

**BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION**

**MAY 28, 2015**

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

**MEMBERS ABSENT ZONING ORDINANCE REWRITE COMMITTEE:** Jeremy Doxsee, Town Planner;

**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. Seeing no citizens offering public comments, he closed the public comments section of the meeting.

**Mapping Review:**

Ms. Breinich and Mr. Hutchinson have gone over specific comments that were given to ZORC since the first draft was given to the public. These comments were only about mapping, and they have included a few that were staff-based. The larger scale mapping comments that deal with consolidation will be discussed on June 10, 2015. She has a power point presentation, which will make it easier for the audience to follow the discussion.

- **Cedar Street area (comment-based):**

Ms. Breinich has received numerous comments asking to include the Cedar Street neighborhood with Northwest Brunswick neighborhood zoning, which is GR-6, taking it out of GM-1, which is the mixed-use district that follows the rail corridor. The staff tried to include as much as they could in terms of what is primarily residential, looking at the north side of Cedar Street and also the southeast corner. Ms. Breinich agrees that they should be part of GR-6, but she is concerned about what is on Pleasant Street between Cedar and the rest of the Northwest Brunswick neighborhood because those lots and those uses are not anything like the rest of the district. The problem lies with the dimensional standards. St. John's is never going to conform, and maybe that takes care of it. They didn't get a chance to take another look at the area, but she believes that most of those lots are nonconforming. Mr. Frizzle noted that they were already in the GR-6 district, so staying in the GR-6 district to include these residential areas doesn't change their level of noncompliance. Since the Committee decided not to have a separate overlay for Pleasant Street, Ms. Breinich wonders if these properties are being dealt with correctly. Mr. Frizzle said let them go as is; they have been that way forever. He does not know that there's a convenient mechanism to change anything without upsetting the apple cart. Ms. Wilson asked if pretty much all the lots Ms. Breinich was hoping to add to GR-6 along the north side of Cedar Street were residential, and Ms. Breinich stated

yes, except for the corner of Cedar Street and Union Street, which is a mixed use. The idea sounded sensible to Ms. Wilson and Mr. Frizzle, and stated the Committee would recommend Ms. Breinich's suggestion.

- **Union Street between Mill and Pleasant (staff-based):**

Ms. Breinich explained that there is an area east of Union Street that historically has been in GR-6, up against GM-6, and she's having a hard time looking at this area for some of the uses and thinking that you wouldn't know on the ground that there's a difference. Currently this area is in TR-1. There were no changes other than following parcel lines instead of a straight line up and down. Ms. Breinich is open to the Committee's thoughts about this area.

**Alison Harris, resident,** mentioned that following the parcel lines instead of the street lines makes it quite difficult to tell what the district encompasses.

In response to Ms. Wilson's question about the main difference between GM-6 and GR-6, Ms. Breinich stated that the main differences include GM-6 allowing 100% impervious, and no setbacks, while GR-6 allows 50% impervious and some setbacks. Union Street is identified by MDOT as being a minor collector road. Ms. Wilson thought that maximum flexibility in that area was important, to try to allow whatever commercial might happen. Ms. Breinich stated that GR allows for non-residential, like small-scale retail, restaurants, and offices, but conditionally. Mr. Frizzle said that thus far he hasn't heard an argument strong enough to make him want to change what exists, and added the fact that some conditional uses are allowed in GR-6 gives it flexibility. The Committee agreed to leave the districts as is.

- **GM-8 (Medical Use Zone) on Baribeau Drive (comment-based):**

Ms. Breinich stated that GM-8 was going to be closely looked at in terms of performance standards, which will include some design standards, and recommend they be triggered by a certain number rather than using the total Cook's Corner Design Standards for this area.

Ms. Wilson disclosed that her husband owns some property in GM-8.

Ms. Breinich discussed the Medical Use Overlay Zone, which is over what is now TR-5, to the east of Baribeau, which is now GR-9, and R-4, which is now GR-4. She stated that uses could be either/or what was permitted in the base zone, and then whatever was permitted in the overlay zone. When parcel lines are used, the distance brings it into the residential areas of Peary, MacMillan and Dionne Circle. The comments relating to the changes that the Committee is going to be discussing, because she is making no recommendations at this time, discussed whether or not those properties should be included in the GM-8. They are totally residential, and she doesn't believe they will change into any medical use, except maybe an office use on Baribeau, but she doubts that looking at the homes that are there. Ms. Breinich says the same for the

