



TOWN OF BRUNSWICK

**ZONING ORDINANCE REWRITE
COMMITTEE**

85 Union Street, Brunswick, ME 04011-1583

WORK SESSION

AGENDA

TOWN HALL COUNCIL CHAMBERS

85 UNION STREET

WEDNESDAY, JUNE 1, 2016; 1:00 PM

1. Public Comment
2. Draft 2:
 - a. Revisions from 5/18/16 meeting
 - b. Completion of Chapter 5: Administration
 - c. Review of Appendices
3. Approval of Meeting Summaries
4. Other Business
5. Upcoming Meeting Schedule

Please note that this is a Committee work session. The public is invited to attend with public comment allowed regarding discussion topics. Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521.

Chapter 2 - Zoning Districts

Summary Table

All new zoning base districts and overlay districts identified in the table below are hereby established. Such districts are applied to geographic areas as shown on the Zoning Map of the Town of Brunswick.

Table 01: Summary Table of Zoning Districts			
Old Zoning Districts		New Zoning Districts	
Growth Area Zoning Districts			
Growth Residential Districts			
R-R	BNAS Reuse - Residential	GR1	Growth Residential 1
R1	Residential Extended Neighborhood-1 (Longfellow)	GR2	Growth Residential 2
R8	Residential Extended Neighborhood-8 (College Park)		
R2	Residential Extended Neighborhood-2 (Meadowbrook-Parkview)	GR3	Growth Residential 3
R3	Residential Extended Neighborhood-3 (Maquoit Rd.)		
R4	Residential Extended Neighborhood-4 (Meredith Dr.-West McKeen St.)		
R5	Residential Extended Neighborhood-5 (River Rd.)	GR4	Growth Residential 4
R6	Residential Extended Neighborhood-6 (Cooks Corner)		
CR2	Country Residential 2 (Old Bath Road Area In Growth Area)		
R7	Residential Extended Neighborhood-7 (McClellan-Garrison)	GR5	Growth Residential 5
TR1	Intown Residential Neighborhood 1 (Inner Pleasant St.)	GR6	Growth Residential 6
TR2	Intown Residential Neighborhood 2 (Federal St.)	GR7	Growth Residential 7
TR3	Intown Residential Neighborhood 3 (Water St.)		
TR4	Intown Residential Neighborhood 4 (Jordan Acres)	GR8	Growth Residential 8
TR5	Intown Residential Neighborhood 5 (Columbia Ave.-Spring St.)	GR9	Growth Residential 9
R-8	Residential Extended Neighborhood-8 (College Park)	GR10	Growth Residential 10
Growth Mixed Use Districts			
MU2	Mixed Use 2 (Intown Railroad Corridor)	GM1	Growth Mixed-Use 1
MU3	Mixed Use 3 (Upper Harpswell Rd.)		
MU6	Mixed Use 6 (Lower Harpswell Rd.)	GM2	Growth Mixed-Use 2
MU4	Mixed Use 4 (Fox Run)		
I1	Large Scale Business, Industrial, & Institutional 1 (Industry Rd. Industrial Park)	GM3	Growth Mixed-Use 3
I4	Large Scale Business, Industrial, & Institutional 4 (Exit 28)		
CC	Commercial (Cooks Corner Center)		
MU1	Lower Old Bath Road Area	GM4	Growth Mixed-Use 4
HC1	Highway Commercial 1 (Outer Pleasant St.)		
HC2	Highway Commercial 2 (Inner Bath Rd.)	GM5	Growth Mixed-Use 5
TC1	Town Center 1 (Maine Street)		
TC2	Town Center 2 (Fort Andross)	GM6	Growth Mixed-Use 6
TC3	Town Center 3 (Lower Park Row)		
R-CMU	BNAS Reuse - Community Mixed Use	GM7	Growth Mixed-Use 7
MUOZ	Medical Use Overlay Zone	GM8	Growth Mixed-Use 8
Growth Special Purpose Districts			
CU1	College Use 1 (Campus Center)		
CU2	College Use 2 (Pickard Field)	GC1	Growth College 1
CU3	College Use 3 (College St.)		
CU5	College Use 5 (Brunswick Apts.)		
CU6	College Use 6 (Cleveland St.-Bath Rd.)	GC2	Growth College 2

Comment [AB47]: District boundary under further review, 11/16.

Comment [AB48]: Z ORC decision 5/18/16

density of five dwelling units per acre. Very limited nonresidential uses are permitted as conditional uses, while protecting and enhancing the established neighborhood.

H. Growth Residential 8 (GR8) District

The Growth Residential 8 (GR8) District applies to two residential areas within the Town Core Planning Area, encompassing the Water Street and Jordan Acres neighborhoods. The District is intended to maintain the overall residential character of these neighborhoods. District regulations accommodate a mix of residential uses at a maximum density of six dwelling units per acre, and limited nonresidential uses.

I. Growth Residential 9 (GR9) District

The Growth Residential 9 (GR9) District applies to that part of the area designated as Town Residential in the Comprehensive Plan encompassing an older residential area of distinct neighborhoods, walkable to elementary and junior high schools, bounded by Hennessey Avenue to the north, Maine Street to the east, MacMillan Drive to the south, and Baribeau Drive to the west. The District is intended to provide for compatible infill development while protecting and enhancing the overall character of the neighborhood. District regulations accommodate a wide range of residential uses at a maximum density of six units per acre, as well as educational facilities, and a very limited range of nonresidential uses.

