

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION

FEBRUARY 26, 2015

MEMBERS PRESENT ZONING ORDINANCE REWRITE COMMITTEE: Margaret Wilson, Acting Chair; Richard Visser, Anna Breinich, Director of Planning and Development; and Jeff Hutchinson, Code Enforcement Officer

CONSULTANT PRESENT: Don Elliott via ZOOM

Ms. Wilson opened the meeting and explained the agenda for the meeting.

Review and approve meeting summaries:

Meeting summaries are provided for January 15, 2015, January 22, 2015, and January 29, 2015.

Charlie Frizzle, 1 Sagamore Lane, asked for a correction on page 7 of the January 22, 2015, minutes.

MOTION BY JEFF HUTCHINSON, SECONDED BY RICHARD VISSER, TO APPROVE MINUTES OF THE ZONING ORDINANCE REWRITE COMMITTEE MEETINGS HELD JANUARY 15, 2015, JANUARY 22, 2015, AND JANUARY 29, 2015. THE VOTE WAS UNANIMOUS OF THOSE PRESENT.

Ms. Wilson opened the meeting to public comments on items not included on the agenda.

Richard Fisco, 2 Lincoln Street, asked where the Committee was in terms of the rewrite process, and Ms. Breinich said she would have a better idea after this meeting's discussions.

Seeing no other members of the public with comments, Ms. Wilson closed the public comments section of the meeting.

Sign chapter review:

Mr. Hutchinson stated that the draft the Committee had from February 13, 2015, reflected comments he had received about the sign ordinance from the public and ZORC members.

She asked the Committee for their comments on this current draft of the sign ordinance and then will entertain public questions and comments.

Mr. Visser requested more definitions for consistency. Mr. Hutchinson will review this, and stated that some have been defined and some deleted in a newer draft.

Ms. Wilson asked for a directive that states that signs need a permit, and Mr. Hutchinson said he is currently working on that. She is concerned that the ordinance as written prohibits "Open" signs because they are considered flags, and feels this is too much regulation. She would like to

hear what others have to say about this topic. Ms. Wilson also believes the type of sandwich sign advertising a remote event are prohibited in this draft, and would like to review this.

Charlie Frizzle requested clarification on a building directory sign, about which the Committee discussed new language, and highlighted some typos, most of which had been corrected on the newer draft.

Ms. Breinich agreed with Ms. Wilson's comment about the allowance for "Open" flags, and the Committee agreed to exempt them through additional language. Mr. Elliott provided information on handling that issue, and the ways it is treated in other communities. Ms. Breinich stated they were trying to prohibit distraction and public safety issues, but wanted to allow something reasonable. Mr. Elliott cautioned the Committee against language-based regulation.

Jane Millett, 10 Franklin Street, asked why real estate signs are restricted to 4 sq. ft., and Mr. Hutchinson replied that is in the current ordinance. The Committee discussed possibly expanding the size allowance.

The Committee discussed balloons, which Mr. Hutchinson had received comments about, and he suggested striking balloons from the list of prohibited signs. The Committee and the audience discussed this issue.

Allison Harris, Cumberland Street, asked if there were specific objections to the ArtWalk signs, or just the permanent feather signs, which were discussed earlier as being prohibited in the proposed draft ordinance. Mr. Hutchinson considered the ArtWalk signs to be special event signs, which would be allowed, and the complaints he had received were for the signs that were of a longstanding nature.

Catherine Ferdinand, Bowdoin College, was concerned about distinguishing between special event signs and temporary signs, and the student-led activities not planned in advance, and Mr. Hutchinson stated most of Bowdoin's signs were special event signs, and requested an annual or biennial email listing the known events. Ms. Ferdinand would like to know what a special event is. The Committee will work with her on this issue. Ms. Ferdinand also commented on internal campus signs, and wondered if signs not visible from a public way need to be regulated. Mr. Hutchinson is not sure where the term "public way" came from, but would like to keep it in. Ms. Wilson suggested addressing it in the Campus Sign section of the ordinance. Ms. Ferdinand and the Committee discussed her concerns and the sign regulations as they related to Bowdoin College, and the Committee agreed to change language related to directional or destination signage.