Dionne Circle area. The red dots are nonresidential, and there are only a few here and there between Columbia and Peary, and they are doctors' offices. Between MacMillan and Pleasant Hill, there are much more nonresidential parcels, but again, they are clubs and offices and the like, and those uses would be permitted even if it was residential. The other request that was received asked to keep Pleasant Hill Road residential, and the parcel that is now being subdivided by deed is in question. The site plan was just approved, so they could follow the new lines. There is a single family home on the corner, which is a rental, but is for sale and listed as commercial, which is allowed in the Medical Use Overlay Zone currently. The request has been made by several neighbors to keep that residential. Ms. Wilson went to the PowerPoint slide to make sure she knew where Ms. Breinich was discussing, clarified that she would take the line back to Baribeau for part of it, and asked her what she would propose along Crystal Spring Farm and along the growth zone. Mr. Frizzle said that what would make sense as far as Baribeau is concerned would be to move the demarcation line between GM-8 and GR-9 out to the last lot on Peary and MacMillan, so that the four residential lots on Baribeau would remain in GM-8, in recognition of what's happening on Baribeau. Ms. Wilson mentioned a parcel that has a permanent conservation easement and can never be developed, so Ms. Breinich thought they should take it out of GM-8 because the zoning will not matter, and Ms. Wilson agreed. Ms. Breinich will put that section back into GR-4. Mr. Frizzle stated about the Dionne Circle area that he would do the same thing there. There are two lots off of Baribeau that are residential; that would be the line between GM-8 and GR-4. The lots on Baribeau would be left in GM-8, because the office/medical type of development is going on all along Baribeau, but the lots off Baribeau should remain in the residential zone. Mr. Frizzle said if it is the intent to keep Pleasant Hill residential, then they would have to take the two corner lots and put those into residential. The Committee discussed this issue and the issue of the one commercial lot, and suggested options. Ms. Wilson said to take the residential lots out as Mr. Frizzle suggested, and take out Crystal Spring farm, which can never be developed, but otherwise leave GM-8 as drawn. Mr. Frizzle said it recognizes Baribeau as essentially a development kind of an area. The lots that face Baribeau will stay GM-8. Ms. Breinich said the original TR-5 extends across the street, so she feels the properties there could easily go into GR-4. The Committee agrees that plan makes more sense.

Ms. Wilson asked about the medical overlay including Parkview, and Ms. Breinich said they need to take a look at that area also. Ms. Breinich said they could adjust that district the same way and using similar logic. Mr. Frizzle asked to table this item, and the Committee agreed.

Ms. Breinich expected that the Committee would be looking at building standards for Baribeau Drive after the second draft. The Committee discussed this briefly, and the approaches they would be taking when this item returns.

GM-8 currently, as proposed, follows Bath Road. Ms. Breinich said they had a comment request advocating including an area of GI (growth industrial) with GM-4, which is Cooks Corner. The uses in GM-8 had been changed so it reflected what is now in the Medical Use Overlay Zone, which meant that all the uses along Bath Road, like the car

dealerships and other uses there, were nonconforming. She is suggesting that an area along Bath Road revert to Cooks Corner, or as Ms. Wilson clarified, they are removing the overlay and returning the frontage lots to GM-4, which is the Cooks Corner area, and sequestering GM-8 into the back, where the more medical uses are. It really wasn't a change; the zoning is identical to what they have currently. Ms. Breinich said it also gives more flexibility along Bath Road. The Committee agreed.

- **Franklin Street (comment-based):**

The comment Ms. Breinich received asks to bring Franklin Street into GR-7 from GR-8. Mr. Frizzle asked Ms. Breinich to explain the differences between the two districts, and Ms. Breinich stated the differences were only minor. There are some conditional uses in GR-8 that are not in GR-7. Mr. Frizzle asked why the individual desired a change in zoning district, and Ms. Breinich and Mr. Hutchinson responded that the development in GR-7 is more similar to the Federal Street development and follows the Village Review Zone. The Committee agreed that it made a lot of sense to change to GR-7. It will be a downzoning of one unit per acre, but all the dimensional standards are the same. There are a few changes in use.