J. Growth Residential 10 (GR10) District

The Growth Residential 10 (GR10) District applies to that part of the area designated as Town Residential in the Comprehensive Plan, encompassing the College Park neighborhood, walkable to downtown Brunswick and Bowdoin College. District regulations are intended to maintain the character of the established neighborhoods. Only one-and two-family residential uses are permitted in this District at a maximum density of four dwelling units per acre.

Comment [AB50]: Added for new GR10 District 5/18/16.

2.1.2. Growth Mixed-Use Districts

A. Growth Mixed-Use 1 (GM1) District

The Growth Mixed-Use 1 (GM1) District applies to an area of Brunswick located within the Route 1- based Commercial Connector Planning Area, dominated by a mix of non-residential uses with a few residential uses. The District follows the existing freight and passenger rail corridor, bordered by Church Road to the west and Union Street to the east. The District regulations are intended to provide for non-residential uses ranging from neighborhood-type uses to industrial-type uses. Residential uses are permitted ~~are at~~ a maximum density of six dwelling units per acre.

B. Growth Mixed-Use 2 (GM2) District

The Growth Mixed-Use 2 (GM2) District applies to two established neighborhood commercial areas along Harpswell Road, located in the Town Residential Planning Area. The District regulations are intended to provide for the continued mix of residential uses at a maximum density of 10 dwelling units per acre with nonresidential uses primarily serving the greater neighborhood area.

C. Growth Mixed-Use 3 (GM3) District

The Growth Mixed-Use 3 (GM3) District encompasses the Exit 28-Mixed Use Development Planning Area and the former industrially zoned area along Industry Road and Route 1. The District regulations are intended to provide for a mix of compatible infill development of residential uses at a maximum density of 10 dwelling units per acre with a variety of nonresidential uses while protecting and enhancing the existing neighborhood. Industrial uses continue to be permitted within the District south of Route 1.

3.2 Growth Area Permitted Use Table

Table 3.2: Permitted Use Table for Growth Area Zoning Districts																											
P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited A = Allowed Only as an Accessory Use T = Allowed only as Temporary Use																											
Land Use	NEW ZONE	GR1 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN	Supplementary Use Standards	
	CURRENT ZONE	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HCI & 2	TCL 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTT	R-R&OS		BCN
Principal Uses																											
Residential Uses																											
Household Living																											
Dwelling, 1- or 2-family		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	X	X	X	X	3.4.1.A	
Dwelling, multifamily		P	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	3.4.1.B 4.7.1.D(2)	
Mobile home	Permitted Only in Mobile Home Park Overlay District																										
Group Living																											
Assisted/Congregate Living Facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X		
Boarding house		X	X	X	C	P	C	X	C	C	P	P	C	C	C	P	P	X	X	X	X	X	X	X	X		
Nursing home		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Residence hall		X	X	X	X	X	X	X	X	P	X	P	C	X	P	P	X	P	P	P	P	X	X	X	X	3.4.1.C 4.7.1.D(2)	
Public, Institutional, and Civic Uses																											
Community, Cultural, and Educational Uses																											
Club or lodge		X	X	X	X	C	X	C	C	C	P	C	C	C	P	P	P	X	X	X	X	X	X	X	X		
College		X	X	X	X	X	X	X	X	X	X	X	P	X	X	P	X	P	P	C	P	X	X	X	X	4.7.1.D(2)	
Community center		A	X	X	C	C	X	C	C	P	P	P	P	P	P	P	P	X	P	P	X	C	X	X	X		
Day care facility, small		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Day care facility, large		C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Hospital		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Library, museum, or art gallery		X	X	X	C	C	X	C	C	P	C	P	P	P	P	P	P	P	P	P	P	X	X	X	X	4.7.1.D(2)	
Municipal facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Park or conservation area		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious institution		X	X	X	C	C	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X		
School		P	X	P	C	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Communication Uses																											
Telecommunication tower	Permitted only in Telecommunications Overlay District																										
Telecommunication tower, small-scale		X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X	X	C	X	X	3.4.1.D
Commercial Uses																											
Agriculture and Animal Care Uses																											
Aquaculture		X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PX	
Equestrian facility		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

Comment [AB74]: C created GR10 Zoning District. Same uses as GR2.

S.R. Junkyard or Automobile Graveyard

Junkyards and automobile graveyards existing on or before [redacted] shall comply with the requirements of 30-A M.R.S.A. 3751-3760, as amended. Expansion of an existing junkyard is subject to approval of a Conditional Use Permit in accordance with Section 5.2.2.

S. Marine Activity

Marine Activity uses shall comply with the following standards:

~~(1) All applications for docks and wharves shall be provided to the Harbor Master for review by the Brunswick Rivers and Coastal Waterways Commission prior to approval by the Review Authority.~~

~~(4)(2)~~ Proposed access from the shore line will not cause erosion, sedimentation and or siltation.

~~(2)(3)~~ The proposed activities, construction, or the materials used will not adversely affect fisheries, spawning areas or other wildlife. In making this determination, the reviewing entity shall request that the applicant submit a letter to that effect from the Brunswick Marine Resources Committee or the Maine Department of Marine Resources.

~~(3) Land area portions of the site are large enough and adequate to sustain water related uses.~~

(4) All fuel storage systems will be designed so that secondary storage areas will capture and retain any spill or leakage. Any spill or leakage shall be promptly removed.

