

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION

APRIL 3, 2015

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

MEMBERS ABSENT ZONING ORDINANCE REWRITE COMMITTEE: Richard Visser

CONSULTANT ABSENT: Don Elliott of Clarion Associates

Mr. Frizzle opened the meeting.

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

Carol Liscovitz, 11 Berry Street, asked about the Neighborhood Protection Standards that is on the agenda, and Ms. Breinich stated it would be just the beginning of discussions about this item.

Seeing no other citizens with comments, Mr. Frizzle closed the public comment section of the meeting. He did invite the public to comment on any of the other matters the Committee would be discussing at this meeting.

Recreation Requirements (update):

Ms. Breinich gave an update on this item. She and Mr. Hutchinson have gotten a list of tasks from Mr. Eyerman based on last meeting's discussion. Ms. Breinich has researched other communities and how they deal with recreation impact fees, and she stated Brunswick is in the minority in that the Town is only assessing them for Development Review. More times than not, it is assessed at building permit stage, even for single family homes, and she strongly believes the Committee should move in that direction because it's fair and across the board. The language will be ready for the next meeting, and will also be given to the Recreation Commission. The Committee will be able to review what staff has drafted at the ZORC meeting of the 13th.

Use Table:

The Staff is making some recommendations for changes in the Use Table. Ms. Breinich has made changes based on the conversations she had been having and comments she had received. There are some changes highlighted in gray that will need to be discussed further by the Committee. Ms. Breinich went through Table 3.2 and pointed out the staff's recommended changes, of which some were just oversights. The notes dealing with supplementary uses and protections that are in the existing CU Tables will be kept.

Catherine Ferdinand, Bowdoin College, asked the Committee to again review the definition of residence halls, since future plans for student housing could include residence halls which are more like assisted living facilities, and may not technically meet the dwelling unit requirements. Her other issue with the Use Table as it exists is that there is still a conditional use in GC-2, which is inconsistent with the notes and the Committee's discussion. The "C" is problematic for them, unless it would be "C" north of Longfellow Avenue and "P" south of Longfellow Avenue, as has been done in other districts. Ms. Breinich believed it was part of the notes, but Ms. Wilson said it was not there now. Ms. Breinich replied that they would want to have a footnote for "P" in CU-5, but Mr. Frizzle recommended that using south of Longfellow might be a better way to say it.

Carol Liscovitz, 11 Berry Street, said her concern with the residence halls is the impact of the density and the parking on the neighborhood areas.

Ms. Ferdinand responded that if they needed a higher density in the residence halls, it would go through Major Development Review and be well vetted. The parking lot requirements are more stringent than parking requirements for multi-unit dwellings.

Ms. Liscovitz would like to have a greater depth of discussion of the impact, recognizing it is a significant issue now, instead of taking what they have now and seeing how it works out in the future.

Mr. Frizzle asked Ms. Breinich to work on some new language for the CU-5 and CU-6 difference, taking into account what the Committee has heard today, and seeing if some level of protection can be had without totally limiting the college in terms of newer design-type residence halls in the future.

The Committee decided to delete the category College Facility Use Not Listed under the Community, Cultural and Educational uses because they felt that it shouldn't be treated differently than a use that is omitted in the ordinance, and it would have to go through Special Permit.

Ms. Breinich and the Committee reviewed staff changes by page and corrected some inconsistencies in the Use Table between districts. The Committee accepted Ms. Liscovitz's suggestion and will delete School from permitted uses in GR-2 and conditional in CR-5 and CR-6.

An audience member had a question about a platform left on a site at Brunswick Landing. The height restriction they have is because of the FAA's restriction on the airport. He would like to know if the platform is an accessory to the tower, because the platform is what the radar array sat on. They have retained that site specifically for communications. The Committee responded that it is conditional, and his situation is fine.

The Committee will rework language and definitions regarding bus stops.

