

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION

MARCH 13, 2015

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

CONSULTANT ABSENT: Don Elliott of Clarion Associates

Mr. Frizzle opened the meeting. One meeting summary is provided but is not on the agenda.

Review and approve meeting summary:

A meeting summary is provided for February 26, 2015.

Mr. Hutchinson asked for a correction on page 1. There were no other comments.

MOTION BY MARGARET WILSON, SECONDED BY JEFF HUTCHINSON, TO APPROVE THE MEETING SUMMARY OF THE ZONING ORDINANCE REWRITE COMMITTEE MEETING HELD ON FEBRUARY 26, 2015. THE VOTE WAS APPROVED UNANIMOUSLY AMONG THOSE PRESENT.

Mr. Frizzle opened the meeting to public comments on items not included on the agenda. There were no public comments, and Mr. Frizzle closed the public comment section of the meeting.

Mr. Frizzle opened the nominations for the Committee Chair and Vice Chair.

Elect Chair and Vice Chair of Committee

MOTION BY MARGARET WILSON TO NOMINATE CHARLIE FRIZZLE TO CHAIR OF THE BRUNSWICK ZONING REWRITE COMMITTEE, SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

MOTION BY CHARLIE FRIZZLE TO NOMINATE MARGARET WILSON TO VICE CHAIR OF THE BRUNSWICK ZONING REWRITE COMMITTEE, SECONDED BY RICHARD VISSER, APPROVED UNANIMOUSLY.

Sign chapter review of final draft:

The Committee discussed the 3/13/15 draft of the sign chapter and offered comments to Mr. Hutchinson.

Catherine Ferdinand, Bowdoin College, stated that in the section for monument signs, the section is silent on districts including the college use district and residential districts where the

college places signs, and she wonders if they are not allowed or if it is an oversight. Mr. Hutchinson said currently they are not allowed in the residential districts, and that language was carried over to the draft ordinance. Mr. Hutchinson will add the use of monument signs in the college use districts.

Mr. Visser stated that the 2-year timeframe given to restore or reconstruct a nonconforming sign after the destruction seemed too long. The Committee believed that 1 year was sufficient, and Mr. Hutchinson will change the language.

Mr. Hutchinson stated that they will further discuss placement of temporary signs after the next draft is prepared. One possibility is dictating where in town these types of signs can be placed, and limit them to those locations. The Committee will also need to discuss placement and amount of sandwich signs, and possible kiosk signs for advertisement of side street businesses. Ms. Wilson brought up comments from MRRA on the last draft, and Mr. Hutchinson said he had been able to satisfy them for the most part. He has added signage to the General Aviation district, which they requested. MRRA was concerned whether proposed language would allow them to install a secondary monument pole sign between the air strip and Bath Road for advertising purposes. That is currently allowed in the ordinance and will be allowed in the new draft. MRRA requested language to allow a map directory sign housed in a structure, and Mr. Hutchinson said that depended on what type of structure they intended to build. A small roof structure could be incorporated into the sign design, but a gazebo-type structure, for example, would require a building permit.

Catherine Ferdinand, Bowdoin College, commented about the necessity of wood or wood-resembling materials in the pole sign section, and requested language allowing metal or a composite material, at least in the college district, to allow Bowdoin to comply with the ordinance. Ms. Breinich suggested asking Mr. Elliott of Clarion Associates for assistance in crafting the necessary language. Ms. Ferdinand also questioned the definition of the special events sign. Bowdoin assembled a list of all of their special events and their temporary event signs, which Ms. Ferdinand supplied to the Committee. Her understanding from last meeting was that Mr. Hutchinson would accept a generic notice of their signs without the specific dates. She mentioned that the definition of special event sign states that they be attached to a building, prohibiting a number of Bowdoin's free-standing signs, so she requests language to allowing free-standing signs. The Committee discussed language that would allow free-standing signs, and Ms. Wilson asked if the Town still needed the requirement that Bowdoin informed them of events, which is in the current ordinance. Mr. Hutchinson believed that was the only method to alert the Town of the temporary signage, since it does not require a permit, and an email would be acceptable as a notification.

Mr. Hutchinson stated that with some fine tuning, this will be the sign ordinance for now, and they can review and make more changes with the next draft.