~~(5) The additional development standards found in Section 2.3.4 (Flood Protection Overlay (FPO) District) apply to Marine Activities taking place in a Special Flood Hazard Area.~~

~~(6)(5)~~ New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., § 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

~~(7) The minimum lot size for commercial marinas shall be 80,000 square feet.~~

~~(8) 0.75 parking space shall be required for each boat slip and mooring that is serviced by a commercial marina.~~

~~(9)(6)~~ Boat launch facilities owned/and or managed by a public entity are permitted in all zones subject to the following:

- a. Maximum impervious surface coverage shall ~~be limited to~~ not exceed 30% or the applicable zoning district standard, whichever is greater.
- b. There shall be no subsurface wastewater disposal systems within the required 125 foot setback from the upland edge of the applicable water body.
- c. There shall be no moorings, slips or fuel storage facilities.

T. Mineral Extraction

~~Major Development Plan Site Plan~~ approval shall be required for mineral extraction activities, and must comply in accordance with ~~all of~~ the following requirements. For mineral extraction operations existing on [Date of original adoption of this provision] ~~Site Plan~~ Major Development

Comment [AB90]: Requested by RCWC 5/19/16

Comment [AB91]: Proposing deletion since dimensional standards would determine suitability, where marine activity is permitted.

Comment [AB92]: Included in Parking standards

Chapter 4 - Property Development Standards
 Section 4.2 Dimensional and Density Standards

Subsection 4.2.5 Supplementary Dimensional and Density Standards and Exceptions

- a structure ~~on the lot~~ shall be no more than five (5) feet behind the reduced minimum front setback.
- b. Front Setback Requirement on Corner and Through Lots**
 - i. Whenever a side or rear yard is adjacent to a street, the minimum front setback requirement shall apply to such side or rear yard.
 - ii. To establish a new public street or private ~~access-street~~ right-of-way that would convert one or more existing lots into a corner lot, ~~the width of the street or access right-of-way shall be at least 50 feet and~~ existing structures on such new corner lot ~~shall meet must be able to satisfy~~ the minimum front setback requirement along the new public street or access-private street right-of-way.
- c. Permitted Encroachments into Required Yards**

The following encroachments into required yards are allowed:

Table 4.2.5.B(4) c4.2.4.B(4) e : Allowable Required Setback Encroachments		
	Structure or Feature	Encroachment Conditions or Limits
i.	Open fire escape	Up to 4 feet into any required rear or side setback
ii.	Steps or stoop	Up to 8 feet into any required front setback; up to 4 feet into <u>any</u> required rear or side setback
iii.	Awning or movable canopy	Up to 6 feet into any required setback
iv.	Cornice, eave, and other similar architectural feature	Up to 3 feet into any required setback
v.	Front or wraparound porch that is open or enclosed only with screens (not glassed in)	Up to 10 feet into any required front setback
vi.	Semi-public space such as table and patio	Anywhere in any required front setback
vii.	Access ramp for persons with disabilities	Anywhere in any required setback provided that it is designed in a manner that is compatible with the design and style of the building
viii.	Seawall, wharf, pier, or dock	Anywhere in required rear or side setback along water
ix.	Retaining wall	Anywhere in required rear or side setback
x.	Fence or wall	Anywhere any required front yard if no more than 4 feet high (customary agricultural wire or board fencing that does not obstruct visibility may be higher); anywhere in any required rear or side setback <u>Anywhere in a required setback except for the front setback where the fence shall not exceed four (4) feet in height unless written approval has been granted by the Code Enforcement Officer.</u>
xi.	Other accessory structure	See Section subsection 4.2.4.B(4) <u>4.2.45.B(4)e.</u>

Comment [AB120]: R revised 5/19/16

d. Setback Requirements for Growth-College Districts

- i. As illustrated by Map 4.2.4, minimum setbacks within the Growth College 1 Zoning District, along college boundaries A and B shall be 125 feet; 80 feet along college boundary C.
- ii. In the Growth College 2 Zoning District, lots fronting on Park Row or Longfellow Avenue shall have a minimum rear and side setback of 25 feet.

Comment [AB121]: R revised for clarity 5/9. Former 204.3.D).

Chapter 4 - Property Development Standards
Section 4.2 Dimensional and Density Standards
Subsection 4.2.5 Supplementary Dimensional and Density Standards and Exceptions

~~iv.~~ The minimum side setback requirement for structures shall apply as the minimum driveway setback where it is less than the minimum driveway setback requirement in subsection ~~0 above~~~~above~~.

(5) Impervious Surface Coverage for Multiple-Lot Developments

If development is proposed on two or more lots and the Director finds that the development functions as a single project, the maximum impervious surface coverage requirement shall be applied to that project as though the lots ~~on which it is located~~ were a single lot.

(6) Height Limit for Fences and Walls

No fence on a residential lot in a Growth Area zoning district shall exceed six feet in height ~~unless written approval is provided by the Code Enforcement Officer in accordance with. (See subsection (4) above Table 4.2.5.B (4) (Allowable Required Setback Encroachments). for a height limit for fences and walls exempted from front setback requirements.)~~

(7) Height Limitations for Growth College Districts

~~Notwithstanding Subsection 4.12.2.B, for GC1 District, structures within 35 feet of a residential lot boundary with an existing 1- or 2-family dwelling located within the GR5 District shall be limited to a height of 55 feet. Building height may be increased five (5) feet for every additional ten (10) feet of setback up to a maximum height of 70 feet.~~

Comment [AB127]: Revised for clarity 5/23/16

(8) Height Limitation Exceptions

Otherwise applicable height limitations shall not apply to:

- a. Any flagpole, radio, ~~wireless, satellite dish~~ or television antenna, spire or cupola, chimney, elevator or stair bulkhead, parapet, railing, or any similar structure provided that such structure is firmly attached to the roof or side of a building and covers no more than ten ~~(10%)~~ percent of the roof area; ~~and~~

~~Satellite dishes greater than two feet in diameter; and~~

- b. Uses in the Telecommunications Overlay (TCO) District.