Catherine Ferdinand, Bowdoin College, asked about boat storage, which is not permitted in GC-4, where Bowdoin is planning on constructing a warehouse to likely store boats. She believes the definition may not have described the type of boats Bowdoin will be storing. Mr. Hutchinson replied that boat storage is allowed as a conditional use in GC-3 as long as it's not in the setbacks, and prohibited in GC-4, but the Committee will review it to make sure. Ms. Ferdinand asked why they were not permitted as an accessory use in GC-4, and Ms. Breinich replied that it was not allowed in the current ordinance. The Committee agreed to allow boat storage as a conditional use in GC-4.

The Committee decided to add a note to allow industrial as permitted south of the Route 1 corridor, which came up via public comment, and made sense to the Committee.

Don Elliott joined the meeting.

An audience member had a question on accessory use and asks why warehousing and storage is allowed in GM-6, as it is inconsistent with the other residential areas. Ms. Breinich replied that it is permitted now as a special requirement because of some of the buildings that are currently present in that district. Warehouses are permitted as an accessory use for a permitted use. They are prohibited as a primary use in any new structure. The Committee will revise this section to change some accessory uses to prohibited uses. Mr. Elliott gave guidance to the Committee on this issue. Mr. Elliott answered questions from Ms. Breinich about utilities with respect to the ordinance. The Committee decided to add helipad as an accessory use to districts the GI and GM-3 industrial districts, because as an accessory use the applicant would have to prove it is needed. Mr. Elliott suggested conditional accessory use for another level of protection, and the Committee agreed.

Catherine Ferdinand, Bowdoin College, spoke regarding the Committee's generalization of use terms for the draft ordinance to apply across the districts, but as they thought of potential uses that had not been listed, they ended up adding more items, which seemed counterproductive. As an alternative, Ms. Ferdinand and the college would like to suggest some language that broadens the college definition to some degree. Most of the uses that would have potential external impacts appear in the Use Table, such as residence halls, dining facility and museum, but the definition of college is currently tied to buildings with classroom space. She believes it is conceivable in the not too distant future academic facilities may not be defined by classroom space as we know it today. They will share their language with the Committee, which includes the definition in the Use Table that had been added for the appendix for the acquired property at the former base. They had a line that included "*things that were consistent with the education and cultural mission of the college*". They would like to propose some language that takes away the tie with classroom space and broadens the definition of college to some degree, but still requires them to meet the standards for development review, and dimensional and density requirements. That, coupled with the Neighborhood Protection Standards, would give the college some flexibility within the college core to come up with uses that are consistent with the economic health and well-being of the college going forward in the future. Mr. Frizzle asked Mr. Elliott for the common practice in this regard, and if a definition for college is needed in the Use Table. Mr. Elliott responded there is usually a definition of college, but from the beginning of this process he has argued that they need a lot of flexibility, so he would not object to

broadening the definition. Mr. Frizzle agreed, and asked Ms. Breinich to allow the college to submit the language for the Committee to review, and they will proceed from there.

Density Standards:

Ms. Wilson spoke about the intention of the changes to the zoning ordinance they were tasked with as directed by the Comprehensive Plan, which includes increasing density. The main new proposal in the draft is that minimum lot sizes in residential areas are dropped to 7500 sq. ft. Ms. Wilson and the staff discussed the possible effects. She has three different documents detailing the different scenarios. The first is called the "*The Comparison of the Types of Housing That Can be Built Under the Current Brunswick Zoning Ordinance and the Proposed*". She has analyzed the differences between the current ordinance and the proposed due to different size lots and density. She found that in the current zoning ordinance, one cannot even build to the density allowed. They believed they were allowing people to build 5 single family homes per acre, when the actual amount of homes allowed varied in different districts from 2 to 4. Ms. Wilson asked if the proposed zoning ordinance improves this situation, and does it mean the town can build closer to the density it wants to build to. In most of the districts slightly more single family homes could be built, and her summary of results for each district is included under the title of each page. Mr. Frizzle asks if dropping the minimum lot sizes in the residential areas do enough with regard to the Comprehensive Plan's directive that density be increased. It has a slight effect on single family homes and no effect in any of the TR zones or zones 1 and 8. Ms. Wilson created alternative scenarios because she did not believe the Committee did what it had set out to do, which was to increase slightly, where possible, densities. Alternative 1 dropped lot sizes to 7500 sq. ft., but also increased density in general by a factor of one dwelling unit. Alternative 3 increases the density from the current ordinance and eliminated the concept of minimum lot size for residential purposes. The density factor will always give a minimum for lot size. She believes if the minimum lot size is eliminated, the Committee would accomplish more of what they set out to do.