Richard Fisco, 2 Lincoln Street, asked the Committee to define time duration for special event and temporary signs, and Mr. Hutchinson replied that this is currently done.

Ms. Breinich felt that sandwich signs needed to be handled differently than other signs. The Committee agreed that sandwich signs could be reviewed again. Ms. Breinich will work with Mr. Hutchinson on this item.

Catherine Ferdinand, Bowdoin College, asked the Committee to consider including a temporary campus sign because not all of their temporary signs are event signs, and she has included a possible definition in her email. She also spoke about language in GM-6 about placement of signs between 1st and second floor windows, and this contradicts the plaque signs they would like to use on their administration building, which is now in GM-6. Ms. Breinich and Mr. Hutchinson will review this section of the language, as the Committee agrees it is unduly restrictive.

Ms. Breinich spoke about expectations for the next iteration of the proposed sign ordinance. Mr. Hutchinson stated that he had received comments from MRRA, and he expected to be able to

meet all of their recommendations. He has received Catherine Ferdinand's comments, most of which have been discussed at the last few meetings. When the next draft is ready, they will have it available to the public and take more comments and suggestions.

Mr. Hutchinson said the real estate signs were 4.5 sq. ft., so he would probably increase the size to 6 sq. ft. in the next draft.

Catherine Ferdinand, Bowdoin College, had a question about signage on the Brunswick Landing property, which Mr. Hutchinson answered.

Open space-related provisions review:

Ms. Wilson introduced this item by stating Clarion had streamlined the density bonuses and how they coordinated with affordable housing, the Comprehensive Plan and Brunswick SmartGrowth, and she has worked with the Planning Department and the Conservation Committee Chair to discuss comments. The main issue seemed to be when giving open space density bonuses to a development, the Town should be careful to do that only for parcels that are not conserving land that could not be built on, which has happened under the current ordinance, but preserving valuable land and open space. Flexibility is also desired for the developer in order to receive smaller lot sizes and larger setbacks. In the current rewrite, a density bonus is only granted if you preserve 50% of the developable net site area of any parcel. The other issue raised by Town officials is the fact that they don't always understand what the standards are that they are supposed to use to evaluate whether or not the Town should accept the transfer of the conserved land, and whether the land should go to the Town, a land trust, a homeowner's association, etc. The Town currently has many parcels of land taken for conservation easements, but sometimes finds with budgetary constraints and other reasons they are having difficulty stewarding these parcels, and some do not have conservation value. The group felt that conservation standards were important when viewing a parcel of land, and the land would be prioritized in terms of value and protection, probably by the Conservation Commission and/or the Recreation Commission. They are also proposing that if land is given in perpetuity, the developer would need to fund the maintenance in exchange for the benefits they are receiving. She explained that the group has tried to clarify the standards used to make decisions. Ms. Wilson said she rewrote Clarion's version of the draft rather than rewriting the current draft, and removed language in order to compact the ordinance. Ms. Wilson explained the reasons for the new language in the Open Space section of the ordinance and the expected value achieved from the rewrite. Ms. Wilson highlighted some of the most important changes from the current ordinance. The Conservation Commission desired the conserved space be contiguous to other conserved space, either on the parcel itself or potentially on a parcel that's nearby. The modified density bonus is drafted to read if the percentage in the chart is protected, regardless if it's in the developable net site area, or if it is in addition to that, the developer gets dimensional flexibility. Density bonuses are reserved only for those places that preserve areas not only areas that are developable, but the additional percentage of whatever is that developable land. Ms. Wilson talked about the standards proposed to be used for ownership of protected conservation land to give the Commission a framework for decisions made regarding the land.