- **Brunswick Sewer District request:**

Brunswick Sewer District has requested to be added to GM-5, which is the Bath Road and Pleasant Street mixed use district. Ms. Breinich stated that GM-5 is a commercial zoning district, and she cannot recommend that change because it is directly behind all residential. Mr. Frizzle mentioned that just recently the Sewer District was allowed to build two garages, each 5,000 sq. ft., when they obviously would have preferred a single garage at 10,000 sq. ft., but they couldn't do it because of the residential zone that they are in. Given an adequate buffer, Mr. Frizzle thinks they should allow the Sewer Department some flexibility in that area. Ms. Breinich said if they could leave it in the residential district, but have an adequate buffering added to allow for larger buildings, that might be okay. The expansion of the treatment plant will be coming up in a few years, and this is an issue that the Sewer Department is concerned about. They are a utility; they are not considered a municipal facility. Mr. Frizzle asked why that approach was not taken when they wanted to build a garage, and they were forced to build two buildings instead of one. Ms. Breinich replied that their standards are such right now that they still have the footprint requirement, and Mr. Frizzle asked why that footprint requirement did not allow for extension of the treatment plant, because it seems like they received two sets of rules. Ms. Breinich said they needed to adequately address that, because right now the footprint reigns, and that's why they went with 5 and 5. Mr. Frizzle said it seems the easiest way to deal with it is to allow them to be part of GM-5, which gives them the bigger building footprint flexibility as well as other things, but provide adequate buffers to the residential area. Mr. Visser wondered what the advantage was to leaving them in the residential district, and Ms. Wilson replied that supposedly it protects the neighborhood better. Mr. Frizzle said they could put in the requirement for a 50-foot buffer or something like that, to all residential. Mr. Frizzle acknowledged Ms. Breinich's comment that they were a utility, but said that she treated them like a

residential development when forcing them to build two garages. Ms. Breinich said she couldn't do anything else, but is looking to change that, and she thinks the ordinance now looks at utilities differently. She explained there are two levels of utilities being proposed:

- Major, which is conditional
- Minor, which would be permitted

Ms. Breinich said perhaps they could say, as it's conditional anyway, that they may exceed the footprint based on their needs for the facility. Ms. Wilson added the statement "with adequate bufferage." Mr. Hutchinson added that they could add language about buffering similar to what is currently in GM-8. Ms. Wilson questioned the need for language to be similar in other districts with respect to buffering. Mr. Frizzle agrees with moving the Sewer District into 5 and applying neighborhood protection standards. The Committee agreed. Ms. Breinich disagreed, believing the neighborhood and Sewer District could coexist the way that it is, and it is a conditional use anyway. The Committee briefly discussing buffering and neighborhood protection standards.

**Alison Harris, Cumberland Street**, asked if the ordinance now had consistent neighborhood protection standards, and Mr. Frizzle answered in the affirmative.

• **Town Commons Area:**

A request comes from a few members of the Town Commons Committee to put the Town Commons in the new Growth Conservation District, changing it from GR-3 to GN (Growth Natural Resources). Ms. Breinich pointed out the original Town Commons on the slide from a map provided by the Parks & Recreation Department, who oversee the Committee, and the Greater Commons area, which had been added to the Town Commons area as the years passed. This is town-owned land and cannot be developed. Ms. Breinich feels if it is going to be done, she would like to include the Greater Town Commons area, and the Committee agreed.

The Committee briefly discussed the property fronting Federal Street, which will be discussed in detail at another meeting, as it is not on the agenda for today. The request is for those properties to be reverted to residential zoning.

The other requests Ms. Breinich has received ask for an R-1 and R-8 consolidation, and a CU-1 and CU-2 consolidation. They will be discussed at another meeting.

**Other business:**

Ms. Breinich announced that the Department's Bowdoin fellow, Bridger Tomlin, starts work next week, and she is going to see if he is able to update their Wildlife Protection Overlay boundaries between 12/05 and 12/14 to make sure all parcels are still applicable, and prepare a Scenic Resources Overlay for the GIS using the inventory from the Gateway 1 study and the Parks, Recreation and Open Space Plan.

Ms. Breinich stated she still had some things to work on and get to Clarion, which might put the second draft back a week or two. Mr. Frizzle would like the second draft as complete as possible, even if it means a delay. He feels the changes made were fairly significant and should be reflected in the next draft. The Committee agreed. The second draft may be available to the Committee by the end of June. The plan is to have a few weeks to review the draft before scheduling meetings.

Ms. Breinich asked the Committee if they had any other areas that needed review. Parkview and Medical Use Overlays in 2 and 3 consistent with the other zones were brought up.

Ms. Wilson asked how they dealt with Cooks Corner standards in their draft, and where they apply. Ms. Breinich will review that section for content, clarity and footnotes.

The Committee discussed the Cooks Corner Design Standards and Village Review Zone Guidelines briefly.

**ZORC work session meeting schedule:**

**Wednesday, June 10, 2015, 5:30 pm in Town Hall Conference Room 206**

**Wednesday, June 17, 2015, 3:00 pm in Town Hall Conference Room 206**

There were no questions on mapping or comments from the audience so Mr. Frizzle adjourned the meeting.

Attest

Debra L. Blum  
Recording Secretary