

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION

MARCH 26, 2015

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

MEMBERS PRESENT RECREATION COMMISSION: Tom Farrell, Director of Parks and Recreation;

CONSULTANT ABSENT: Don Elliott of Clarion Associates

Mr. Frizzle opened the meeting.

There is one meeting summary for acceptance, which is not on the agenda.

Mr. Frizzle opened the meeting to public comments on items not included on the agenda.

Kathy Wilson, Pleasant Street, spoke against using advertising balloons on cars for sale in a lot. She believed they are distracting and an environmental hazard, as she has witnessed them fly off cars frequently. She would like them prohibited with the exception of a provision requiring them to be taken down within 24 hours. They are not in line with Brunswick's reputation as an environmentally friendly community.

Seeing no other citizens wishing to speak, Mr. Frizzle closed the public comment section of the meeting.

Responding to Ms. Wilson's comments on balloons, Mr. Frizzle stated the Committee had been considering this item on a distraction versus sales basis, and Ms. Wilson raised environmental concerns, which they will put on the table for consideration.

Recreation Requirements (1st Draft – still under review by Recreation Commission):

Tom Farrell, Director of Parks and Recreation, and Mark Eyeran of Planning Decisions stated that the Recreation Commission has been spending time creating a draft of the Recreation Impact Fee methodology they are proposing, and have proposed language for the zoning ordinance that relates to facilities' impact fees. This is still in draft form, although they feel they are getting close to a final draft. They have also outlined several significant projects from 2004 that the town was interested in as part of the Parks, Recreation and Open Spaces Plan that were determined to be high priority recreation improvements that the town would desire in the coming years and they knew would need significant levels of funding from local and outside sources. The staff is working on updating that list of projects for the Committee, and the Recreation Commission spent some time at their meeting last night discussing the fact that this list may change with opportunities the Recreation Commission receives, and it would be these projects

the Recreation Department would like to fund with impact fees. The consensus of the Commission was that the primary way they would like to administer this going forward would be to gain the fees rather than the land, but if a property comes available with some critical elements like a key trail connection, the town could still have the alternative to refuse the fee to gain a key piece of property. They believe there is less need today to purchase additional lands to build recreation facilities.

Mr. Frizzle states he is less interested in details of the determination of the fee for this zoning ordinance, and the Committee agrees, but this document, which he referred to as Document X, including the purpose, authority and payment should exist in a document that can be reviewed and approved by the Recreation Commission and subsequently the Council, but the zoning ordinance does not need to be burdened by these details. His suggestion is to put into the zoning ordinance what a developer needs to know about the Rec fee; why it is there, what its purpose is, and the authority, payment of the fee, with a change in the language that references Document X, instead of see below. Impact Fee Account - the developers are not particularly concerned with the way the town is going to account for the money. Use of Impact Fees – they are not particularly interested in that. Both of those would reference Document X. He would include both sections that deal with refund of impact fees and modification of the impact fees, as this would be of importance to developers. The Committee discussed which sections they felt should go in the ordinance, and which sections should be referenced to Document X. The Committee, along with Mr. Farrell and Mr. Eyerman, discussed the housing chart in Document X, and how that impacts the rec fees. The language needs to be consistent with the ordinance language, and the chart should be consistent with the ordinance's Use Table. Ms. Breinich and Mr. Hutchinson will modify the table to be consistent with the zoning ordinance and its definitions with the housing listed. The table will then be sent to Mr. Eyerman, who will work with the Recreation Commission to turn this into what Mr. Frizzle calls "Document X". The Committee and staff will take the paragraphs mentioned by Mr. Frizzle and build them into what will be sent to the consultant, Don Elliott, and if those paragraphs happen to change after the Recreation Commission and the Council are done with it, they can change them. The Committee and Mr. Farrell discussed some questions Ms. Breinich and Ms. Wilson had about the proposed language about the stewardship fee. Mr. Hutchinson is concerned that the impact fees for a single family or two-family home will be more than the cost of the building permit, thus it is a substantial new fee. Mr. Doxsee pointed out that although this procedural change is capturing more value, it seems that the per unit cost of the rec fee is going down. Mr. Frizzle said that is exactly the effect they were looking for. Mr. Doxsee commented on the rec impact fee allowed to create infrastructure supporting new recreation, not supporting existing recreation. Mr. Eyerman replied that State Law says that impact fees have to be used going forward. Impact fees are designed to say, rather than as a condition of approval, that the applicant has to make certain improvements. They can pay money to the community that the town will then use to make improvements to provide those same sorts of facilities. Mr. Hutchinson's other comment is that the payment should not be paid to the code officer, but to the Department of Planning & Development.

Mr. Farrell and Mr. Eyerman left the meeting.