An audience member said she sees the biggest impact in TR-1, and believes the minimum lot size must be kept there or there could be 10 single family homes on a one-acre area. She would not like to see a change for the TR-1 district, and would like to keep the Alternative 1 Plan, with the 7500 sq. ft. lot size. The Committee discussed the belief that they wouldn't want a smaller lot size than 7200 sq. ft.

Mr. Elliott was pleased with Ms. Wilson's analysis. Most cities run into this problem with two different measures of density. When they have to choose between one and the other to avoid conflicts most towns choose lot size rather than density. However, he thinks there is merit in what Ms. Wilson is suggesting because what it will do is open up more creativity. He thinks it's a good solution with the inconsistencies they currently have. His only caveat is that it will probably result in a non-suburban, more of an older town infill pattern, because people will be able to get creative about how they fit the extra single family houses in. That is, in his opinion, the way towns like Brunswick have developed. They haven't developed where every lot is the same size. Mr. Doxsee believes this is also an incentive for single family homes, and wonders if that's what the town is trying to encourage. Ms. Wilson stated in her summary that more single family, duplexes, and multi-family dwelling units are accomplished in Alternative 3. Mr. Frizzle

believes the Committee should go back to the two standards; minimum lot size and density. However, they need to drop the minimum lot size down to something that is practical for a single family home, given setbacks, impervious surface, etc., and it looks like somewhere in the vicinity of 7200 sq. ft. kind of defines the smallest lot that you'd want to build a single family home on. He suggests keeping that as the minimum lot size, and let the density determine how many duplexes, apartment buildings or units can be built in the same area. Mr. Dorse asked Mr. Elliott if any communities measured density separately for single family and multi-units. Mr. Elliott said he's seen that done, but he thinks what the Committee is trying to do is to gently allow increases in densities in single family neighborhoods, which is what the Comprehensive Plan advocates, in the way that will change the character of the existing neighborhoods the least. Getting rid of minimum lot size is a fairly painless way of accommodating more growth, in his mind. As a response to an audience member's question, the Committee stated the ordinance did not restrict the amount of people in a dwelling unit, only the number of dwelling units. Some of the Committee would like to try Alternative 3 and to keep lot sizes in the 7200 sq. ft. vicinity except in the case of the higher densities, but Ms. Breinich felt they should not set a minimum lot size. Ms. Wilson said Mr. Hutchinson would only use the minimum lot size in the case of lots that were really too low.

Dimensional and Density Table:

The Committee will hold off on any further discussions of density until the next meeting due to time constraints, but Ms. Breinich will discuss the dimensional table. A note was added that building frontage in GM-6 does not apply to the Park Row area, because it will not work there. Mr. Elliott agrees. The Committee also decided to delete the lot width from GM-7, as Ms. Breinich explained that it was not working with those restrictions. The Committee discussed the build-to zone and need for a definition for this, and the fact that Park Row is currently excluded and I-2 should be excluded, as it is in the draft twice. Ms. Breinich stated if the Committee is talking about a different look and feel for that area of town, then the build-to should not be used. The Committee decided to delete the build-to, as it was taken out of the Common Development Plan also, and the only place it will appear is downtown. Ms. Breinich discussed building height in CU-4 (35 ft.) and CU-7 (40 ft. except within 25 ft. of Longfellow) with Ms. Ferdinand from Bowdoin and the Committee. Ms. Breinich would like to go with 35 ft. as in CU-4 and note that it may exceed that height outside of the 25 ft. setback of Longfellow. The Committee agreed. **Catherine Ferdinand, Bowdoin College**, questioned note 19, the building footprint for a multi-dwelling unit, as she thought it was being carried over for 10,000 ft. rather than 5,000 ft. in CU-4. The Committee agreed on 10,000 for a multi-family dwelling unit and 5,000 for a single family unit.

