 300,000 square feet with no one tenant occupying a footprint greater than 100,000 square feet. The structure will be occupied by a mix of retail and non-retail uses and no individual retail occupant will occupy an area with a footprint of more than 50,000 square feet.

~~The structure will be occupied by a mix of retail and non-retail uses with one or more Retail Class II occupants that will occupy an area with a footprint of more than 50,000 square feet and non-retail uses that will occupy at least 30 percent of the gross leasable area of the building or residential uses that will occupy at least 15 percent of the gross leasable area of the building.~~

d. The structure will be occupied by a Retail Class II occupant that occupies an area with a footprint of more than 50,000 square feet and the building is part of a mixed use

~~development approved as a Common Development Plan in which at least 30 percent of the gross leasable area of the total development will be occupied by non-retail uses or at least 15 percent of the gross leasable area of the total development will be occupied by residential uses. In this situation, at least 50 percent of the non-retail or residential space shall be constructed prior to or concurrently with the retail space, or enforceable arrangements satisfactory to the Town Manager shall be in place to assure the completion of the construction of the non-retail or residential space within two years of the occupancy of the retail space.~~

~~iii. The structure will be occupied by a A Retail Class II occupant business that occupies an area with a footprint of more than 50,000 square feet either as a separate building or part of a shopping complex, and the project will 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:~~

~~i. Community improvements on the project site; or~~

~~ii. Community improvements elsewhere in the GM4 District; or~~

~~i-iii. 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 GM4 District.~~

Comment [AB118]:

~~(7) **Increased Maximum Building Footprint for Day Care Facilities**~~

~~Day care facilities may exceed otherwise applicable maximum building footprint requirement by no more than 50 percent with approval of a Conditional Use Permit in accordance with Section 5.2.2 (Conditional Use Permit).~~

Comment [AB119]: Moved from subsection 3.4.1.L (3)

Comment [AB120]: Staff recommending removal due to changes in dimensional standards and MU Overlay now it's own zoning district. In current ordinance and also addresses Boarding Care Facilities which was not listed in the use table, but listed in MU Overlay.

C. Open Space Developments

(1) Description

An open space development is a subdivision or a single-lot split that is designed with the express intent of integrating open space and naturally occurring features into the siting of buildings and lots. Open space developments require a minimum portion of the development site be set aside as conservation land, allowing the remainder of the site to be divided into lots smaller than otherwise required. The area set aside for conservation may be owned in common by the residents of the development or may be owned by a third party, but shall be subject to an easement or covenant ensuring that it will be conserved as open space. To accommodate these smaller lots and their development, open space developments are subject to less restrictive dimensional standards than generally applicable in the zoning district. To encourage open space developments as an option to conventional subdivisions, open space developments are eligible for density bonuses. See Section 4.2.5.E4.2.5.E4.2.4.E (Density Bonuses).

(2) Single Lot Split Open Space Developments

An open space development in the form of a single lot split allows the reduction of the minimum lot area requirement to 20,000 square feet, as long as the balance of the site is placed in permanent conservation protection by filing an Indenture for Division of Land form with the Codes Enforcement Office and recording the Indenture in the Cumberland County Registry of Deeds. The remaining provisions of this subsection pertain to open space developments in the form of subdivisions involving the approval of lots for sale and/or development or planned unit developments involving the approval of building footprints for the sale and development of individual units.

(3) Review and Approval

An open space development in the form of a subdivision is reviewed and may be approved in accordance with the Development Review procedures in Section ~~5.2.75.2.8~~ (Development Review).

(4) Protected Conservation Land

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

- a. The land set aside as conserved open space shall include one or more of the following, if they appear on the property:
 - i. All areas that are excluded from the calculation of Net Site Area (See Section ~~4.1.4.A~~).
 - ii. Areas in active or potential agricultural or forestry use, including areas containing soils of statewide significance.
 - iii. Important ecosystem and/or rare and endangered species habitat.
 - iv. Scenic assets, as defined in the 2002 Parks, Recreation, and Open Space Plan, as amended, that are accessible for public view.
 - v. Areas having historical value.
 - vi. Areas that help define downtown.
 - vii. Areas adjacent to land already protected under one or more of the above categories.
 - viii. Areas that could accommodate public access and/or passive recreational use.
 - ix. Areas with frontage on tidal waters or local streams and rivers.
- b. Conserved open space may also include other open, undeveloped areas if none of the areas in subsection a. ~~i through through a~~.ix above exist on the property.
- c. To the greatest degree practicable, conserved open space shall be located contiguous to any protected areas on the parcel or to any conserved open space on an adjacent lot or parcel, including without limitation any lands protected under ~~subsections 4.32~~ (Natural and Historic Areas), and ~~4.43~~ (Flood Hazard Areas).
- d. Protected conservation land may be owned in any manner consistent with fulfilling the purposes of this ~~subSection 4.2.5.C4.2.5.C4.2.4.C~~.
- e. No dwelling units, structures associated with dwelling units, or uses accessory to a dwelling unit shall extend into the required minimum protected conservation land unless expressly allowed in the terms of a conservation easement and approved by the holder of the conservation easement.

(5) Dimensional Standards for Open Space Developments in Growth Area Districts

a. Minimum Conservation Land

An open space development shall set aside the minimum percentage of the development site area shown in Table ~~4.2.5.C(5)4.2.5.C(5)4.2.4.C(5)~~ below as protected conservation land. The minimum protected conservation area requirement ~~may-shall~~ not be waived.

b. Modified Dimensional Standards and Density Bonus

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If the amount of protected conservation area meets the standard in Table 4.2.5.C(5) below, the modified dimensional standards shown in that Table shall apply instead of the comparable standards generally applicable in the district. For dimensional standards and zoning districts not shown in the Table, the standards generally applicable in the base zoning district shall apply.

- i. Density bonuses are only allowed if the development protects lands beyond those that are excluded from the Net Site Area calculation (See subsection 4.2.5.A). Any areas excluded from the net site area calculation may be counted to determine eligibility for dimensional flexibility, but may not be counted in determining eligibility for density bonuses.

Table 4.2.5.C(5): Dimensional Standards for Open Space Developments

Standard	Zoning Districts				
	GR6, GR7, GR8, GR9, GM1, GM2, GM5, GC1, GC2, GC3, GC4	GR1, GR2, GR3, GR4, GR5, GM3, GM4, GI	GM8	RF, RR	RP1, RP2, RM
Protected conservation area (as a percent of total site area (includes area excluded from net site area calculation plus additional protected areas)	15	30	15	45	50
Lot area, min. (square feet)	4,000	6,000	7,500	n/a ^[1]	n/a ^[1]
Lot width, min. (feet)	40	60	75	75	75
Front setback, min. (feet) ^[2]	10	15	20	n/a	n/a
Rear setback, min. (feet)	10	15	20	20	20
Side setback, min. (feet)	10	10	10	10	10
Impervious surface coverage, max. (% of lot area)	50	50	80	n/a	n/a
Density Bonus (based on areas protected beyond those required to be excluded from net site area calculations)	See subsection 4.2.5.E (Density Bonuses)				
NOTES:					
[1] For lots containing septic systems and/or wells, lot area must be sufficient to accommodate the septic system and/or well. Septic systems must be set back at least 15 feet from any lot line.					
[2] This may be reduced further in accordance with subsection 4.2.5.B(4) (Reduction of Minimum Front Setback to Average Setback).					

(6) Community Water and Sewer Facilities

- a. Community water and sewer systems in open space developments are subject to all applicable State and Federal regulations, and the following standards:
 - i. A community water or sewer system may be located within the required open space. No portion of a private community water or sewer system shall be located within any public right of way. The Review Authority shall require the applicant to present data showing the location of those soils best suited for sewage disposal fields.

- ii. A homeowners' or property owners' association or other appropriate mechanism shall be established to oversee the permanent maintenance and repair of any community water or sewer facility.

(7) Ownership of Protected Conservation Land

a. General

- i. Protected ~~c~~Conservation land may be owned in a variety of ways so long as it is protected from future development. Potential forms of ownership include, but are not limited to, individuals or entities, property owners' associations, non-profit conservation organizations, or governmental entities. A conservation easement may be required depending upon the environmental, aesthetic, recreational, cultural or historic significance of the land.
- ii. In Growth Area zoning districts, whenever possible, protected conservation land shall be set aside in one or more parks, greens, or other recreational conservation land areas. The Review Authority, in consultation with the Conservation Commission, shall refer any such project to the Recreation Commission for their review pursuant to ~~sub~~Section ~~4.6.2.B4.6.2.B4.6.3.C~~ (Residential Recreation Areas-Specific Standards).
- iii. In Rural Area zoning districts, protected conservation land may be included as a portion of one or more parcels on which dwellings and other structures are permitted, provided that the Review Authority, in consultation with the Conservation Commission, approves the configuration of the conservation land and finds that the proposed development plan will not compromise its conservation value.

b. Conservation Easements or Fee Simple Transfer to the Town

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

- i. Except as stated in subsection ii below, the Town will only consider accepting conservation easements or fee simple transfers on parcels larger than ten contiguous acres in size, and only if the offer of an easement is accompanied by stewardship funds sufficient to offset the costs to the Town of monitoring and managing the easement for a period of at least 20 years.
- ii. Notwithstanding subsection i above, if an area of land proposed for conservation protection is of exceptional significance to the Town, the Recreation Commission and/or the Conservation Commission may recommend to the Council that the area be accepted for ownership and/or maintenance by the Town because of its exceptional contribution to the Commission's purposes and proprieties. Upon receipt of any such request, the Council shall hold a public meeting on the request and may approve, approve in part, or deny the request to accept ownership and/or maintenance of those areas.
- iii. The Review Authority shall refer the request to the Conservation and/or Recreation Commission.
- iv. If referred to the Recreation Commission, it shall evaluate the land upon which the conservation easement or fee simple transfer is proposed pursuant to ~~sub~~Section ~~4.6.2.B4.6.2.B4.6.3.C~~ (Residential Recreation Areas-Specific Standards). If referred to the Conservation Commission, it shall evaluate the land upon which the conservation easement or fee simple transfer is proposed and it shall make an evaluation regarding whether the proposed easement or fee simple transfer

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provides public benefits as determined by the Comprehensive Plan and Parks, Recreation, and Open Space Plan, as amended. In making this determination, the Conservation Commission shall identify which of the categories of land listed in ~~subsection 4.2.5.C(4)a.4.2.5.C(4)a.4.2.4.C(4)a.~~iii through ix are protected and determine their relative priority. It shall evaluate long-term stewardship and maintenance requirements of future Town ownership as well as the adequacy of alternative ownership mechanisms to protect important conservation values.