Open space-related provisions: Review of revised text:

Ms. Breinich explained that since the last meeting, Ms. Wilson has amended the text and tried to capture any comments previously made.

The Committee reviewed the document, making minor corrections and revisions to the drafted language as they went through it. There was a question about a section of deleted language referring to the Town's prerogative to waive the usual fee to accept land of exceptional value,

and Ms. Wilson will draft that language and provide it to Ms. Breinich, who will provide that to Mr. Elliott of Clarion, for inclusion in the final draft.

Archeological resource protection:

Ms. Breinich presents this material for the first time to the Committee, stating that she had been provided with specifics from the Maine Historic Preservation Commission (MHPC). She said that one suggestion had been to create an archeological overlay at Brunswick Landing. Ms. Breinich would like to expand the area without an overlay, but adding another layer of mapping to guide the findings of fact in the Development Review process. Mr. Frizzle believes that conceptually, that is all the Committee needs to do. Mr. Frizzle also stated that there was a grouping of archeological sites at the entrance to Brunswick Landing, where there is substantial development planned, and believes the new owners of these lots should be consulted now. Ms. Breinich stated that there is a redevelopment and the other sites being developed are clear of archeological significance.

Catherine Ferdinand, Bowdoin College, stated that in Bowdoin's experience, all of the deeds have materials attached which include an archeological and historic preservation covenant, and the problem with the overlay concept is the understanding that the areas marked are larger than on the covenant. Mr. Frizzle said that this is to deter people from the sites, and they were not going to use an overlay. The Committee will need to craft language to include archeological and historic preservation sites town wide, to be consistent with what is required for any development proposal.

Fred Koerber stated that he is an advocate of the overlay because it is part of a programmatic agreement with the Navy when the land was conveyed, requiring responsibility for archeological sites and historic structures to be overviewed by MHPC if there were any changes, alterations or ground disturbance. He thinks the Committee has a great plan and is not opposed to being more inclusive. He would like to make sure the Committee references the Maine Shoreline Zoning Ordinance and statute, which helps to strengthen the idea of recognizing the location of the assets. He said holding the specific information has its merit because as gatekeepers to that information, it prevents treasure hunters from getting access, where the Town may not have those specific provisions. He would also like to point out that there may be other sites added in time, and as some sort of recovery mitigation takes place, some of the sites may actually be removed.

Jane Millett, 10 Franklin Street, asked if the descriptions of these sites were in the deed and therefore public record. Mr. Frizzle concurred, but said it is not published information.

Ms. Breinich asked the Committee to look at the beginning language drafted by Mr. Spiess at the MHPC, and she will draft it as part of the Developmental Review revisions. The Committee likes the language, and will review it after Ms. Breinich makes revisions.

Ms. Wilson asked Mr. Koerber how to balance the desire of a party to build a structure on an archeological-marked site with the protection of the site; is there a way to evaluate an historic site for its value, and who is making that determination. **Mr. Koerber** said that is something the Committee needs to discuss, and there is absolutely an issue of relevant value. If a site turns out to have value, it goes through a recovery process, or a portion of the land may be set aside and move construction and ground disturbance to another area. Mr. Koerber explained the three phases of the recovery process; exploratory, partial recovery and total recovery. Mr. Frizzle said

this all starts with bringing the developer into the process early, and that's what they need to cover in this draft.

Outstanding written and verbal public comments:

Ms. Breinich would like to add these to the table of comments and present them just before the end of the process.

ZORC work session meeting schedule:

- Wednesday, March 18, 2015, 2:00 pm – 5:00 pm, Town Hall, Room 206 – Rec requirements and the development review process will be the key topics
- Thursday, March 26, 2015, 5:30 pm – 8:30 pm, Council Chambers – Rec/Open Space, neighborhood protection standards
- Friday, April 3, 2015, 1:00 pm – 4:00 pm, Town Hall, Room 206 – density/dimensional standards and uses with Don Elliott of Clarion Associates

Ms. Breinich stated that she gave a copy of the most recent draft to the Conservation Committee, so there may be further comments to discuss at a future meeting.

Ms. Wilson asked Ms. Breinich to establish some dates for meetings in April.

Other business:

None.

Mr. Frizzle adjourned the meeting.

Attest

Debra L. Blum
Recording Secretary