Comment [AB128]: From current 204.3, modified for GC1 standards.

(9) Maximum Building Footprint Area Limits in GM4 District

~~a. The maximum building footprint per structure is 250,000 square feet if the structure meets any one of the following conditions:~~

- ~~i. The structure will be occupied entirely by Office, Industry Class I, or Industry Class II uses.~~
- ~~ii. The principal use of the structure is a hotel.~~

~~The structure will be occupied by multiple Retail Class I or Retail Class II uses and no individual occupant will occupy an area with a footprint of more than 50,000 square feet.~~

- ~~b. The maximum building footprint for a single-structure shopping center or mixed use development shall not exceed 300,000 square feet with no one (1) tenant occupying a footprint greater than 100,000 square feet. The structure will be occupied by a mix of retail and non-retail uses and no individual retail occupant will occupy an area with a footprint of more than 50,000 square feet.~~

~~The structure will be occupied by a mix of retail and non-retail uses with one or more Retail Class II occupants that will occupy an area with a footprint of more than 50,000 square feet and non-retail uses that will occupy at least 30 percent of the gross~~

Chapter 4 - Property Development Standards
Section 4.8 Circulation and Access
Subsection 4.8.1 Street Standards

for safety. ~~Design of streets shall address pedestrian and bicycle safety and movement.~~

- (2) ~~The size and design needs of new streets shall be based upon the projected number anticipated multimodal users (vehicles, bicycles, pedestrians, transit) to be accommodated. of vehicles they are to carry.~~
- (3) All new streets shall be classified ~~in the Development Review process in accordance with criteria set forth in the Brunswick Street Acceptance and Standards Ordinance, as amended, according to the following criteria:~~
 - a. ~~Collector/Commercial—Serves over 150 units.~~
 - b. ~~Local—Serves 25 to 150 units.~~
 - c. ~~Minor—Serves less than 25 units.~~
 - d. ~~Lane—A secondary access that services housing lots from the rear lot line.~~
- (4) All street designs shall comply with the Maine Department of Transportation (DOT) Complete Streets Policy dated June 2014, as amended. To comply with this policy, all new private and public street projects funded in part or in whole by Maine DOT shall include designs and features to ensure that the street serves the needs all users, including motorists, transit users, bicyclists, and pedestrians of all abilities, as warranted and feasible (as those terms are defined in the Policy).

Comment [AB162]: Revised based on ZORC discussion 4/25/16

B.C. Specific Standards: Street Design and Dedication Standards

Streets intended for public dedication ~~must shall be designed and constructed in accordance with the Brunswick Street Acceptance and Standards Ordinance, as amended, satisfy the Public Works Roadway Dedication Standards found in Appendix B (Street Standards).~~ The Review Authority may approve private roadways for subdivisions; however if they do not conform with these standards they may not be considered for dedication. Applicants proposing private roadways shall apply the Alternative Roadway Standards ~~also found contained~~ in Appendix B (Street Standards) to the greatest extent practicable. ~~All dedications of streets to the Town shall comply with the Brunswick Street Acceptance Ordinance (Chapter 14, Article 188).~~

D. Specific Standards: Interconnectedness

- (1) **General:** The street design shall allow for proper continuation of streets from other adjacent subdivisions and built-up areas. Dead-ends are to be avoided unless based on site constraints and there are no other feasible alternatives. For purposes of this section, pedestrian or bicycle connections to adjacent lands may be sufficient to satisfy this requirement. This requirement may be waived in cases where interconnectedness would result in the disruption of community character.
- (2) **GC1 and GC2 Connectivity Restriction:** ~~Development Review approvals in the GC1 and GC2 zoning districts shall not result in the construction of new streets or access for vehicles connecting to Meadowbrook Road, Whittier Street, Breckan Road, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the GC1 and GC2 zoning districts shall be accessed through any of these streets.~~

E. Specific Standards: Sidewalks

- (1) Within all Growth Area zoning districts ~~sidewalks on internal public or private streets and the development side of all adjacent perimeter streets are required for all new developments except in the following situations;~~

Comment [AB163]: From current Sec.204.3.C). Also referenced in Use Table.

- a. ~~When it is determined by the Town Engineer or designee that the sidewalks will interfere with or disrupt drainage;~~
 - b. ~~When public roadway construction that requires sidewalk replacement will take place on the street within three (3) years; or~~
 - c. ~~In single or two-family residential subdivisions with a density based on net site area of less than one dwelling unit per acre developments other than residential developments containing less than 25 units on dead end streets shall provide sidewalks along the development site's frontages with a public collector/commercial, local, or minor street.~~
- (2) ~~Reverse frontage lots within the growth area districts shall have sidewalks provided on both street frontages.~~
- (3) Sidewalks shall be at least five (5) feet wide.