- v. A property for consideration for the dedication of an easement or fee simple transfer to the Town may satisfy the criteria in subsections b.i through iv above and not be recommended by the Conservation Commission if one or more of the following conditions are found to apply:
 - (A) The property poses stewardship and maintenance problems that the Commission finds to be impractical to protect in perpetuity and that cannot be addressed through stewardship funds.
 - (B) The property owner insists on retaining rights to the land that are inconsistent with relevant protected conditions in ~~subsection 4.2.5.C(4)a.4.2.5.C(4)a.4.2.4.C(4)a.~~ through ix.
 - (C) The development of the property or adjacent properties is possible or likely and would diminish its value as conserved land.
 - (D) The property is part of an overall development proposal which would impinge on one or more of relevant criteria in ~~subsection 4.2.5.C(4)a.4.2.5.C(4)a.4.2.4.C(4)a.~~ through ix.
 - (E) The property contains areas of unmitigated contamination or environmental hazards.
- vi. The Conservation Commission, Director, and Town Attorney shall review the language of an easement. If they find that the easement satisfies the standards of this ~~subsection 4.1.4.C, s~~Staff shall refer the applicant and the easement language to the Town Council.

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

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

Comment [AB121]: Needed?

d. Ownership of Protected Conservation Land by Individuals, Property Owners' Associations, or Another Entity

- i. Protected conservation land may be owned by an individual, a homeowners' or property owners' association, or another entity. The documentation for the association shall be completed prior to approval of the final subdivision or site plan and recorded prior to the sale of the first lot or building permit issuance for first structure.
- ii. Standards for the ongoing maintenance of protected conservation lands that are enforceable by the Town against the individual, homeowners' or property owners' association, or other entity shall be established as a condition of Development Review Approval.

D. Affordable Housing Developments

Comment [AB122]: Reviewed by Housing Authority. No changes suggested.

(1) Purpose

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

(2) Definition of Affordable Housing

Comment [AB123]: Changes made per Maine Housing 2014 housing facts for Brunswick Micropolitan Housing Market

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

- a. An owner-occupied housing unit is "affordable" to a household if the unit's proposed sales price results in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs, and real estate taxes) ~~and basic utility and energy costs~~ that do not exceed 328 percent of the maximum gross monthly income of a lower income or moderate income household. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to lower and moderate income households.
- b. A renter-occupied housing unit is "affordable" to a household if the unit's proposed monthly housing costs (including rent and basic utility and energy costs) do not exceed 303 percent of the maximum gross monthly income of a low income or moderate income household.
- c. A "very low income household" is a household with "lower income household" is a household with a gross income less than or equal to 8050 percent% of the applicable ~~Non Metro Cumberland County Brunswick Micropolitan Statistical Area~~ median income. ~~Lower income households also include very low income households.~~
- d. A "very" low income household" is a household with a gross income over 50 percent but less than or equal to less than or equal to 850 percent of the applicable ~~Non Metro Cumberland County Brunswick Micropolitan Statistical Area~~ median income.

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- ~~c.~~ A "low income household" is a household with a gross income over 50 percent, but less than or equal to 80 percent, of the applicable Non Metro Cumberland County median income.
- ~~d.e.~~ A "moderate income household" is a household with a gross income more than 80 percent, but less than or equal to 120 percent, of the applicable ~~Non Metro Cumberland County~~ Brunswick Micropolitan Statistical Area median income.
- ~~e.f.~~ The "~~Non Metro Cumberland County~~Brunswick Micropolitan Statistical Area median income" is the median family income most recently published by the U.S. Department of Housing and Urban Development for ~~Non Metro portion of Cumberland County~~Brunswick Micropolitan Statistical Area. Where appropriate to use this definition, median family income may be adjusted for family size.
- ~~f.g.~~ A household's "gross income" includes the income of all household members from all sources.

(3) Benefits Provided Affordable Housing Projects

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

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

(4) Modification of Dimensional Standards

All dimensional standards other than density (which is determined by the density bonus provisions in ~~sub~~Section ~~4.2.5.D(5)~~4.2.5.D(5)4.2.4.D(5) below) and building height may be modified by the Review Authority if it finds that:

- a. The proposed modification is necessary to make the project economically viable;
- b. The proposed modification is necessary to accommodate any bonus units (i.e., no alternative layout that better meets the dimensional standards can accomplish the same); and
- c. The proposed development pattern meets the standards of Section **4.109** (Architectural Compatibility).

(5) Bonus Density

- a. The maximum number of allowable units allowed for affordable housing projects shall be increased as provided in Section ~~4.2.5.F4.2.5.F4.2.4.E~~ (Density Bonuses). The amount of density bonus depends on the affordability of the units relative to household categories defined in Section ~~4.2.5.D(2)4.2.5.D(2)4.2.4.D(2)~~.
- b. Projects that receive a density bonus are required to meet the dimensional standards to the greatest extent practical.
- c. All bonus units shall be additional affordable housing units.

(6) Maintaining Affordability of Units

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

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

E. Density Bonuses

(1) Bonus development density is available for:

- a. Projects that preserve Wildlife Habitat Blocks or Wildlife Corridors pursuant to ~~S~~subsection 2.3.5; and
- b. Projects that meet the standards for an Open Space Development in ~~Section-subsection 4.2.5.C4.2.5.C4.2.4.C~~ and permanently protect a minimum of an ~~50%-percent~~ of the developable net site area; and
- c. Projects that provide affordable housing units pursuant to ~~S~~subsection ~~4.2.5.D4.2.5.D4.2.4.D~~.

(2) Bonuses for projects that meet more than one of the categories in ~~Section subsection 4.2.5.F(1)4.2.5.E(1)4.2.4.E(1)~~ may be combined, but no combination of bonuses shall increase the maximum number of lots or units on a parcel by more than ~~35%-percent~~ above the number of lots or units that would otherwise be permitted pursuant to ~~Sections-subsections 4.2.34.2.34.2.2 (Growth Area Dimensional and Density StandardsGrowth Area Dimensional and Density Standards) or 4.2.44.2.44.2.3 (Rural Area Dimensional Standards)~~, as applicable.

(3) If the final calculation that determines the total number of bonus units results in a fraction of a unity, the bonus shall be rounded downward to the nearest whole number.

- (4) Density bonuses awarded for development meeting the criteria in [subSection 4.2.5.E\(1\)](#)~~4.2.5.E(1)~~~~4.2.4.E(1)~~ are shown in the table below.

Table 4.2.5.E: Density Bonuses Available		
	Growth Districts GR1 through GR9, GM1 through GM5, GM8, GC1 through GC4, and GI	Rural Districts
Wildlife Habitat Blocks (% increase in number of lots permitted in base zoning district)		
If 51-75% of original parcel is covered by Wildlife Habitat Block, and 0% of the Block is disturbed	15	15
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 0% of the Block is disturbed	20	20
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 1-15% of the Block is disturbed	15	15
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 16-25% of the Block is disturbed	10	10
Wildlife Corridors (% increase in number of lots permitted in a subdivision that avoids mapped corridors)	15	15
Open Space Developments (% increase in number of lots permitted in base zoning district)	25	25
Affordable Housing: (Bonus units per affordable housing unit)		
Affordable to Moderate Income	.50	0
Affordable to Low Income	.75	0
Affordable to Very Low Income	1.00	0

4.3.1. Natural and Historic Areas

4.3.1. Mapping of Natural and Historic Areas Requirements

A. General Standard

The development application shall include maps of all ~~Existing-existing~~ features important to the natural, scenic, and historic character of the Town or that add to the visual quality of a development ~~shall be mapped~~. To the greatest extent practicable, developments shall avoid such features and incorporate them into the development site design as dedicated open space or as otherwise protected features.

B. Specific Standards

- (1) ~~Any active~~ farmland ~~generating income~~ within the development or proposed development shall be mapped and may be done with the help of the local soil and water conservation service.
- (2) ~~Rivers, streams and brooks, as defined in Title 38, Section 480 B, subsection 9, MRSA, Streams, as defined in Section 1.7 (Definitions), and associated buffer areas~~ shall be mapped.
- (3) All freshwater wetlands, regardless of size, ~~and forested wetlands over two (2) acres in size~~ shall be mapped. Such maps may be done with the help of the local soil and water conservation district.
- (4) Other mapping requirements contained in Chapters 2 and 3 shall also be included on maps accompanying the development application.

Comment [JE124]: New section required by State law 14, 14-A, and 15. MAW

Comment [JE125]: Sub sec. B (1)(2) and (3) from State Requirements. MAW

Comment [AB126]: Added 3/14 based on ZORC discussion.

Comment [AB127]: Staff revision 3/14

Comment [AB128]: Staff revision 3/14/16

4.3.2. Pollution

A. General Standard

The development will not result in undue water or air pollution.

B. Specific Standards

- (1) All development on former Brunswick Naval Air Station (BNAS) lands must be implemented and monitored in accordance with state and federal laws governing said lands. All applications for development review must demonstrate that the proposal takes into account the actions necessary to comply with ~~the BNAS Land Use Controls Implementation Plan, as amended, all state, federal and local institutional controls applicable to the property and that the uses are in conformity with any applicable environmental restrictions.~~
- (2) In making determination that an application meets the General Standard 4.3.2 above, the Review Authority shall at least consider:
 - a. The elevation of the land above sea level and its relation to the flood plains. (See ~~subsubsection 2.3.4 (Flood Protection Overlay (FPO) District);~~
 - b. The nature of soils and subsoils, and their ability to adequately support waste disposal;
 - c. The slope of the land and its effect on effluents;
 - d. The availability of streams for disposal of effluents; and
 - e. The applicable ~~federal, state,~~ and local health and water resource rules and regulations.

Comment [JE129]: This section needs more work. PB doesn't particularly deal with this now when making Findings of Fact. Some of these standards may be able to be incorporated into other sections. MAW

Comment [AB130]: Added back - state requirement for basis of findings.

~~4.2.1~~4.3.3. Protection of Natural Vegetation

A. General Standard

The proposed development maximizes the preservation of natural landscape features, does not occur within or cause harm to land not suitable for development, will not have an undue adverse effect on the area's scenic or natural beauty, and, for a subdivision, has not occurred in violation of state rules relating to liquidation harvesting.

Comment [JE131]: From PB Chapter 5 draft. MAW

B. Specific Standards

(1) With the exception of brush clearing activities, Ddevelopments in Rural Area zoning districts and Scenic Areas identified ~~by~~within the ~~Town~~Brunswick Parks, Recreation and Open Space Plan, as amended, shall maintain an existing vegetated buffer ~~of at least twenty five (25) feet~~ along existing roads/rights-of-way except where doing so conflicts with the protection of other protected natural resources. The buffers may be broken only for driveways, streets, and stormwater infrastructure where it is impracticable to locate them elsewhere.

Comment [AB132]:

(2) Except for developments within the Wwildlife Protection Overlay, developments are encouraged to site building envelopes within or adjacent to forested areas and to discourage siting development in open fields. ~~visible from existing streets.~~

Comment [AB133]: Equivalent to least front setback requirement in the Rural Area Districts/

(3) If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Review Authority must determine prior to granting approval for a subdivision that five (5) years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel.

~~4.2.2~~4.3.4. Protection of Significant Plant and Animal Habitat

A. General Standard

The development will not have an undue adverse effect ~~on~~ important plants and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife or Town of Brunswick, or on rare an irreplaceable natural areas, such as rare and exemplary natural communities and rare plant habitat as identified by the Maine Natural Areas Program.

