

April 20, 2016

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Anna Breinich, Director of Planning and Development
Town of Brunswick
85 Union Street
Brunswick, Maine 04011

**Re: Reconsideration of Conditions of Approval
 Village Review Board Certificate of Appropriateness for Construction
 FOUR SEASON GROUND CARE, INC.
 DBA FLOWERS ETC.
 Tax Map U08, Lot 41**

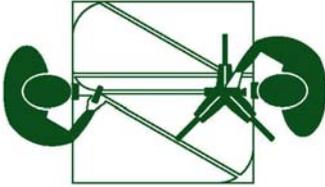
Dear Anna,

On behalf of Leo and Monica Theberge, owners of Four Season Grounds Care, Inc., Sitelines, PA has been engaged to assist with a request to reconsider the Conditions of Approval for the proposed construction of a new commercial structure at 15 Jordan Avenue. At the February 23, 2016 meeting, the VRB approved two Certificates of Appropriateness for the Theberge's property. We respectfully request that the VRB reconsider the approval of the Certificate of Completeness for Construction and remove Condition #2.

First and foremost, the approved Findings of Fact do not support this Condition. The findings state *"It is recommended that simulated divided lights be used for window grilles ..."*, this does not indicate that there were findings to support this as a requirement of the Ordinance or as a Condition of Approval. Section 216.8.B.2.b.2 of the Ordinance states *"The Village Review Board shall set forth the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the applicant and any interested member of the public of the basis for the decision."* This standard has not been met.

Section 216.1(A) states that the purpose of the VRB is to protect and preserve the architectural context and historical integrity of the downtown neighborhoods by: *"Applying Ordinance standards and design guidelines in a reasonable and flexible manner to maintain Brunswick's traditional character and to ensure compatible construction and rehabilitation of existing structures in the Village Review Zone without stifling change or forcing modern recreations of historic styles."*; as well as by: *"Promoting economic development by enhancing the attractiveness of the Town to businesses and their patrons, residents, and visitors to Brunswick."*

Dictating a specific window design is not supported by either of the measures listed above to further the purpose of the VRB. In fact the VRB did find that *"Generally, building materials,*



overall design, height and setback are consistent in style with adjacent structures along Jordan Avenue within the Village Review Zone.” This would indicate “visual compatibility” per the Review Standards in Section 216.9.A.1.d. “Compatibility does not mean “the same as”.”

The findings go on to recommend divided lights for windows and the use of wood clapboard as preferred over vinyl, but does not support adding the window requirement as a Condition of Approval. Although not part of the Ordinance, the instructions contained in the VRB Application Package state *“New construction or additions are not required to adhere to any specific architectural style. The Board encourages contemporary architectural solutions which are appropriate for their surroundings. It is neither the intent nor the purpose of the Board to encourage a particular style for Brunswick, but rather to preserve the diversity which its present character has evolved.”* In this particular instance, the Theberge’s have chosen a window design that is easy to maintain, attractive and is historically present within the neighborhood. During an informal survey of window styles in the neighbor, a least 10 structures were observed along Jordan street that have double hung windows without grilles. However, the “prarie” style windows proposed are utilized in the old church located on the corner of Jordan Avenue and Federal Street. We have also enclosed photos of windows in recently constructed and renovated buildings within the Village Review Zone.

The proposed re-development of the site will present a more attractive business location and a site layout that has safer ingress and egress, while providing enhanced stormwater control.

It can be reasonably concluded that the applicants have met the intent of the Ordinance for a Certificate of Appropriateness for Construction, without including the Condition of Approval that specifies window styles. Therefore, we request that the Board re-approve the Certificate for Appropriateness for Construction and strike Condition #2.

We look forward to meeting with you and the Village Review at the April 26, 2016 meeting to gain their approval of our request. We appreciate your assistance with this project. Should you have any questions, please call or contact me via kclark@sitelinespa.com.

Very truly yours,

Kevin P. Clark

Kevin P. Clark, PLS
President

Enclosures

cc: Leo Theberge
John Moncure