Comment [AB164]: New sidewalk standards within the growth area for ZORC discussion

F. Specific Standards: Traffic and Street Impact

- (1) New development shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of existing or proposed highways or public roads. Traffic generated by the development shall maintain the Level of Service within 200 feet of any existing or proposed curb cut.
- (2) The applicant is responsible for the assessing the impact of the proposed development on street systems, and shall be responsible for any associated improvements. If the Review Authority deems it necessary, the applicant shall undertake to improve, repair or reconstruct such street systems. If this is required by the Review Authority, the applicant shall be responsible only for the degree of improvement necessary to mitigate the impact of the proposed development.
- (3) ~~If the development involves a subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in the adjoining municipality in which part of the subdivision is located.~~

G. Private Road Requirements for Subdivisions

- (1) The design of all private roads shall be reviewed by the Fire Chief, Police Chief, and Town Engineer prior to final approval by the Review Authority. Roadways shall be built according to the final plan, as determined by the Town Engineer, prior to the issuance of a Building Permit for any lot with access on a private road.
- (2) The Final Subdivision Plan shall show the road clearly labeled "PRIVATE ROAD."
- (3) ~~A home-owners' property owners' association shall be established to own and provide for the perpetual care and maintenance of the private road. Such home-owners association shall satisfy all standards for homeowners' property owners' associations found in subsection 5.1.7 (Property Owners' Associations).~~

4.6.2.4.8.2. Curb Cuts and Street Access

A. Minimum Distance Between Curb Cuts

- (1) Except as otherwise provided in ~~this subsection (2) below~~, curb cuts along a street into a development that will generate over 500 vehicle trips per day, as determined by Institute of Traffic Engineers (ITE) standards, shall be spaced in accordance with the minimum distance shown in the following table.

Chapter 4 - Property Development Standards
 Section 4.9 Parking and Loading
 Subsection 4.9.3 Design, Construction and Maintenance of Parking Areas

- B. Any bicycle parking facilities shall be located in a well-lit location that is conveniently accessible to a primary entrance(s) to the development's principal buildings, does not interfere with pedestrian traffic, and is protected from conflicts with vehicular traffic.

4.7.3.4.9.3. Design, Construction and Maintenance of Parking Areas

A. Location and Configuration

- (1) Each parking area shall be designed with adequate access, turning radii and snow storage areas. Minimum dimensional standards shall apply as follows:

Table 4.8.2.A (1): Minimum Parking Space Dimensional Standards				
Parking Angle (degree)	Stall Width (feet/inches)	Skew Width (feet/inches)	Stall Depth (feet/inches)	Aisle Width (feet/inches)
90	9'0"	0"	18'5"	26'0"
60	8'6"	10'5"	19'0"	16'0" (1-way)
45	8'6"	12'9"	17'5"	12'0" (1-way)
30	8'6"	17'0"	17'5"	12'0"

Comment [AB170]: Include dimensional requirements as is done for off-street loading areas. ZORC discussion 6/1/16

- (2) No parking area may be constructed within a required setback.
- (3) In the GM6 District and Village Review Overlay Zone, off-street parking shall be located to the rear of the development's principal building and shall be accessed from a secondary street wherever practicable.
- (4) In all Growth Mixed-Use (GM) and Growth College (GC) districts, a maximum of one row of off-street parking may be located in front of the principal building being served (but not within the required front yard).
- (5) Parking areas-lots shall be designed and landscaped to avoid long, uninterrupted rows of parked vehicles. Surface parking lots containing more than 30 spaces shall be broken into separate parking areas by the use of landscaped islands, pedestrian and bicycle areas, or buildings.
- (1) The Review Authority may waive the requirements of this subsection where a primary structure already exists on the parcel and there is no other alternative for siting parking, or where compliance would be impractical.

Comment [AB171]: Added by staff 4/15

B. Landscaping

The following landscaping standards shall apply to all surface parking areas other than those for 1- and 2-family dwellings on a single lot.

- (1) **Perimeter Landscaping**
- a. Where a parking lot is within 50 feet of and visible from a street, other development (except another parking lot), or vacant property, perimeter landscaping shall be provided and maintained within a strip of land between the parking lot and the adjacent street right-of-way or easement or property line except where such strip is crossed by an authorized vehicular, bicycle, or pedestrian accessway, or utility easement.
- b. The perimeter landscaping strip shall be at least the minimum width necessary to adequately accommodate the proposed plantings and other screening material and avoid damage to such materials by parked vehicles.

Chapter 4 - Property Development Standards
Section 4.10 Outdoor Lighting
Subsection 4.10.1 ApplicabilityOutdoor Lighting

- (2) Where practicable, off-street loading areas shall be located to the rear of the principal building(s) it serves.
- (3) Loading areas shall be located and designed so vehicles using them can maneuver safely and conveniently to the loading space(s) and complete loading/unloading without interfering with vehicular, bicycle, or pedestrian traffic or use on streets, bikewaysbike lanes, walkwayscrosswalks, and parking areas.
- (4) Off-street loading areas shall be located and designed to screen and otherwise mitigate their potential adverse visual and noise impacts on adjacent streets and properties by any combination of buildings, walls or fences, or dense continuous hedge.

4.84.10 Outdoor Lighting

4.10.1. ApplicabilityOutdoor Lighting

A. General Standards

Outdoor lighting shall not adversely impact road safety or adjacent properties and uses.

A.B. Specific Standards

- (1) Exemptions. The following types of lighting are exempt from the standards in this Subsection 4.9.1.(B):
 - a. Lighting emitting ~~the brightness of not to exceed less than 800-2600~~ lumens;
 - b. White string mini-lights used in window displays or in trees, bushes, and shrubs as part of the landscaping;
 - c. Lighting of ~~places of worship, flags, emergency lighting, as well as~~ approved sports ~~lightingfacilities;~~
 - d. Short-term use of lighting for public festivals, celebrations, and the observance of holidays;
 - e. Public street and right-of-way lighting; and
 - f. Lighting required and regulated by the Federal Aviation Administration (FAA).