Comment [JE134]: From PB Chapter 5 draft. MAW

B. Specific Standards

- (1) Developments shall provide any mitigation measures necessary to ensure that the development will not cause undue adverse impacts on the following habitat areas and the plant and animal species they support:
 - a. The Wildlife Protection Overlay WPO District; and
 - b. Areas identified and mapped by ~~the Maine~~the Maine Department of Inland Fisheries and Wildlife and/or Town of Brunswick as:
 - i. Habitat for State or federal-designated rare, threatened, or endangered plant or animal species;
 - ii. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 - iii. Shorebird feeding or roosting areas and seabird nesting islands;
 - iv. Significant vernal pools;
 - v. Rare or exemplary natural communities as identified by the Maine Natural Areas program; or
 - vi. State identified significant or sensitive wildlife communities.
- (2) Mitigation measures shall be based on an assessment of the development's potential impact on the significant habitat and adjacent areas supporting such habitat.

~~4.2.3~~**4.3.5. Steep Slopes**

A. General Standard

If a development site contains 5,000 or more contiguous square feet of slopes exceeding 25 percent, the impacts of the development on such slopes shall be minimized to the greatest extent practicable.

B. Specific Standards

The following standards shall apply to developments whose site contains 5,000 or more contiguous square feet of slopes exceeding 25 percent:

- (1) Adequate erosion control and drainage measures shall be provided so that erosion and sedimentation is minimized to the greatest extent practicable during and after construction.
- (2) Cutting of trees, shrubs, and other natural vegetation shall be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the Maine Forest Service and Maine Department of Environmental Protection.
- (3) Safety hazards due to excessive road or driveway grades—such as potential road washouts, landslides, slumping, soil creep, flooding, or avalanches—shall not be created.
- (4) Cutting of vegetation for recreational trails and utility lines is permitted provided mitigation measures are provided to return the site its pre-construction condition to the greatest extent practicable.
- (5) Slope determinations shall be made based upon the topographic information. For clay embankments and highly erodible bluffs, recommendations by a Maine Certified Geologist are required.

~~4.2.4.4.3.6.~~ **Erosion and Sedimentation**

A. General Standard

Developments shall be constructed in accordance with the Maine Department of Environmental Protection's Best Management Practices and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.

B. Specific Standards

- (1) An Erosion and Sedimentation Control Plan shall be submitted as part of the Development Review application in accordance with the Maine Department of Environmental Protection's ~~Maine~~-Erosion and Sediment Control Best Management Practices Handbook, as amended.
- (2) Developments shall be designed so as to prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.
- (3) The procedures outlined in the erosion and sedimentation control plan shall be implemented during site preparation, construction, and clean-up stages.
- (4) Cutting or removal of vegetation along water bodies shall not increase water temperature or result in shoreline erosion or sedimentation.
- (5) Topsoil shall be considered part of the site and shall not be removed except for surplus resulting from roads, parking areas, and building excavations.

~~4.2.5.4.3.7.~~ **Groundwater**

A. General Standard

Developments shall not, alone or in conjunction with existing activities, have an undue adverse effect on the quality or quantity of groundwater.

B. Specific Standards

- (1) There shall be no undue significant adverse impact on groundwater quality resulting from a development—either during or after development—with regard to on-site subsurface wastewater disposal, use of fertilizers or pesticides other than for normal residential purposes, infiltration of stormwater runoff, and such other activities that pose a potential threat to groundwater quality.
- (2) The applicant may be required to document existing water quality conditions and to establish a monitoring system to measure post-development levels of impacts. The applicant shall provide the Town with permanent access to such monitoring system, so that it can be added to Town-wide water quality monitoring programs.
- (3) If the site of a development utilizing on-site disposal proposing a density of 3 or more bedrooms per acre overlies a sand and gravel aquifer mapped by the Maine Geologic Survey, or an aquifer ~~recharge-protection area overlay district~~ as identified on the Brunswick Zoning Map, the Review Authority may require a detailed hydrogeologic evaluation conducted by a Maine-Certified hydrogeologist.
- (4) No groundwater extraction shall be permitted on the former BNAS lands unless first authorized by the U.S. Navy, in accordance with the BNAS Land Use Controls Implementation Plan as amended.

Comment [JE135]: Keep this standard throughout Chapter 4. It is State language and what PB agreed to in Chapter 5 redraft. MAW

~~4.2.6.4.3.8.~~ **Surface Waters, Wetlands, and Marine Resources**

A. General Standard

Developments shall not have any undue adverse effect on the water quality of the body of water, its shoreline, or the functional integrity of freshwater or coastal wetlands, water bodies, or shorelines within the watershed of the development site.

Comment [JE136]: From State requirements. MAW

B. Specific Standards

The Review Authority shall consider reports or statements from qualified wetland scientists, hydrogeologists, the Maine Department of Environmental Protection, Maine Department of Marine Resources, or other agents, deemed appropriate by the Review Authority, that evaluate the impact of development on surface waters or wetlands.

~~4.2.7.4.3.9.~~ **Historic and Archeological Resources**

A. General Standard

The development shall not have any undue adverse effect on any historic or archeological resources.

B. Specific Standards

- (1) Developments that include or are adjacent to buildings, sites, or districts listed on the National Register of Historic Places, identified by the Village Review Zone Contributing Resource Inventory, or Brunswick Comprehensive Plan as being of historical importance shall be designed in such a manner as to minimize impacts on the historic feature.
- (2) When historic features to be protected include buildings, the placement and the architectural design of adjacent new structures shall be compatible with that of the historic structures.
- (3) When required, Certificates of Appropriateness shall be required for new construction, alterations or additions to existing structures and demolition of structures within the Village Review Zone prior to Planning Board consideration, in accordance with subsections.
- (3)(4) Developments that include or are adjacent to areas that may have archeological artifacts or resources, based on information available to the Town from the Maine Historic Preservation Commission, shall be referred to the Maine Historic Preservation Commission for evaluation, and any recommendations or information provided by that Commission shall be considered by the Review Authority before making a decision on the development application.

~~4.3.4.4~~ **Flood Hazard Areas**

A. General Standard

The risk of flooding for the proposed development is minimized if the activity occurs within a flood hazard area.

B. Specific Standards

Flood hazard areas make up the Flood Protection Overlay (FPO) District. Development in the FPO District shall comply with the standards in subsection 2.3.4 (Flood Protection Overlay (FPO) District).

~~4.4.5~~ **Basic Municipal Services**

~~4.4.1~~ ~~4.5.1~~ **Sewage Disposal**

A. General Standard

Developments shall provide for adequate sewage waste disposal and shall not cause an unreasonable burden on municipal services if utilized.

B. Specific Standards: Municipal Sewer

~~(1)~~ **Municipal Sewer**

~~(2)~~⁽¹⁾ Sewer lines that connect to the municipal sewer shall not be extended beyond the Growth Area designated in the Comprehensive Plan.

~~(3)~~⁽²⁾ The sewerage system shall conform to all standards of the Brunswick Sewer District.

C. Specific Standards: On-Site Disposal

- (1) Septic systems shall be built in accordance with the Maine Subsurface Wastewater Disposal Rules, CMR 241, as amended.
- (2) The Review Authority may require a hydrogeological study if the development involves a developed density of three or more bedrooms per acre of net site area. If needed, the hydrogeological study shall cover the evaluation of any significant nearby water resources—including, but not limited to, wells, ponds, and riverine and ocean resources. For properties located within the Rural Protection (RP) districts or the New Meadows River Watershed, the hydrogeological analysis shall include a computation of the project's projected nutrient load to the receiving tidal water. The hydrogeological study shall be prepared by, signed, stamped, and dated by a Maine Certified Geologist as required by 32 M.R.S.A. §§ ~~4093-4903~~ and 4918.
- (3) The development plan shall include test pit samples to establish soil suitability, with locations flagged on the site. Each test pit must be marked with numbers corresponding to those indicated on the plan. There shall be two passing test pits per lot, with each pit identifying soil consistency within a 20-foot radius of the central boring. The direction of groundwater flow and septic leachate impacts on existing and proposed well locations shall be described.
- (4) No portion of a septic system (including easements) shall be located within any portion of the right-of-way of a public road.
- (5) A common septic system serving more than one lot may be utilized if designed and constructed in accordance with community septic system criteria as established by the Maine Subsurface Wastewater Disposal Rules, CMR 241, as amended. Such system shall be supported by a hydrogeologic analysis by a Maine Certified ~~H~~hydrogeologist. A back-up and maintenance plan must be provided. In the case of a "peat system," a financial guarantee approved by the Town shall be provided for bed replacement and disposal.

Comment [AB137]: Corrected reference

~~4.4.2~~ ~~4.5.2~~ **Water Supply and Quality**

A. General Standard

Developments shall have sufficient water available for the reasonably foreseeable needs of the development, and shall have no undue adverse impact on existing water supplies.

B. Specific Standards: Public Water Supply

~~(1)~~ **Public Water Supply**

~~(2)~~(1) Water mains proposed for connection to the existing public water system shall not be extended outside the Growth Area designated by the Comprehensive Plan unless required due to health and safety concerns.

~~(3)~~(2) The water system shall be designed and installed in accordance with all rules, terms, and conditions of the ~~Brunswick-Topsham~~Brunswick and Topsham Water District.

~~(4)~~(3) The size and location of mains, gate valves, hydrants, and service connections are subject to review and approval by the Brunswick and Topsham Water District, and the Brunswick Fire Chief or designee.

C. Specific Standards: Private Water Supply

(1) Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other sources of potential contaminations.

(2) Lot and site design shall permit placement of wells, subsurface wastewater disposal areas, and replacement areas in compliance with the Maine Subsurface Wastewater Disposal Rules, the Well Drillers and Pump Installers Rules, and the Brunswick Building Code.

~~(3)~~ If a central water supply system is proposed, the location and protection of the source, and the system design, construction, and operation shall conform to the Maine Rules Relating to Drinking Water, CMR 231, as amended.

~~(3)~~(4) No groundwater extraction is permitted on the former BNAS lands unless first authorized by the U.S. Navy, in accordance with the BNAS Land Use Controls Implementation Plan.

D. Specific Standards: Fire Protection Water Supply

In areas where the Review Authority determines, based upon the written recommendation of the Brunswick Fire Chief or designee, that a reliable water supply for firefighting purposes is not available within one-half mile of the development site, the ~~development-developer/applicant~~ shall be responsible for providing adequate fire protection water supply ~~in accordance with NFPA 1231,~~ as approved by the Town Fire Department. Acceptable options may include, but are not limited to, residential sprinkler systems, cisterns or fire ponds with an approved dry hydrant, ~~other water sources with an approved dry hydrant, or approved residential sprinkler systems in each principal building.~~

Specific Standards: Water Quality

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water, CMR 231, as amended. If existing water quality contains contaminants in excess of the secondary drinking water standards in those rules, such information shall be stated on the recorded plan.

Comment [AB138]: Revised by Jeff Emerson.

~~4.4.3~~ **4.5.3. Solid Waste Disposal**

A. General Standard

Development utilizing municipal solid waste disposal services shall not cause an unreasonable burden on the municipality's ability to dispose of solid waste.

B. Specific Standards

The development owner/applicant shall pay the solid waste impact fee as calculated by the Brunswick Public Works Department.