Open space-related provisions: Final draft review:

Mr. Frizzle commented about a section letting a developer receive credit for another piece of land to devote to open space conservation if he didn't have any qualifying open space on the first property, and it didn't state the land must be contiguous. Ms. Wilson said it was intended to be on the same parcel and only if the other qualifying areas didn't exist. Development credits have never been done in Brunswick. This is in the existing ordinance, and Ms. Breinich and Ms. Wilson discussed removing it. Ms. Wilson said what she, Ms. Breinich, and a member of the Conservation Committee discussed in the beginning was that even in the case of property that didn't necessarily have high value, that there was a public value to allow clustering, and retaining open space even if it wasn't of a high quality. Mr. Frizzle believes if you read B that way, it negates everything said in A, because to call it open space it doesn't have to meet any of those requirements; it just needs to remain undeveloped. Mr. Frizzle asks why set out all the criteria if you are going to accept anything as open space. Ms. Wilson said it is because they come back and refer to 1-9 as a way for the town to decide what to take, and you know that non-profits are not going to take an easement on something that doesn't have any value, but the town is saying that even though it doesn't necessarily have those attributes, there is public benefit in allowing some flexibility in dimensional standards, which will allow some space to remain open just to have plants to put oxygen in the air. Ms. Wilson did not see it as negating it as much as the benefit of the town getting some land that is not developable.

Catherine Ferdinand, Bowdoin College, believes the confusion lies in where that section is located in the ordinance, where conservation land is discussed, and suggests it could be moved. The Committee discussed this, and Mr. Doxsee questioned the feasibility of doing a compact efficient development in the rural areas without dedicating open space, and Ms. Wilson answered not as easily. There is flexibility but not a density bonus for that scenario. Ms. Wilson would propose to leave it in and see what comments and reaction they receive. The Committee discussed Mr. Doxsee's suggestion that the developers be allowed to do the development without the density bonus with that provision. Ms. Wilson and the Committee decided to see what responses they received before any changes to this section. Ms. Breinich found some applicable language that the Committee felt should be added to the draft ordinance. Mr. Frizzle believed that allowing separate conservation areas from the lot being developed is something the Committee ought to consider. Mr. Frizzle continued with a few more language revisions and typos, as did Mr. Visser.

The Committee will be applying all of chapter 4 to projects outside Development Review, which is why they had to obtain review criteria. Ms. Wilson asked why a new home should be exempt from the solid waste impact fee, and the Committee agreed that it shouldn't. It is included in the proposed ordinance. The section including a fee is one of the sections in Development Review that the Committee has not finished.

Development Review Thresholds/Process:

Ms. Breinich has composed a revised table in response to concerns that have been raised through written and oral comments. With the new draft, they had decided to use the same thresholds throughout the town, going back to the draft proposal from several years ago, which is what Brunswick Landing has currently. Ms. Breinich tried to determine what might work where, in the proposed districts, rather than a one size fits all approach. If it's in a built-up area, then it

should go to Planning Board. If it is more of an area that isn't as densely developed as Brunswick Landing and isn't quite there yet, then allow the redevelopment to continue at the pace it is going. There have been no issues and this approach has been working. Ms. Breinich started with the most restrictive review threshold in the table, which included all of the residential zones in town. She continued to explain the review thresholds and locate them on the maps. These are kept at the currently existing thresholds. The draft made everything the same, no matter the intensity of what was there, and feedback showed that citizens wanted more items from areas residential in nature going to the Planning Board for more review. Mr. Frizzle said that Ms. Breinich is now sorting out which districts need more Planning Board attention and which districts can essentially stay with the same restrictions. Mr. Frizzle is convinced the changes that Ms. Breinich has made have addressed the comments heard from the public with respect to these reduced thresholds. The changes will be made in the table for the next draft. Ms. Breinich discussed district boundary buffering, which was developed when the BNAS reuse district was done. It was meant for any development within the reuse district which was within 200 feet of a district boundary otherwise classified as minor, and it would have to go to Planning Board. It is now 6 years later, and it is unsure whether this is still needed. Ms. Breinich gave some examples of district boundaries and believes the protections are now built-in to the districts. Ms. Wilson believes the neighborhood protection standards in those districts are adequate, and the Committee agrees. Mr. Frizzle said they would need to talk to Steve Levesque about that, but he believes the neighborhood protection standards would apply. Ms. Wilson said the key thing is the neighborhood protection standards also applying to the boundaries of the Brunswick Landing development brings the zoning ordinance together. The Committee also discussed moving commercial use with operating hours between 12:00 am and 5:00 am in a residential neighborhood into the neighborhood protection standards. The Committee decided to change the hours of operation for commercial use needing development review from 11:00 pm – 7:00 am.

ZORC work session meeting schedule:

- Friday, April 3, 2015, 1:00 pm – 4:00 pm, Town Hall, Room 206 – density/dimensional standards and uses, and public comments, with Don Elliott of Clarion Associates

Review and acceptance of meeting summary from March 13, 2015:

Ms. Wilson noted a few places where minutes needed to be changed to meeting summary. Ms. Wilson also made another correction in working relative to Bowdoin's freestanding signs.

Margaret Wilson moved, Dick Visser seconded, approval of the March 13, 2015, meeting summary. The motion was approved unanimously among those then present.

Other business:

None.

Mr. Frizzle adjourned the meeting.

Attest

Debra L. Blum
Recording Secretary