(2) **Lighting Height**

The maximum height of regulated freestanding lights shall be the height of the principal building or 25 feet, whichever is less.

Comment [JE170]: I have simplified this section. Didn't think it needed all the subsections. MAW

Comment [AB171]: Revised 5/19/16. Equivalent of 150 watts.

Comment [AB172]: Revised per ZORC discussion 5/4/16

Comment [AB173]: Added for clarity 5/19/16

Chapter 4 - Property Development Standards
Section 4.11 Architectural Compatibility
Subsection 4.11.1 Architectural Compatibility General Standard

(3) **Light Shielding**

- a. All lighting emitting ~~the brightness of not to exceed 2600 more than 800~~ lumens shall:
 - i. Conform to the Illumination Engineering Society (IES) Specification for Full Cutoff;
 - ii. Be shielded to direct all light towards the ground so that the lighting elements are not exposed to normal view;
 - iii. Avoid disability glare (i.e., avoid being a hazard or nuisance to motorists, pedestrians, or neighboring residents);
 - iv. Be directed away from adjacent properties and streets, including properties separated from the development site by a street, road, or right-of-way, so that the lighting elements are not exposed to normal view by motorists or sidewalk pedestrians, or from adjacent properties.
- b. Compliance with this subsection shall be achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these measures.

Comment [AB174]: Revised 5/19/16. Equivalent of 150 watts.

(4) **Lighting Maintenance**

All outdoor lighting shall be maintained pursuant to Section ~~4.154-14~~ (Maintenance).

4-94.11 Architectural Compatibility

~~4-9-1-4.11.1.~~ **Architectural Compatibility General Standard**

New development shall be compatible with its architectural surroundings in terms of its size, mass, and design and shall comply with any design standards or guidelines for the zoning district in which it is located. ~~Development in the GM4 District shall be consistent with the Cook's Corner Design Standards. Development in the VRO District shall be consistent with the Village Review Overlay District Design Guidelines.~~

~~4-9-2-4.11.2.~~ **Specific Standards**

- ~~A.~~ Developments shall comply with the Americans with Disabilities Act in a manner that is compatible with Brunswick's historic architecture.
- ~~B.~~ Municipal resources ~~must~~ shall be available to service the project, and any on-site or off-site impacts associated with the development of the project will be mitigated.
- ~~A.~~ The height and scale of proposed buildings shall be consistent with existing buildings in the surrounding vicinity.
- C. New buildings shall be oriented toward public streets through the location of the main entrance to the building or the provision of windows or façade improvements designed to enhance the view from the street.
- ~~D.~~ Development in the GM4 District shall be consistent with the Cook's Corner Design Standards.
- ~~E.~~ Development in the VRO District shall be consistent with the Village Review Overlay District Design Guidelines.
- ~~F.~~ Except on parcels owned by Bowdoin College or the Town of Brunswick, development within of land previously part of the Brunswick Naval Air Station (BNAS), shall be consistent with design guidelines established and administered by the Midcoast Regional Redevelopment Authority (MRRRA).

Comment [JE175]: From current ordinance 411.11. MAW

Comment [AB176]: Removed per ZORC discussion 4/25/16

Chapter 5 - Administration
Section 5.1 General Provisions
Subsection 5.1.1 Reviewers and Decision-Makers

- b. The members ~~shall~~ include a resident of the Village Review Zone and a Brunswick resident who is a representative of the Pejepscot Historical Society. To the extent possible, the remaining members ~~shall~~ include Brunswick residents with expertise or experience in the fields of architecture, historic preservation and construction engineering.

~~All members shall be appointed by the Town Council for a three-year term.~~

(2) **Powers and Duties**

The Village Review Board shall have the following powers and duties:

- a. Review new construction, additions, alterations, relocations and demolitions within the Village Review Zone, and issue a Certificate of Appropriateness for applications satisfying the requirements of this Section.
- b. Develop, regularly update, and consult the Village Review Zone Design Guidelines in review of applications for Certificates of Appropriateness.
- c. Act in an advisory capacity to the Town Council, Planning Board and other Town entities regarding the protection of historic sites, structures, and artifacts.
- d. Review and comment upon proposed National Register of Historic Places nominations for properties within the Town.
- e. Maintain and update the existing historic building/structure survey using forms and guidelines established by the Maine Historic Preservation Commission.
- f. Provide educational and informational opportunities for Brunswick residents and businesses regarding historic preservation.
- g. Adopt rules of procedure and shall establish appropriate meeting times.

E. Staff Review Committee

(1) **Membership**

The Staff Review Committee ~~shall~~ consist of the Director, Public Works Director, Codes Enforcement Officer, Town Planner, Parks and Recreation Director, Fire Chief, Police Chief, Town Assessor, ~~Natural Resources Planner, Marine Resource Officer/Harbor Master,~~ General Manager of the ~~Brunswick-Topsham~~ Brunswick and Topsham Water District, and the General Manager of the Brunswick Sewer District, or their official designees. For the review of projects in the GR1, GA, GO, GI (within former BNAS), GN, GM7 Districts, the Staff Review Committee ~~shall~~ is be expanded to include one nonvoting staff representative from the Midcoast Regional Redevelopment Authority (MRRR) ~~designated in writing by the~~ designated in writing by the ~~Executive Director of MRRR, shall designate the MRRR representative in writing.~~

Comment [AB193]: Requested addition by RCWC 5/19/16.