4.5.4. Stormwater Management

Comment [AB139]: Moved to Municipal Services Section.

A. General Standard

Developments shall be designed to minimize the total area of impervious surface on the development site and shall incorporate stormwater management measures to minimize runoff volume and rate, as well as pollutant and nutrient loadings, from the site.

B. Specific Standards

(1) Applicability

- a. Non-subdivision single and two-family dwelling units are exempt from the requirements of this section.
- b. Any development requiring a Chapter 500 Stormwater Permit, as amended, from the Maine Department of Environmental Protection (DEP) shall be deemed to have met the requirements of this section.
- c. Developments not requiring a DEP Stormwater Permit and not otherwise exempt from the requirements of this section shall meet the standards set forth in subsection 1.1.1.A below.

C. Specific Standards: Stormwater Runoff Quality Standards

Comment [AB140]: Under review by Jared.

- (1) The stormwater management plan shall meet runoff treatment standards based on a percentage of impervious surfaces, and shall also meet a minimum treatment for the total disturbed area, as outlined in the Table 1.1.1.A(1), Site Sliding Scale Table for Stormwater Treatment Sizing.

Table 1.1.1.A(1): Sliding Scale for Stormwater Treatment Sizing		
<u>Impervious Surface on Development Site (acres)</u>	<u>Percentage of Impervious Area Required to be Treated</u>	<u>Percentage of Total Developed Area Required to be Treated</u>
<u>Over 1 acre¹</u>	<u>95%</u>	<u>80%</u>
<u>1 acre < 0.75 acre</u>	<u>70%</u>	<u>60%</u>
<u>0.75 acre < 0.5 acre</u>	<u>50%</u>	<u>40%</u>
<u>0.5 acre < 0.25 acre</u>	<u>25%</u>	<u>20%</u>
<u>Under 0.25 acre</u>	<u>Shall meet Erosion Control requirements or DEP Chapter 500's Basic Standards</u>	
NOTES:		
<u>1. Developments with more than 1 acre of impervious surface are required to obtain a DEP Stormwater Permit in accordance with DEP Chapter 500 standards.</u>		

(2) Development stormwater design shall either:

- a. Use the treatment sizing methodology required under DEP's Chapter 500 Stormwater Rules (06-096 C.M.R. ch. 500) (which includes stormwater management design practices in accordance with the DEP Stormwater Manual, Volume III-BMPs Technical Design Manual); or
- b. Rely on Low Impact Development (LID) design practices and techniques as approved by the Maine DEP; or
- c. Use alternative treatment measures and techniques approved by Review Authority as appropriate for the site and providing at least an equivalent level of treatment as the standard techniques.
 - i. The Review Authority may approve the use of alternative treatment measures and techniques upon a written waiver request submitted by the developer, and upon the recommendation from the Town's Engineer and/or Public Works Director.
 - ii. The Review Authority's evaluation of alternative treatment measures and design practices shall be based on those set forth in Chapter 10 of the DEP Stormwater Manual, Volume III-BMPs Technical Design Manual, and/or any manual formally adopted by the Review Authority.
 - iii. The developer bears the burden of showing that any alternative design meets the treatment standards to an equivalent degree.

D. Specific Standards: Stormwater Runoff Quantity Standards

- (1) Developments shall be designed to compare the post-development conditions rate of runoff to the pre-developed condition rate for the 2-year and 25-year, 24-hour event. Any stormwater draining onto or across the lot in its pre-improvement state shall not be impeded or redirected so as to create ponding on, or flooding of, adjacent lots.
- (2) Studies and or calculations using larger storm event precipitation data may be required at the discretion of the Review Authority and be reviewed by the Town Engineer or assigned qualified third party reviewer. Data used to provide proof may include, but is not limited to, data for the 50-year, 24-hour rain event; data for the 100-year, 24- hour rain event; or acceptable rainfall data from recently recorded significant precipitation event(s).
- (3) Developments that cannot control peak runoff rates to pre-development conditions shall submit a request for a waiver to the Review Authority, who may grant the request if it finds each of the following:
 - a. Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following development can be handled on the adjacent lot without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the property owner to increase the flow rate of stormwater onto the adjacent lot(s);
 - b. Any increase in volume or rate of stormwater draining from the lot onto Town-owned property following development can be handled without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the Town of Brunswick to increase the flow rate of stormwater runoff onto its property;

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Subsection 1.1.1 Stormwater Management

- ~~c. Any increase in volume or rate of stormwater draining from the lot into the Town's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system. The developer bears the burden of proving adequate system capacity, which must be approved by the Public Works Director.~~

~~4.5.6 Stormwater Management, Landscaping, and Open Space Residential Recreation Requirements~~

Comment [AB141]: Fix Header

~~4.5.1. Stormwater Management~~

~~General Standard~~

~~Developments shall be designed to minimize the total area of impervious surface on the development site and shall incorporate stormwater management techniques to minimize runoff volume and rate, as well as pollutant and nutrient loadings, from the site.~~

~~Specific Standards~~

~~(1) Applicability~~

- ~~a. Non-subdivision single and two-family dwelling unit projects are exempt from the requirements of this section.~~
- ~~b. Any development requiring a Chapter 500 Stormwater Permit, as amended, from the Maine Department of Environmental Protection (DEP) shall be deemed to have met the requirements of this section.~~

~~B. General Standard~~

~~Developments shall be designed to minimize the total area of impervious surface on the development site and shall incorporate stormwater management techniques to minimize runoff volume and rate, as well as pollutant and nutrient loadings, from the site.~~

~~C. Specific Standards~~

~~(1) General~~

~~(2) Developments shall provide for the perpetual maintenance of all stormwater treatment techniques/facilities approved under this section.~~

- ~~a. Developments shall obtain a Stormwater Permit from the Maine Department of Environmental Protection (DEP) if they:~~
- ~~i. Include one acre or more of impervious surface; or~~
 - ~~ii. Are located within the watershed of a DEP-designated Urban Impaired Stream (UIS) and include 20,000 square feet or more of impervious surface.~~
- ~~b. Developments not requiring a DEP Stormwater Permit and not otherwise exempt from the requirements of this section shall meet the standards set forth in subsections (2) and below.~~

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Subsection 1.1.1 Stormwater Management

~~D. Specific Standards: Stormwater Runoff Quality Standards~~

Comment [AB142]: Under review by Jared.

~~(1) The stormwater management plan shall meet runoff treatment standards based on a percentage of the site's impervious surfaces, and shall also meet a minimum treatment for the total disturbed pervious areas, as outlined in the Table 4.6.1.C(2)a, Site Sliding Scale Table for Stormwater Treatment Sizing.~~

~~Table 4.6.1.C(2)a: Sliding Scale for Stormwater Treatment Sizing~~

Impervious Surface on Development Site (acres)	Percentage of Impervious Area Required to be Treated	Percentage of Total Disturbed Area Required to be Treated
Over 1 acre¹	95%	80%
1 acre < 0.75 acre	70%	60%
0.75 acre < 0.5 acre	50%	40%
0.5 acre < 0.25 acre	25%	20%
Under 0.25 acre	Shall meet Erosion Control requirements or DEP Chapter 500's Basic Standards	
NOTES: 1. Developments with more than 1 acre of impervious surface are required to obtain a DEP Stormwater Permit in accordance with DEP Chapter 500 standards.		

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Subsection 1.1.1 Stormwater Management

~~(2) Development stormwater design shall either:~~

- ~~a. Use the treatment sizing methodology required under DEP's Chapter 500 Stormwater Rules (06-096 C.M.R. ch. 500) (which includes stormwater management design practices in accordance with the *DEP Stormwater Manual, Volume III-BMPs Technical Design Manual*); or~~
- ~~b. Rely on Low Impact Development (LID) design practices and techniques as approved by the Maine DEP; or~~
- ~~c. Use alternative treatment measures and techniques approved by Review Authority as appropriate for the site and providing at least an equivalent level of treatment as the standard techniques:
 - ~~i. The Review Authority may approve the use of alternative treatment measures and techniques upon a written waiver request submitted by the developer, and upon the recommendation from the Town's Engineer and/or Public Works Director.~~
 - ~~ii. The Review Authority's evaluation of alternative treatment measures and design practices shall be based on those set forth in Chapter 10 of the *DEP Stormwater Manual, Volume III-BMPs Technical Design Manual*, and/or any manual formally adopted by the Review Authority.~~
 - ~~iii. The developer bears the burden of showing that any alternative design meets the treatment standards to an equivalent degree.~~~~

E. Specific Standards: Stormwater Runoff Quantity Standards

- ~~(1) Developments shall be designed to compare the post-development conditions rate of runoff to the pre-developed condition rate for the 2-year and 25-year, 24-hour event. Any stormwater draining onto or across the lot in its pre-improvement state shall not be impeded or redirected so as to create ponding on, or flooding of, adjacent lots.~~
- ~~(2) Studies and or calculations using larger storm event precipitation data may be required at the discretion of the Review Authority and be reviewed by the Town Engineer or assigned qualified third party reviewer. Data used to provide proof may include, but is not limited to, data for the 50-year, 24-hour rain event; data for the 100-year, 24-hour rain event; or acceptable rainfall data from recently recorded significant precipitation event(s).~~
- ~~(3) Developments that cannot control peak runoff rates to pre-development conditions shall submit a request for a waiver to the Review Authority, who may grant the request if it finds each of the following:
 - ~~a. Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following development can be handled on the adjacent lot without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the property owner to increase the flow rate of stormwater onto the adjacent lot(s);~~
 - ~~b. Any increase in volume or rate of stormwater draining from the lot onto Town-owned property following development can be handled without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the Town of Brunswick to increase the flow rate of stormwater runoff onto its property;~~~~

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Subsection 4.6.1 Landscaping

~~6. Any increase in volume or rate of stormwater draining from the lot into the Town's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system. The developer bears the burden of proving adequate system capacity, which must be approved by the Public Works Director.~~

~~4.5.2~~ 4.6.1 Landscaping

A. General Standard

A development's landscaping shall enhance structures and parking areas and shall minimize the development's effect on abutting properties. Wherever practicable, existing topography and vegetation shall be maintained.

Comment [JE143]: Standard taken from language in Don's proposed 4.5.2.A.(1) and (2). MAW

A-B. Specific Standards: Landscaping

- (1) Landscape design shall include all forms of plantings and existing and proposed vegetation, topography, water patterns, and utilitarian structures including, but not limited to, materials such as fences, walls, and, where there is difficulty in achieving vegetation growth, a variety of paving types. ~~Wherever practicable, existing topography and vegetation shall be maintained.~~
- ~~(2) A development's landscaping shall be designed to enhance structures and parking areas and minimize the development's effect on abutting properties.~~
- ~~(3)~~ (2) Suitable plant material shall be selected according to its structure, texture, color, ultimate growth, and hardiness. Lists of suitable plant and trees may be obtained from the Town Arborist.
- ~~(4)~~ (3) Planting areas shall be protected from vehicular traffic and parking areas through the use of curbs, wheel stops, or other permanent barriers.
- ~~(5)~~ (4) Alternative landscaping may be approved ~~administratively by the Review Authority~~ pursuant to ~~sub~~Section 4.416.2 (Alternative Equivalent Compliance).