Note 20 was deleted from GC-3 column, and note 19 was moved to that column. Note 6 was also changed to read "north of Bath Road".

An audience member wanted information about the removal of footnote 8, which Ms. Breinich confirmed, and a few other stated recommendations, which Ms. Wilson confirmed were not on the table any longer. The Committee responded that they would craft some language about front setbacks, in response to the Village Review comments that the member brought up. Mr. Frizzle

said they are definitely going in that direction; they just haven't set the boundaries yet. They would apply to all of GR-6.

Carol Liscovitz, 11 Berry Street, asked if a 30,000 sq. ft. facility will be allowed in R-1 and R-8. Ms. Breinich replied yes, but a note or supplemental use is needed to address footprints over 10,000 sq. ft. They would require a conditional use, so would go through stricter review. Mr. Frizzle said the Committee would check the State statute because they may not be able to discriminate against a care facility.

Ms. Wilson questions the impervious surface on Gurnet Road in GR-1 of 100, where it should be 35 like other residential zones. Ms. Breinich feels it should be closer to 50 because of the density being similar, if not more, than TR-1. The Committee agreed on bringing that down to 45.

Mr. Elliott signed out of the meeting.

Ms. Breinich mentioned that RP-1, which was a combination of CP-1 and FF-3, will revert to CP-1, due to all of the comments the Committee had received. The Committee will come back to this table on the 13th in terms of the density after it is reworked.

Neighborhood Protection Standards:

Mr. Frizzle opened up the meeting to a discussion on Neighborhood Protection Standards. Ms. Breinich is asking whether the standards that are in place in the draft ordinance are adequate. Mr. Frizzle added that the only significant change the Committee has discussed over the past couple of months is a ratcheting up of the building height as it moves away from the frontage. Ms. Breinich confirmed that the Committee talked about going to a sliding scale for height after 30 feet. The Committee had received numbers on the existing setbacks from Ms. Ferdinand of Bowdoin College. Mr. Frizzle said the Committee had decided to implement that sliding scale across the board on the edges of the college use zones for neighborhood protection, and Clarion is working on that, as well as the question from Bowdoin College about a fence, which was discussed at an earlier meeting. Ms. Wilson stated the Neighborhood Protection Standards do not particularly address noise, odors, traffic, or operating hours. She asks if the Neighborhood Protection Standards need to be stricter than the Performance Standards, which includes operating hours, and would like to hear the audience members' views on this. Mr. Frizzle stated that if they feel the noise coverage is adequate in the Performance Standards, than is there any reason to be stricter in the Neighborhood Protection Standards. The Committee read through the Performance Standards. Mr. Frizzle suggested adding standards for operating hours and traffic, since everything else seems to be well covered.

An audience member complained about noise caused from emptying dumpsters, but Mr. Frizzle stated that is dealt with by the Codes office by complaint. She would also like to see more concentration on pervious surface, perhaps a modification in the definition, rather than impervious, and Mr. Frizzle explained that that was done with the new Police Department using

some pervious surface, and Mr. Hutchinson added that they were trying to give developers the incentive to use those new pervious materials and techniques.

Ms. Breinich stated the next meeting would pick up where this meeting left off, and it should be the last meeting before the next draft becomes available.

ZORC work session meeting schedule:

Monday, April 13, 2015, 2:00 pm in Town Hall Conference Room 206

Mr. Frizzle adjourned the meeting.

Attest

Debra L. Blum
Recording Secretary