(2) **Powers and Duties**

The Staff Review Committee shall have the following powers and duties:

- a. **Development Review.**

When acting in its Development Review capacity:

- i. The Staff Review Committees ~~hall~~ exercises all of the powers exercised by the Planning Board including the power to grant waivers, and the power to approve, approve with conditions, or deny applications for Site Plan approval.

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Subsection 5.1.2 Pre-Application Meetings

- ~~ii.~~ Actions by the Staff Review Committee to approve an application, with or without conditions, shall require the approval of three (3) members or a majority of those members present and voting, whichever is greater. A quorum shall consist of three (3) members ~~and, further, shall have a minimum of three deciding votes when acting on an application.~~
- iii.ii. The Staff Review Committee may waive provisions of this Chapter, in accordance with ~~Subsection 5.2.10.M5-2-7.M~~ (Waiver Provisions).
- ~~iv.iii.~~ All appeals from a Staff Review Committee decision shall be heard by the Planning Board.
- v.iv. The Staff Review Committee shall provide recommendations to the Planning Board for any project undergoing Major Development Review. Individual members of the Committee may, in addition, submit letters of recommendations to the Planning Board.
- ~~b.~~ ~~Recommendations. The Staff Review Committee shall provide recommendations to the Planning Board for any project undergoing Major Development Review. Individual members of the Committee may in addition submit letters of recommendations to the Planning Board.~~

Comment [AB198]: A ready stated above.

Comment [AB199]: S tated above.

F. Director of Planning and Development and Codes Enforcement Officer

(1) Powers and Duties

- a. **Minor Change of Use.** The Codes Enforcement Officer may approve Changes of Use that do not exceed the thresholds required for Development Review shown in Table 5.2.7.B.
- b. **Minor Modifications.** The Director may approve a minor modification to an approved Site Plan, Subdivision, Conditional Use Permit, or Special Permit, in consultation with the Town Planner, Codes Enforcement Officer, and the Public Works Director, as provided in ~~Section~~ subsection 5.2.11.B5-2-8.B (Minor Modifications).

5.1.2. Pre-Application Meetings

Pre-application meetings with Town staff are required prior to submission of applications for Streamlined Major Development Review. Pre-application meetings with the Planning and Development staff, Staff Review Committee, ~~or~~ Planning Board, ~~or Village Review Board~~ are optional for all other applications, but are strongly recommended prior to the expenditure of funds toward the design of a development proposal.

Comment [AB200]: A dded VRB inclusion

A. Pre-application Meeting with Town Staff

Prior to submitting an application for development review, the applicant is advised to meet with Planning and Development ~~Staff~~ staff to discuss applicable zoning standards and submission requirements. At this meeting, staff can detail the process for development review, answer any questions, and provide feedback to the applicant.

B. Pre-application Meeting with Review Authority

Prior to submitting an application for development review, the applicant may meet with the Review Authority to discuss applicable zoning provisions, submission requirements, and any requested waivers in order to assist the Review Authority in providing feedback to the applicant.

5.1.3. Applications Required

A. Application Submission

(1) Development ~~review~~ applications shall be submitted to the Director. Required application materials are summarized in Appendix D. For each item required to be submitted as part of Development Review applications the applicant shall submit either the requested information or a request for a waiver from the information requirement, pursuant to ~~Section-subsection 05.2.7.M~~ (M. ~~Waiver Provisions~~Waiver Provisions). ~~The Town staff~~ shall provide a dated receipt for each application received.

(2) ~~Village Review Overlay Design Review applications shall be submitted to the Director in accordance with subsection 5.2.9.A (Application for Certificate of Appropriateness).~~

B. Notice Provided

(1) When an application is received, ~~the Town staff~~ shall notify the owners of all property located within a 200 foot radius of the boundaries of the proposed development, giving a general description of the project and specifying its location. ~~The Town staff~~ shall mail notifications via first class mail between 15 and ~~ten~~ (10) days prior to a scheduled review for which it is required. ~~If the application is for property located within an Aquifer Protection Overlay Zone, notice shall also be sent to the Brunswick and Topsham Water District. In addition, notification in digital form shall be posted on the Town's website.~~

(2) ~~When a public hearing is required, the Director shall prepare a notice of the date, time and place of the hearing with a brief description of the application and its location.~~

i. ~~This notice shall be distributed to the applicant and the owners of all property located within a 200 foot radius of the boundaries of the parcel containing the proposed development.~~

ii. ~~This notice shall be published at least two times in a newspaper having general circulation in Town. The date of the first publication must be at least seven days before the hearing.~~

C. Public Comment Submittal

(1) ~~The Review Authority shall take public comment electronically until noon of the day of the Public Hearing and/or at its meetings for all development review applications under its consideration. If the application is for property located within an Aquifer Protection Overlay Zone, the Review Authority shall also review any comments made by the Brunswick and Topsham Watr District.~~

Comment [AB201]: Added to address VRO applications 5/20/16

Comment [AB202]: Moved from Conditional Use Subsection 5/26/16

Comment [AB203]: Moved from Major Development Review process subsection to apply when any public hearing is required. 5/26/16

Comment [AB204]: Moved from Major Development Review to apply for any application 5/26/16

5.1.4. Determination of Completeness

A. An application is complete when an application form and all plan requirements or waiver requests have been submitted to the Director. ~~For Development Review applications, w~~Within five (5) working days of receiving an application, the Director shall determine whether the application is complete. If the application is not complete, the Director shall notify the applicant in writing and request the additional information required. The applicant shall submit the additional information as soon as possible and the procedure in this paragraph shall be repeated until the application is complete.