B-C. Specific Standards: Street Trees

The following standards apply whenever new principal structures are constructed within a Growth District.

- (1) Street trees shall be provided along road frontages with a recommended spacing of 40-65 feet for large growing shade trees and recommended spacing of 30-35 feet for smaller growing trees to be planted under existing utility lines.
- (2) Full size shade trees should not be planted under utility wires.
- (3) Street trees shall be located at least ten (10) feet from hydrants, water, sewer, and service lines, and driveway/access road entrances.
- (4) The size of street trees shall range from 1.75-inch caliper to 3-inch caliper.
- (5) When tree planting is to take place in an esplanade or tree planting strip, the width of planting spaces should be a minimum of five (5) feet in width, measured from the back of the curb to edge of sidewalk.
- (6) Proposed plantings in the Town right-of-way shall be reviewed and approved by the Town Arborist, and abutting residential property owners as needed.

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Subsection 4.6.2 Residential Recreation Areas

C.D. Specific Standards: Buffers

- (1) Landscaping shall provide for smooth transitions between surrounding properties, proposed and existing buildings, streetscapes, driveway or access road entrances, and parking and pedestrian walkways. Compatible transitions may be achieved by utilizing buffer areas with screening materials, landscaping, and/or natural topography. Appropriate buffer area plantings shall be determined in consultation with the Town Arborist.
- (2) A single or double row of trees may be required, depending on the difference in scale and character of the adjacent uses and structures.
- (3) In order to provide year-round visual screens, tree plantings shall be comprised largely or entirely of evergreen trees. Evergreen trees shall be between four (4) and eight (8) feet in height, with an average height of six (6) feet. Larger trees may be required for buffering of larger projects with structures that differ significantly from those on adjacent properties, or that produce significant potential visual or operating impacts.
- (4) Evergreen trees planted in a single row shall be spaced between six (6) and ten (10) feet apart, with the majority being no more than eight (8) feet apart. If a double row of trees is required and trees are offset to reduce visibility from adjacent properties, wider spacing may be used, as long as visual screening from adjacent properties is achieved.
- (5) ~~Alternative buffer materials may be approved by the Review Authority pursuant to subsection 4.16.2 (Alternative Equivalent Compliance).~~

Comment [AB144]: Revised 3/14 per ZORC discussion.

D.E. Specific Standards: Parking Lot and Entrance Landscaping

Proposed and expanded parking lots, and associated entrances from a right-of-way, shall be landscaped in accordance with ~~sub~~Section 4.8.3.B (Landscaping).

E.F. Specific Standards: Landscaping Maintenance

All required ~~landscaping~~ shall be maintained pursuant to ~~S~~subsection 4.14.2 (Maintenance).

~~4.5.3~~4.6.2. **Residential Recreation Areas**

Comment [AB145]: REVIEW AT NEXT MEETING FROM THIS POINT.

A. General Standard

Residential developments shall ~~pay a fee or provide for~~ reserved land ~~or pay a fee~~ to avoid the creation of additional burden on the Town's ability to provide recreational services.

B. Applicability

~~Any residential construction that creates one or more new dwelling units shall reserve land to be used by the Town for recreational purposes or shall be subject to a fee in lieu of reservation of recreation areas, based upon the expected population of the proposed development considering typical occupancy rates. This includes single family homes that are not part of a subdivision, conversions of non residential buildings to residential use, and modifications to existing buildings that increase the number of dwelling units. In the case of an activity that increases the number of dwelling units in a building, fee shall apply only to the new dwelling units.~~

C.B. Specific Standards

(1) ~~Applicability: Any residential construction that creates one or more new dwelling units shall reserve land to be used by the Town for recreational purposes or shall be subject to a fee in lieu of reservation of recreation areas or reserve land to be used by the Town for recreational purposes, based upon the expected population of the proposed development considering typical occupancy rates. This includes single-family homes that are not part of a subdivision, conversions of non-residential buildings to residential use, and modifications to existing buildings that increase the number of dwelling units. For purposes of this subsection, dwelling units shall include assisted living/congregate living facilities, boarding homes and nursing homes. In the case of an activity that increases the number of dwelling units in a building or property, the fee or reserved land area shall apply be based upon the increased number only to the new of dwelling units. A fee or reserved land area shall not be required for the strict replacement of dwelling units, either demolished or reconfigured onsite.~~

Comment [AB146]: 3/14 Staff revision to reflect current practice.

~~(1)~~(2) **Fee in Lieu of Reservation of Recreation Area**

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

Comment [AB147]: Need Appendix F content from Parks and Rec/Rec Commission.

~~(2)~~(3) **Reservation of Recreation Area**

The Recreation Commission may, by formal vote, waive the payment of a required **impact fee in lieu of reservation of recreation area**, in whole or in part, if it finds that the requirement for additional recreational facilities can be met in whole or in part within the development. The following standards shall apply:

- a. An estimate of the number of anticipated residents of the development based on occupancy rates acceptable to the Town is submitted by the applicant.
- b. The Recreation Commission shall determine if the reserved land and/or proposed facilities are suitable for recreational use and if the proposed facilities are appropriate given community-wide recreation needs and the needs of the residents of the development.
- c. The designation of the land for recreational facilities shall be indicated on the plan for the development.

~~(3)~~(4) **Improvement of Recreation Area**

If the Recreation Commission determines that the proposed reservation area meets the standards in ~~Subsection 4.6.2.B(3)4.6.2.B(3)4.6.3.C(2)~~, the reserved recreation area shall be improved in accordance with the requirements of the Review Authority. In determining these requirements, the Review Authority shall consider the Comprehensive Plan and the long-range plans of the Recreation Commission.

~~(4)~~(5) **Ownership and Maintenance of Reserved Recreation Area**

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

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

~~4.6.1~~4.7 **Circulation and Access**

~~4.6.1~~4.7.1 **Street Standards**

A. General Standard

The development will not cause unreasonable congestion or unsafe conditions on highways or public roads, either existing or proposed, and the traffic associated with the development shall maintain its level of service on any public road within 200 feet of any existing or proposed curb-cut.

A.B. Specific Standards: Development of New Streets

- (1) Streets shall be designed to integrate with the site's topography and natural features and provide safe travel for all users of the street. ~~move traffic safely.~~ Any new street or road approved through the Development Review process shall be based upon the written recommendations of the Town Engineer, Fire Chief, Police Chief, and Director of Planning & Development—who shall review the project for

Comment [JE148]: From current ordinance section 411.12 with slight revision for clarity. MAW

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Section 4.7 Circulation and Access
Subsection 4.7.1 Street Standards

safety. ~~Design of streets shall address pedestrian and bicycle safety and movement.~~

- (2) The size and design needs of new streets shall be based upon the projected number of vehicles they are to carry.
- (3) All new streets shall be classified ~~in the Development Review process in accordance with criteria set forth in the Brunswick Street Acceptance and Standards Ordinance, as amended, according to the following criteria:~~
 - ~~a. Collector/Commercial — Serves over 150 units.~~
 - ~~b. Local — Serves 25 to 150 units.~~
 - ~~c. Minor — Serves less than 25 units.~~
 - ~~d. Lane — A secondary access that services housing lots from the rear lot line.~~
- (4) All street designs shall comply with the Maine Department of Transportation (DOT) Complete Streets Policy dated June 2014, as amended. To comply with this policy, all new private and public street projects funded in part or in whole by Maine DOT shall include designs and features to ensure that the street serves the needs all users, including motorists, transit users, bicyclists, and pedestrians of all abilities, as warranted and feasible (as those terms are defined in the Policy).

B.C. Specific Standards: Street Design and Dedication Standards

Streets intended for public dedication ~~must shall be designed and constructed in accordance with the Brunswick Street Acceptance and Standards Ordinance, as amended, satisfy the Public Works Roadway Dedication Standards found in Appendix B (Street Standards).~~ The Review Authority may approve private roadways for subdivisions; however if they do not conform with these standards they may not be considered for dedication. Applicants proposing private roadways shall apply the Alternative Roadway Standards ~~also found~~ contained in Appendix B (Street Standards) to the greatest extent practicable. ~~All dedications of streets to the Town shall comply with the Brunswick Street Acceptance Ordinance (Chapter 14, Article 188).~~

D. Specific Standards: Interconnectedness

- (1) **General:** The street design shall allow for proper continuation of streets from other adjacent subdivisions and built-up areas. Dead-ends are to be avoided unless based on site constraints and there are no other feasible alternatives. For purposes of this section, pedestrian or bicycle connections to adjacent lands may be sufficient to satisfy this requirement. This requirement may be waived in cases where interconnectedness would result in the disruption of community character.
- (2) **GC1 and GC2 Connectivity Restriction:** ~~Development Review approvals in the GC1 and GC2 zoning districts shall not result in the construction of new streets or access for vehicles connecting to Meadowbrook Road, Whittier Street, Breckan Road, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the GC1 and GC2 zoning districts shall be accessed through any of these streets.~~

Comment [AB149]: From current Sec.204.3.C). Also referenced in Use Table.

E. Specific Standards: Sidewalks

Within all Growth Area zoning districts, developments other than residential developments containing less than 25 units on dead-end streets shall provide sidewalks along the development site's frontages with a public collector/commercial, local, or minor street. Sidewalks shall be at least five feet wide.

F. Specific Standards: Traffic and Street Impact

- (1) New development shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of existing or proposed highways or public roads. Traffic generated by the development shall maintain the Level of Service within 200 feet of any existing or proposed curb cut.
- (2) The applicant is responsible for the assessing the impact of the proposed development on street systems, and shall be responsible for any associated improvements. If the Review Authority deems it necessary, the applicant shall undertake to improve, repair or reconstruct such street systems. If this is required by the Review Authority, the applicant shall be responsible only for the degree of improvement necessary to mitigate the impact of the proposed development.
- (3) If the development involves a subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in the adjoining municipality in which part of the subdivision is located.

G. Private Road Requirements for Subdivisions

- (1) The design of all private roads shall be reviewed by the Fire Chief, Police Chief, and Town Engineer prior to final approval by the Review Authority. Roadways shall be built according to the final plan, as determined by the Town Engineer, prior to the issuance of a Building Permit for any lot with access on a private road.
- (2) The Final Subdivision Plan shall show the road clearly labeled "PRIVATE ROAD."
- (3) ~~A home owners' property owners'~~ association shall be established to own and provide for the perpetual care and maintenance of the private road. Such ~~home owners'~~ association shall satisfy all standards for ~~homeowners'-property owners'~~ associations found in ~~sub~~Section 5.1.7 (Property Owners' Associations).

~~4.6.2.4.7.2.~~ **Curb Cuts and Street Access**

A. Minimum Distance Between Curb Cuts

- (1) Except as otherwise provided in ~~this subsection (2) below~~, curb cuts along a street into a development that will generate over 500 vehicle trips per day, as determined by Institute of Traffic Engineers (ITE) standards, shall be spaced in accordance with the minimum distance shown in the following table.