Carol Liscovitz, 11 Berry Street, asked for clarification that any additional conservation of developable land within that net area is eligible for density bonus, and Ms. Wilson replied in the affirmative. She asked for clarification on the setbacks, and Ms. Wilson replied that one still

cannot develop in the area that's excluded from the net site area, but also explained where the dimensional flexibility came into play.

Jane Millett, 10 Franklin Street, asked if the protected land is no longer on the tax rolls, and Ms. Wilson said it would not if a homeowner's association stewards it. Ms. Breinich stated if it was an easement, it would trigger a lower tax rate, but would still be taxable property. Ms. Millett asked if the Conservation Commission agreed with this, and Ms. Breinich replied that it is a result of discussions with the land trust, and it is much stronger than anything the Town has had in the past.

Don Elliott, Clarion Associates, questioned Ms. Wilson about combining the columns on the table, and Ms. Wilson clarified that she just wanted to have column 2 and 3 combined because they are identical.

Charlie Frizzle would like to see the stewardship fees waived on the transfer of large parcels the Town views as important or valuable, with perhaps the Conservation Committee making the recommendation. The Committee agreed. He also thanked Ms. Wilson for creating this document, and thought she did a good job.

Mr. Visser and Ms. Wilson asked Mr. Elliott if the section on homeowner associations/property owner associations carried over into the proposed draft. He stated he is aware the current code contains that, but does not believe the section was carried over, rather, it was incorporated throughout the revised provisions. Ms. Wilson will review this section and highlight items that need to be included in the proposed draft, and perhaps compile an administrative list for the list of documents submitted, perhaps as part of the development review section.

Carol Liscovitz, 11 Berry Street, asked if there was a minimum developable size for open space development, and Ms. Wilson replied in the negative. The minimum the Town will look at will be 10 acres.

Mr. Hutchinson asked if the language stricken on page 2 concerning single lot split would be moved elsewhere, and Ms. Wilson said she believed it was not needed. Ms. Breinich agreed and thought it was covered in the districts themselves. Mr. Hutchinson gave an example and asked if this would be possible with the new language. Mr. Hutchinson and Ms. Breinich will review this section and possibly put the current language into CP-1 and 2.

Mr. Elliott asked a question about contiguous being an eligibility criteria, which Ms. Wilson stated the Conservation Committee wanted, but she agreed with Mr. Elliott's point that it was covered elsewhere.

Mr. Elliott left the meeting.

ZORC work session meeting schedule:

- Thursday, March 5, 2015, 1:00 pm – 4:00 pm, Town Hall, Council Chambers – finalize signs for next draft, public comments, MHPC draft language for Committee
- Friday, March 13, 2015, 9:00 am – 12:00 pm, Town Hall, Room 206 – provisions for Rec fees, neighborhood protection standards
- Wednesday, March 18, 2015, 2:00 pm – 5:00 pm, Room 206 – continuation of non-conforming, public comments, density and dimensional standards and uses

- Thursday, March 26, 5:30 pm – 8:30 pm, Council Chambers – wrap-up of the draft and hand-off to Clarion, then begin mapping process

Ms. Wilson asked about the review of consolidation of districts, and Ms. Breinich said that that would begin with the mapping process.

Ms. Breinich would like to have a new draft before resuming public meetings explaining the zoning changes. Ms. Wilson agreed, and stated that the Committee could make sure the mapping meetings are well advertised, with the specific sections being discussed, for maximum public input.

Jane Millett, 10 Franklin Street, asked if the Committee would still be willing to make further changes and accommodations after the next draft. The Committee responded in the affirmative, stating it will not be the final draft. Mr. Visser explained that they would like to have something concrete and up-to-date to work with after so many changes have been made. The Committee agreed that Mr. Hutchinson could craft the non-conforming section for the next draft, and they could discuss it then.

Other business:

None.

Ms. Wilson adjourned the meeting.

Attest

Debra Blum
Recording Secretary