Speed Limit Along Street Frontage (miles per hour)	Minimum Distance (feet)
20	85
25	105
30	125
35	150
40	185
45	230
50	275

- (2) The Review Authority may approve development with curb cuts that do not comply with the minimums in Table 4.7.2.A above on making any of the following findings, provided that the street level of service within 200 feet of the proposed curb cut is not reduced:

- a. It is demonstrated that the development would have an equal or lesser number of vehicle trips per day than any existing use or use that has occurred on the property during the past five years.
- b. The development would reduce the number of curb cuts that currently exists within the minimum distance.
- c. The development would consolidate curb cuts for one or more adjacent parcels.

B. Common Driveways

- (1) Driveways on adjoining lots may be combined as common driveways where necessary to reduce the number of curb cuts and/or provide safe road access points.
- (2) Where common driveways serve lots in separate ownership, an access agreement to the Review Authority shall be executed and recorded in the Cumberland County Registry of Deeds. The access agreement shall provide that the common driveway may not be dedicated to the Town unless the owners bring it into compliance with applicable Town street standards.

~~(3)~~ Common driveways shared by lots in residential developments may be unpaved.

~~(3)~~(4) Common driveways serving two or more lots in separate ownership shall be named in accordance with Section 14-28 (Streets) of the Brunswick Code of Ordinances, as amended

Comment [AB150]: Staff addition 3/14/16

~~4.6.3.4.7.3.~~ **Pedestrian and Bicycle Access**

A. General Standard

Developments shall be designed to accommodate bicyclists and pedestrians, addressing bicycle and pedestrian access, safety, circulation on and off site.

B. Specific Standards

- (1) Developments shall be designed to provide safe pedestrian and bicycle access, and shall propose improvements necessary to link pedestrian and bicyclists from identified points outside of the development.
- (2) Pedestrian pathways shall be provided within and between parking areas and between buildings, streets, and other parking areas.
- (3) In Growth Area zoning districts, developments with parking ~~plans~~ lots exceeding 30 spaces shall provide sidewalks on the development site's frontages along a public road.
 - a. In addition to subsection (3) above, sidewalks shall be provided along the building's façade featuring a customer entrance as well as those facades facing a public road or parking lot.
 - b. 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.
 - c. Internal walkways provided in conformance with subsection ii above shall be distinguished from driving surfaces through the use of marked crosswalks

~~and/or durable surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort.~~

Comment [AB151]: Reworked per 11/10/15 ZORC discussion.

~~4.6.4.4.7.4.~~ **Access for Persons with Disabilities**

- (1) Developments shall comply with the Americans with Disabilities Act
- (2) If the development is located within the VRO district, or is a property listed on the National Register of Historic Places, or located within a National Register-listed Historic District, ADA compliance shall be compatible with Brunswick's historic architecture.

~~4.6.5.4.7.5.~~ **Shoreline Access**

Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or if applicable, shall be included in any required open space, with provisions made for continued public access.

~~4.7.4.8~~ **Parking and Loading**

~~4.7.4.8.1.~~ **Minimum and Maximum Automobile Parking Requirements**

A. General Standard

~~A development shall provide adequate off-street parking and loading/unloading areas for motor vehicles and bicycles, or shall provide reasonable alternative parking.~~

B. Specific Standards

- (1) **Specific Standards: Minimum Number of Off-Street Vehicle Parking Spaces**

Except as otherwise provided in this Ordinance, new development shall provide the minimum number of off-street vehicle parking spaces in accordance with **Table 4.8.1.A**, based on the principal use(s) involved and the extent of development.

Principal Use		Minimum Number of Vehicle Parking Spaces ^{1,2,3,4}
Residential Uses		
Household Living		
Dwelling, 1- or 2-family (includes all mobile homes)	2 or more bedrooms	2 per du
	1 bedroom or studio	1 per du
Dwelling, multifamily	2 or more bedrooms	2 per du
	1 bedroom or studio	1 per du
Mobile home		2 per du
Mobile home for disabled persons		1 per du
Group Living		
Assisted/Congregate Living Facility		1 per 3 beds
Boarding house		1 per guest room

Comment [AB152]: No longer needed.

Chapter 4 - Property Development Standards
 Section 4.8 Parking and Loading
 Subsection 4.8.1 Minimum and Maximum Automobile Parking Requirements

Table 4.8.1.A: Minimum Number of Off-Street Vehicle Parking Spaces		
Principal Use	Minimum Number of Vehicle Parking Spaces ^{1,2,3,4}	
Nursing home	1 per 5 beds	
Residence hall	1 per 3 beds	
Public, Institutional, and Civic Uses		
Community, Cultural, and Educational Uses		
Club or lodge	1 per 120 sf of assembly space	
College facility not listed	1 per 900 sf of academic space + 1 per 10 beds in an on-campus residential facility	
Community center	1 per 300 sf	
Day care facility, small	1 per 325 sf of licensed primary indoor space	
Day care facility, large		
Hospital	1 per 3 inpatient beds	
Library, museum, or art gallery	1 per 500 sf	
Municipal facility	1 per 400 sf of office space + 1 per 600 sf of maintenance, distribution, or storage space	
Park or conservation area	See Section 4.8.1.E	
Religious institution	1 per 5 persons of maximum occupancy capacity in assembly space	
School	High school	1 per classroom + 1 per 10 students
	Middle or elementary school	1 per classroom + 10 visitor spaces
Communication Uses		
Small-scale telecommunication tower	n/a	
Telecommunication tower	1 space	
Commercial Uses		
Agriculture, Aquaculture, and Animal Care Uses		
Aquaculture	See Section 4.8.1.E	
Equestrian facility	1 per 5 stalls	
Farm	n/a	
Kennel	1 per 300 sf used for boarding	
Plant nursery	1 per 1,000 sf of display area	
Veterinary office	1 per 500 sf	
Food, Beverage, and Entertainment		
Adult entertainment establishment	1 per 300 sf	
Golf course	1 per 300 sf of indoor area + 1 per golf course hole	
Recreation facility, as a principal use	See Section 4.8.1.E	
Restaurant or dining facility	1 per 4 persons of maximum occupancy capacity of customer service area(s)	
Theater	1 per 4 persons of maximum occupancy capacity of assembly space	
Lodging		
Campground	1 per campsite + 1 space	

Comment [AB153]: Already covered by Residence Hall above.

Chapter 4 - Property Development Standards
 Section 4.8 Parking and Loading
 Subsection 4.8.1 Minimum and Maximum Automobile Parking Requirements

Table 4.8.1.A: Minimum Number of Off-Street Vehicle Parking Spaces	
Principal Use	Minimum Number of Vehicle Parking Spaces ^{1,2,3,4}
Hotel	1 per guest room + 1 per 800 sf of assembly space
Retail Sales and Services	
Bank <u>Financial Institution</u>	1 per 300 sf
Neighborhood store	1 per 300 sf
Office	1 per 400 sf
<u>Outdoor Market</u>	<u>1 per 400 sf of stall and vehicle space, and customer circulation area</u>
Retail, Class I	1 per 300 sf
Retail, Class II	1 per 300 sf
Service business, Class I	1 per 300 sf
Service business, Class II	1 per 300 sf
Studio	1 per 300 sf
Transportation and Vehicle-Related Uses	
Aviation operations	See Section <u>4.8.1.E</u>
Aviation-related business	See Section <u>4.8.1.E</u>
Bus or rail station	1 per 400 sf of passenger waiting area
Car wash	1 per 500 sf
Marina or boat storage	0.75 per boat slip or mooring
Parking facility, as a principal use	n/a
Ultra-light airport	See Section <u>4.8.1.E</u>
Vehicle fueling station	n/a
Vehicle sales, rental, or storage	1 per 400 sf of indoor sales display area and office space
Vehicle service or repair	1 per 500 sf
Industrial Uses	
Contractor's space	1 per 400-200 sf of office space
Industry, Artisan	1 per 600 sf
Industry, Class I	1 per 1,000 sf
Industry, Class II	1 per 1,000 sf
Junkyard or automobile graveyard	1 per 1,000 sf of storage area
Marine activity	See Section <u>4.8.1.E</u>
Mineral extraction	See Section <u>4.8.1.E</u>
Recycling collection facility, as a principal use	3 per station
Renewable energy generating facility, as a principal use	See Section <u>4.8.1.E</u>
Utility facility, major	See Section <u>4.8.1.E</u>
Utility facility, minor	n/a
Warehousing and storage	1 per 2,500 sf
NOTES:	
1. When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.	
2. Except as otherwise provided in this section, where the minimum off-street parking space requirement is	

Comment [AB154]: Added by staff 3/14/16

Table 4.8.1.A: Minimum Number of Off-Street Vehicle Parking Spaces	
Principal Use	Minimum Number of Vehicle Parking Spaces ^{1,2,3,4}
<p>based on square feet of floor area, all computations shall be based on gross floor area.</p> <p>3. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the maximum occupancy capacity, all computations shall be based on the occupant load of the building or facility as established in accordance with the Brunswick Building Code.</p> <p>4. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), or the maximum enrollment (for students), or the fire-rated capacity (for residents), as appropriate.</p>	

~~B. Parking In lieu Fee for GM6 District~~

~~(1) Option~~

~~In the GM6 zoning district, applicants may satisfy some or all of the required on-site parking applicable to the development through payment of an in lieu fee. All parking in lieu fees shall be used by the Town only for the purchase or construction of off-street parking facilities in locations within the GM6 zoning district that the Town Council determines will reduce on-street parking demand generated in those locations that paid parking in lieu fees rather than providing required on-street parking spaces.~~

~~(2) Amount of Fee~~

~~To be Determined~~

C. Exemptions in ~~Certain~~ Growth Mixed-Use ~~6~~ Districts

~~Off-street vehicle parking spaces are not required for a nonresidential use in the GM6 and GM7 Districts that:~~

- ~~(1) Is located on a lot with a lot area less than 10,000 square feet in size; or~~
- ~~(2) Is housed in a existing building with less than 10,000 square feet of gross floor area.~~

Comment [AB155]: ZORC discussion

D. Applicability to Existing Development Use Changes and Expansions

- (1) A change in the use of an existing development shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this section for the existing use and the minimum number of spaces required by this section for the new use.
- (2) If an existing structure or use is expanded in terms of the size unit used in this section to determine the minimum number of off-street vehicle parking spaces required for the applicable use (e.g., dwelling units, floor area, seating capacity), such expansion shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this section for the expanded development.

E. Uses with Variable Parking Demands

Some uses have widely variable parking demand characteristics that make it difficult to establish a single appropriate minimum off-street vehicle parking standard. On receiving an application proposing such a use (as designated by reference to this subsection in Table 4.8.1.A), the

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Subsection 4.8.2 Minimum Bicycle Parking Requirements

Director, in consultation with the Code Enforcement Officer, is authorized to apply a minimum requirement for a listed use deemed most similar to the proposed use, establish the minimum requirement by reference to a standard parking standards resource, or establish the minimum requirement based on a parking demand study prepared by the applicant using data ~~for~~from the Institute of Traffic Engineers (ITE) or other acceptable source.

F. Requirements for Developments with Multiple Uses

Developments containing more than one principal use shall provide vehicle parking spaces in an amount equal to the total of the requirements applied to all individual principal uses. This does not limit the opportunity to reduce the resulting minimum requirement through approval of an alternative parking plan justifying shared parking (see subSection **4.8.4.A** (Shared Parking)).

G. Maximum Number of Off-Street Vehicle Parking Spaces

For Retail Class II ~~retail~~ uses with more than 50,000 square feet of gross floor area, the number of off-street vehicle parking spaces shall not exceed 125 percent of the minimum number of spaces required by this section unless the additional spaces are located within a parking structure or are allowed through approval of an alternative parking plan (See ~~Section-subsection~~ **4.8.4.C** (Provision over the Maximum Allowed)).

H. Accessible Parking Spaces

Within each off-street vehicle parking area, a portion of the total number of parking spaces shall be spaces specially designated, located, and reserved for use by persons with physical disabilities ("accessible parking spaces") in accordance with the standards of the Americans with Disabilities Act.

~~4.7.2-4.8.2.~~ **Minimum Bicycle Parking Requirements**

- A. All parking areas containing ten or more vehicle parking spaces shall provide bicycle parking facilities (e.g., bike racks/lockers) to accommodate the parking of at least two bicycles for every ten vehicle parking spaces ~~provided—required~~, provided that no more than 20 bicycle parking spaces shall be required in any one parking ~~are~~lot.
- B. Any bicycle parking facilities shall be located in a well-lit location that is conveniently accessible to a primary entrance(s) to the development's principal buildings, does not interfere with pedestrian traffic, and is protected from conflicts with vehicular traffic.

~~4.7.3-4.8.3.~~ **Design, Construction and Maintenance of Parking Areas**

A. Location and Configuration

- (1) No parking area may be constructed within a required setback.
- (2) In the GM6 District, off-street parking shall be located to the rear of the development's principal building and shall be accessed from a secondary street wherever practicable.
- (3) In all Growth Mixed-Use (GM) and Growth College (GC) districts, a maximum of one row of off-street parking may be located in front of the principal building being served (but not within the required front yard).
- (4) Parking ~~areas-lots~~ shall be designed and landscaped to avoid long, uninterrupted rows of parked vehicles. Surface parking lots containing more than 30 spaces shall be broken into separate parking areas by the use of landscaped islands, pedestrian and bicycle areas, or buildings.

Comment [AB156]: May include dimensional requirements as is done for off-street loading areas.

- (5) The Review Authority may waive the requirements of this subsection where a primary structure already exists on the parcel and there is no other alternative for siting parking, or where compliance would be impractical.

B. Landscaping

The following landscaping standards shall apply to all surface parking areas other than those for 1- and 2-family dwellings on a single lot.

(1) Perimeter Landscaping

- a. Where a parking lot is within 50 feet of and visible from a street, other development (except another parking lot), or vacant property, perimeter landscaping shall be provided and maintained within a strip of land between the parking lot and the adjacent street right-of-way or easement or property line except where such strip is crossed by an authorized vehicular, bicycle, or pedestrian accessway, or utility easement.
- b. The perimeter landscaping strip shall be at least the minimum width necessary to adequately accommodate the proposed plantings and other screening material and avoid damage to such materials by parked vehicles.
- c. Perimeter landscaping shall consist of any combination of trees, evergreen shrubs, berms, walls, and fences that form a continuous solid/completely ~~blocking from view~~ opaque screen not to exceed four (4) feet in height along the perimeter of the parking lot that is designed to screen the headlights of vehicles in the parking lot yet allow security surveillance of the parking lot from the adjacent street. ~~(e.g., by limiting the height of the screening to four feet or using largely transparent landscaping features such as a see-through railing or a trellis above four feet).~~

(2) Interior Landscaping

- a. Parking lots containing more than ~~15-30~~ parking spaces shall provide and maintain landscaped islands:
 - i. At the end of every row of parking spaces;
 - ii. Along a long row of parking, spaced no more than 20 parking spaces apart; and
 - iii. Between at least every three (3) parallel parking bays.
- b. Islands shall be at least the minimum width necessary to adequately accommodate the proposed plantings and any proposed walkway through it, and avoid damage to landscaping by parked vehicles.
- c. Each landscaped island shall include at least one canopy-shade tree, ~~with islands between parking bays including canopy trees spaced no more than 40 feet apart~~ provided, ~~however,~~ that understory trees may be substituted for canopy trees in areas beneath overhead utility lines.

C. Surfacing, Drainage, Lighting

- (1) Parking areas shall be constructed with a suitably durable surface that minimizes dust and is appropriate for the use of the land, with adequate drainage.
- (2) Surfacing, grading and drainage shall facilitate groundwater recharge by minimizing impermeable pavement and run-off. Oil traps may be required for larger paved parking lots.

- (3) Parking areas ~~to be used at night~~ shall be lighted in a manner that does not result in direct lighting to or glare to abutting residential properties or cause a traffic hazard due to glare.

D. Modification/Waiver of Design Requirements

The Review Authority may waive or modify the design and construction standards in this subsection on finding that the total number of parking spaces required for the use cannot be accommodated in accordance with the standards, that the site layout prevents compliance with the standards, or that existing development on the site ~~has been determined by the Code Enforcement Officer to be nonconforming is incompatible~~ with the standards.

E. Maintenance

All parking lot areas shall be maintained pursuant to Section 4.14 (Maintenance).

~~4.7.4.4.8.4.~~ Parking Alternatives

The Review Authority may approve alternatives to complying with the requirements in ~~sub~~Section 4.8.1 (Minimum and Maximum Automobile Parking Requirements) in accordance with the following standards.

A. Shared Parking

- (1) The Review Authority may allow use of a common parking facility to meet the minimum parking requirements for multiple uses or uses on multiple lots on finding that the uses generate parking demands during different times, or have characteristics making it likely that a significant portion of people will use the same parking space to access the other uses sharing the parking facility.
- (2) Shared parking spaces shall be located within 600 feet walking distance of the primary pedestrian entrance to all uses.
- (3) The Review Authority may require cross easements or other legally enforceable documents that ensure the participating uses or property owners the right to joint use of the parking facility as long as the shared spaces are needed to comply with this Ordinance. If the shared parking becomes unavailable to a participating use, the uses shall provide alternative means of meeting off-street parking requirements.

Comment [AB157]: ZORC discussion. Establish a minimum time frame within agreement – 5 years?

B. Off-Site and Satellite Parking

- (1) The Review Authority may allow use of a parking facility located on one lot to meet the minimum parking requirements for a use located on a separate lot.
- (2) Off-site parking spaces shall either be located within 600 feet walking distance of the primary pedestrian entrance to the use served, or be located in a ~~GC district, GM3, GM4, GM5, GM8~~ or GI District, or a Rural Area zoning district, and be served by shuttle service between the parking facility and the use it serves.
- (3) The Review Authority may require legally enforceable documents that ensure the served use the right to use of the parking facility as long as the spaces are needed to comply with this Ordinance. If the off-site parking facility becomes unavailable to the served use, the use shall provide alternative means of meeting off-street parking requirements.

Comment [AB158]: ZORC discussion.

Comment [AB159]: Same as comment 157 above.

C. Provision over the Maximum Allowed

The Review Authority may allow the maximum parking requirement applicable to a development in accordance with ~~sub~~Section ~~4.8.1.G~~ to be exceeded on finding that the additional spaces are

justified by a parking demand study demonstrating that they are necessary to adequately serve a development.

D. Parking Requirement Reductions

The Review Authority may allow additional reductions of the minimum vehicle parking requirements in [subSection 4.8.1](#) on finding that the additional reduction is justified by a parking demand study showing reduce transportation and vehicle parking demand due the location, characteristics, or committed operations of the particular use (e.g., type of development, proximity to transit, employee carpool/vanpool program, off-peak work schedules).

~~4.7.5~~ **4.8.5. Minimum Off-Street Loading Requirements**

A. Minimum Number of Off-Street Loading Spaces

(1) General Standard

New development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development site shall provide a sufficient number of off-street loading spaces to accommodate the delivery and shipping operations of the development’s uses in a safe and convenient manner.

(2) Specific Presumptive Standards

- a. Table 4.8.5.A(2) below sets forth the minimum number of [off-street](#) loading spaces that presumptively satisfies the loading space needs of medium-sized and large-sized delivery/shipping trucks based on the principal use and size of the development. It is assumed that the needs of small delivery/shipping trucks can be met through the temporary use of vehicle parking spaces or accessways, without impeding use of adjacent driveways or fire lanes.
- b. The Review Authority may require a higher or lower number of [off-street](#) loading spaces based on a finding that the characteristics of the particular development warrant such an increase or decrease, and that the general standard in subsection (1) above is met.

Table 4.8.5.A(2): Minimum Number of Off-Street Loading Spaces		
Gross Floor Area (GFA)	Medium-Sized Truck	Large-Sized Truck
Public, Civic, and Institutional Uses and Office Uses¹		
Up to 10,000 sf	0	0
10,001 to 50,000 sf	1	0
Over 50,000 sf ²	2	0
Commercial Uses Other than Office Uses¹		
Up to 20,000 sf	0	1
20,001 to 50,000 sf	1	1
50,001 to 100,000 sf	1	2
100,001 to 200,000 sf	2	2
Over 200,000 ²	3	2
Industrial Uses		
Up to 5,000 sf	0	0
5,001 to 10,000 sf	1	0
10,001 to 50,000 sf	0	1
50,001 to 100,000 sf	0	2
Over 100,00 sf ²	0	3

Comment [AB160]: ZORC discussion. Presently, no standards exist.

Table 4.8.5.A(2):

Minimum Number of Off-Street Loading Spaces		
Gross Floor Area (GFA)	Medium-Sized Truck	Large-Sized Truck
NOTES: 1. For mixed-use developments, gross floor area devoted to residential uses is excluded. 2. Additional spaces may be required based on development-specific assessment relative to size.		

Comment [AB160]: ZORC discussion. Presently, no standards exist.

B. Exemptions in Certain Growth Mixed-Use Districts

Off-street loading spaces are not required for a nonresidential use in the GM6 and GM7 Districts that:

- (1) Is located on a lot ~~with a lot area~~ less than 10,000 square feet ~~in size~~; or
- (2) Is housed in ~~an existing~~ building with less than 10,000 square feet of gross floor area.

Comment [AB161]: Same as comment 155 above.

C. Applicability to Existing Development Expansions

If the gross floor area of an existing structure is expanded, such expansion shall be accompanied by the provision of any additional off-street loading needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this section for the expanded development.

D. Design and Use of Off-Street Loading Areas

- (1) Each loading space shall be of sufficient size to accommodate the types of vehicles likely to use it.
 - a. The minimum loading space that presumptively satisfies loading space needs of a medium-size truck is at least 12 feet wide and 35 feet long, and has at least 13 feet of vertical clearance.
 - b. The minimum loading space that presumptively satisfies loading space needs of a large-size truck is at least 12 feet wide and 75 feet long, and has at least 14 feet of vertical clearance.
 - c. The Review Authority may require larger or smaller loading spaces on finding that the characteristics of the particular development warrant the variation, and the general standard in subsection (1) above is met.
- (2) Where practicable, off-street loading areas shall be located to the rear of ~~the~~ principal building(s) it serves.
- (3) Loading areas shall be located and designed so vehicles using them can maneuver safely and conveniently to the loading space(s) and complete loading/unloading without interfering with vehicular, bicycle, or pedestrian traffic or use on streets, ~~bikeways bike lanes, walkways crosswalks~~, and parking areas.
- (4) Off-street loading areas shall be located and designed to screen and otherwise mitigate their potential adverse visual and noise impacts on adjacent streets and properties by any combination of buildings, walls or fences, or dense continuous hedge.

~~4.84.9~~ **Outdoor Lighting**

Comment [JE162]: I have simplified this section. Didn't think it needed all the subsections. MAW

4.9.1. ApplicabilityOutdoor Lighting

A. General Standards

Outdoor lighting shall not adversely impact road safety or adjacent properties and uses.

A-B. Specific Standards

(1) **Exemptions.** The following types of lighting are exempt from the standards in this subsection **4.9.1.(B)**:

- a. Lighting emitting less than 800 lumens;
- b. White string mini-lights used in window displays or in trees, bushes, and shrubs as part of the landscaping;
- c. Lighting of places of worship, flags, emergency lighting, as well as approved sports lighting;
- d. Short-term use of lighting for public festivals, celebrations, and the observance of holidays;
- e. Public street and right-of-way lighting; and
- f. Lighting required and regulated by the Federal Aviation Administration (FAA).

(2) **Lighting Height**

The maximum height of freestanding lights shall be the height of the principal building or 25 feet, whichever is less.

(3) **Light Shielding**

- a. All lighting emitting more than 800 lumens shall:
 - i. Conform to the Illumination Engineering Society (IES) Specification for Full Cutoff;
 - ii. Be shielded to direct all light towards the ground so that the lighting elements are not exposed to normal view;
 - iii. Avoid disability glare (i.e., avoid being a hazard or nuisance to motorists, pedestrians, or neighboring residents);
 - iv. Be directed away from adjacent properties and streets, including properties separated from the development site by a street, road, or right-of-way, so that the lighting elements are not exposed to normal view by motorists or sidewalk pedestrians, or from adjacent properties.
- b. Compliance with this subsection shall be achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these measures.

(4) **Lighting Maintenance**

All outdoor lighting shall be maintained pursuant to Section 4.14 (Maintenance).

**BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION
DECEMBER 2, 2015**

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

MEMBERS ABSENT ZONING ORDINANCE REWRITE COMMITTEE:

CONSULTANT PRESENT: Don Elliot

1. Public Comment

Mr. Frizzle opened the meeting.

Richard (last name?) discussed his handout to the Committee referencing control of another's use of their property and the 5th Amendment.

Mr. Frizzle closed the meeting comment session.

2. Draft 2:

a. Review of Draft #2 Revisions Based on 11/10 Meeting Discussion (see packet): Anna Breinich reviewed the revisions made and noted the areas that staff and the Committee will still need to and review further.

Discussion over greenhouses as an accessory to use structure. Anna Breinich noted that staff needs to review accessory structure setbacks and neighborhood use setbacks. Staff to make sure that primary use setbacks follow the dimensional standards for that district.

Anna Breinich reviewed the Stormwater language changes that came about after further discussion with the Brunswick Topsham Water District. Anna noted that in terms of enforcement/monitoring, Jeff Hutchinson will be in contact with the Water District.

Discussion on oil and petroleum storage tanks and absorption into the soil; some language clarifications made.

b. Discussion Topics/Updates and Revised Text: Anna Breinich reviewed changes as outlined in the draft and included in the packet.

i. Nonconformities: Decision to allow expansion within the SPO for non-conforming structures only with the approval of a Special Permit. Jeff

Hutchinson briefly reviewed language that will be coming forth for the next meeting regarding nonconformities.

ii. Aquifer Protection Overlay: Changes reviewed under Draft #2 discussions.

iii. Floodplain Protection Overlay: Jeff Hutchinson reviewed the changes and Anna Breinich noted that this section is in good shape.

iv. Shoreland Protection Overlay: Jeff Hutchinson and Jeremy Woolston currently working on draft language due to State changes.

v. Wildlife Protection Overlay (disturbance criteria under review by Conservation Commission): Conservation Commission still reviewing. Margaret Wilson said that the conflict is attempting to allow agriculture while preserving wildlife.

vi. Airport Approach Overlay Uses (under review by MRRA)

~~vii. Telecommunications Overlay FAA Change Clarifications*~~

viii. Urban Agriculture Rewrite: Reviewed under Draft 2 revisions.

ix. Retail Classes I and II and Pedestrian/Bicycle Access Removal: Anna Breinich sad that she and Margaret Wilson tried applying the language from the current ordinance to the new ordinance, but that it does not make sense. Margaret pointed out that many were unaware of some of the Sections included in the Cooks Corner Design Standards and asked if they want to apply these standards around town or restrict them to Cooks Corner. Anna said that she would like to add a section to Chapter 4 that would reference VRZ, CC and Brunswick Landing. Anything after that, (all the GM's and GI Districts) with a building 10,000 sq. ft. or more would then have specifics developed using the CC Design Standards.

x. Design Standards for Nonresidential Structures: Anna Breinich to continue to rework and make sure that the change is made in CC to include redevelopment of a site.

xi. Protection of Natural Vegetation Discussion*: Jeremy Woolston reviewed what this section entails and its intent. Charlie Frizzle suggested limiting the definition for vegetative buffer to what is along Old Portland Road; define what you want to protect. Anna Breinich agreed that the definition should not be as broad as it currently is, but she would be more comfortable if they did not map where it would be. Discussion on the impact to bats. Jeremy to work on language for unreasonable environmental impact. Language changes made, staff to update for next work session.

xii. Stormwater Management: Jeremy Woolston reviewed the changes to Stormwater management. Staff to review where the information came from pertaining to monitoring stations.

Finish reviewing section at the next work session due to time constraints.

xiii. Complete Streets Update: Jeremy Woolston said that Bike Pedestrian Committee is waiting feedback from John Foster.

xiv. Signs (staff rework underway)

3. Public Information Updates

a. Use Comparison Table: Postponed to next work session.

3. Approval of Meeting Summaries

No summaries for review at this meeting.

4. Other Business: No other business.

5. Next Meeting: January 16th, 1:00 – 4:00 in the meeting room.

***Revised 11/30/15**

Adjourn

This meeting was adjourned at 4:35 P.M.

Respectfully Submitted,

Tonya Jenusaitis

Recording Secretary

**BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION
JANUARY 7, 2016**

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

1. Public Comment

Charlie Frizzle opened the meeting.

Helene Hafferty asked when the public will be able to view neighborhood protection matrix and where will they be as noted in the 9/23/15 meeting summaries. Anna Breinich noted that the matrix has been handed out at least twice at other meetings and that this matrix is not meant to be part of this document. Anna said that some of the information on the matrix will be footnoted and some will be supplemental standards. Anna to make the matrix available for those who would like to review it. Helene asked what the red and the blue marks mean on the Use Tables. Anna replied that the color coded information can be found in the July 2015 footnotes.

Charlie Frizzle closed the meeting comment session.

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)

Anna Breinich stated that she was only going to review the substantive changes, but noted that there have been some non-substantive changes.

Jeff Hutchinson reviewed the reasons behind the insertion of the word *separately* regarding deeds in Section 1.6.3, page 1-6. Jeff reviewed the revisions and reasons behind the changes in expansion in the SPO District on page 1-8. Jeff explained his changes to Section 1.6.4.D and the reasons why his changes differed from what Clarion had proposed regarding relocation to a different parcel.

Anna Breinich noted that the definition of *footprint* is different in the SPO District as noted in the definition of expansion of use on page 1-19. Jeff Hutchinson pointed out that what the wording in parenthesis should be located after the word “ground” to make sense.

Jeff Hutchinson explained that the ordinance language for the definition of stream in the SPO District and said that this is more restrictive language than the State and provided a review of the DEP definition for comparison. Jared Woolston described how the USGS works. Decision to add the blue line on the map so that the area is better defined.

In reference to accessory use, Anna Breinich said that they sometimes have a difficult time in determining when a use is accessory and reviewed the proposed changes. Anna said that she does not want to include the 40% of the total floor area. Margaret Wilson stated that she does not feel that the proposed language provides more guidance than what is currently in the ordinance. Decision that Anna and Jeff Hutchinson will continue to work on this definition.

Chapter 2

Anna Breinich noted that in review of Performance Standards for Aquifer Protection Zones, Section 2.3.2.F, she and Jeff Hutchinson realized that some language was inadvertently deleted; this language has since been added back to the draft. Anna to review General Standards for Uses and Activities Subject to Development Review for inconsistencies.

Anna Breinich said that they would be skipping Section 2.3.3, Shoreland Protection Overlay District for the time as this language is still being researched.

Discussion over the removal of the 30 year minimum non-disturbance time period in the Wildlife Protection Overlay District, page 2-39. Charlie Frizzle said that he is OK with the removal, so long as there is still a path for applicants if they want to make a change.

Mobile Home Park Overlay District, Section 2.3.6, page 2-40, Jeff suggested that they include mobile home parks in their mapping.

Chapter 3

Catherine Ferdinand of Bowdoin College spoke to her suggested language changes made to section 3.4.1.C, Residence Halls as provided by Bowdoin College in the letter dated 12/21/15. Charlie Frizzle said his only concern was that the proposed new language would allow the college to take an office and change it into a residence hall. Catherine replied that they can already do this with a Change of Use permit. Anna Breinich replied that she would be fine with the proposed language so long as they define *currently* as the date of the adoption of the ordinance; Charlie Frizzle and Margaret Wilson agreed. Discussion regarding principal Uses and dwelling units. Staff to rework the language in Section 3.4.1.A. on page 3-7.

Members discussed the allowable decibel levels in Section 3.4.1.V. Jeff Hutchinson said that he did not agree with all the allowable levels as they are not all fair. Charlie Frizzle said that the type of wind mills that this would apply to do not make noise. Anna Breinich to research the noise levels of a nearby windmill.

Solar Energy Collection Facilities, Section 3.4.1.2 (page 3-18), staff to review further. Discussion on what is accessory and what is primary.

Jeff Hutchinson asked members how they felt about requiring those with Home Occupant to obtain a permit. Refer to Section 3.4.2.C, page 3-20. Language changes suggested and made.

b. Stormwater Management (previously provided material from Jared) (added 1/5/16)
Postponed.

3. Approval of Meeting Summaries

MOTION BY RICHARD VISSER TO APPROVE THE MEETING SUMMARY OF SEPTEMBER 23, 2015 AS AMENDED. MOTION SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

MOTION BY CHARLIE FRIZZLE TO APPROVE THE MEETING SUMMARY OF NOVEMBER 3, 2015 AS AMENDED. MOTION SECONDED BY MARGARET WILSON, APPROVED UNANIMOUSLY.

4. Other Business: No other business.

5. Upcoming Meeting Schedule: Dates to be determined.

Adjourn

This meeting was adjourned at 4:21 P.M.

Respectfully Submitted,

Tonya Jenusaitis

Recording Secretary