B. ~~With the exception of pre-application meetings, no application shall be placed on the Review Authority Planning Board or Staff Review Committee~~ agenda until the application is complete. As

~~review approval Site Plans or Subdivision plans approved by the Planning Board or Zoning Board of Appeals Review Authority.~~ The Codes Enforcement Officer shall maintain a public record of all Certificates of Occupancy which are issued.

- (4) It shall be unlawful to use or occupy, or permit the use or occupancy of any land, building, structure or part thereof that is created, erected, changed, converted, altered or enlarged, or to change, alter, or enlarge the use of any land, building, or structure without first obtaining a Certificate of Occupancy endorsed to the effect that the proposed use of the land, building or structure conforms with the requirements of this Ordinance.

B. ~~Change~~ **Expansion** of Use Permit

(1) Change of Use Defined

Change of Use is a change from one use to another use of any structure or portion thereof that is permitted in the base zoning district (and overlay zoning district, if applicable) where the property is located. A change within the same category of permitted use (for example a change from one restaurant to another, or a change from one retail store to another) shall not be considered to be a Change of Use. A change in use from a vacant structure to an occupied structure shall be considered a Change of Use, unless the use is a resumption of a prior use. For the purposes of this section, the prior use includes the last occupied use of the vacant structure provided that such use has primarily occurred for a time period of not less than 12 consecutive months ~~at any time~~ during the prior three years.

(2) Permit Required

Any Change of Use shall require a Change of Use Permit. The Codes Enforcement Officer shall issue the Change of Use Permit upon the submission of a completed application and payment of the required fee unless the Codes Enforcement Officer determines that Development Review is required in accordance with ~~Section-Subsection 5.2.105-2.7,~~ (Development Review). If Development Review ~~and/or a Village Review Zone Certificate of Appropriateness~~ is required, the Codes Enforcement Officer shall not issue the Change of Use Permit until the required Development Review has been conducted.

(3) Departmental Review

Any Change of Use that does not require Development Review ~~or a Village Review Zone Certificate of Appropriateness,~~ but results in a change in the configuration of parking, traffic circulation, architecture or landscaping shall require Departmental Review by the Director and the Town Engineer within seven (7) days of the filing of a completed application with the Codes Enforcement Officer.

5.2.2. Conditional Use Permit

Uses listed as Conditional Uses in Table 3.2 (Growth Area Permitted Use Table) or Table 3.3 (Rural Area Permitted Use Table) may be allowed upon the issuance of a Conditional Use Permit by the Planning Board as described in this section.

A. Conditional Use Process

- (1) Applications for Conditional Use Permits shall include those materials required by Appendix D - (Summary of Application Requirements) showing that the application satisfies the standards in ~~Section-Subsection 5.2.3.B below~~ ~~5.2.3.B below.~~
- (2) When an application is filed, a public hearing will be scheduled ~~using the provisions in accordance with of Section-Subsection~~ 5.1.3.B (Notice Provided), ~~as modified by subsection 3 below.~~

Comment [AB209]: Don't have an expansion of use permit.

Comment [AB210]: Added

Comment [AB211]: Added

Comment [AB212]: Incorporated into this subsection 5/26/16

A. Conditional Use Process

- (1) Applications for Conditional Use Permits shall include those materials required by Appendix D - (Summary of Application Requirements) showing that the application satisfies the standards in ~~Section-Subsection 5.2.3.B below~~5.2.3.B below.
- (2) When an application is filed, a public hearing will be scheduled ~~using the provisions in accordance with of Section-Subsection~~ 5.1.3.B (Notice Provided), ~~as modified by subsection 3 below.~~
- ~~(3) The Town shall send notice of public hearing to the owners of all property located within 200 feet of any boundary line of the property for which the permit is sought as determined by the Town based upon the Town's tax records at least ten days prior to the public hearing. If the application is for property located within the Aquifer Protection Zone, notice shall also be sent to the Brunswick-Topsham Water District.~~
- ~~(4)~~(3) Any Brunswick resident or Brunswick property owner shall have the opportunity to provide written comments for consideration by the Planning Board ~~in accordance with Subsection 5.1.3.C. Written comments must be received prior to the scheduled public hearing. If the application is for property within the Aquifer Protection Zone, the Planning Board shall review any comments made by the~~ Brunswick-Topsham Sewer District.
- ~~(5) A Conditional Use Permit shall be subject to the Development Review Process, subject to any conditions placed on the permit. Any application involving the review of a proposal that involves a Conditional Use Permit shall be subject to Development Review.~~
- (4) The Planning Board may approve, approve with conditions or deny the Conditional Use Permit application. Decisions of the Planning Board shall be made by written Findings of Facts and Conclusions that set forth the reasons for the decision based on all standards of ~~Subsection 5.2.3.B below~~5.2.3.B below and shall be made within 14 days ~~of after~~ the public hearing. Such Findings of Fact and Conclusions shall include a plan submitted by the applicant and a permit that outlines all conditions and requirements, copies of which shall be forwarded to the applicant and any person requesting a copy within 14 days ~~of after~~ the public hearing.
- ~~(6)~~(5) Upon approval of the Conditional Use Permit, the proposed development shall be subject to Development Review (Subsection 5.2.7), subject to any conditions placed on the permit.

Comment [AB213]: Incorporated into this subsection 5/26/16

Comment [AB214]: Moved to subsection 5.1.3.C

Comment [AB215]: Moved and revised for clarity

B. Criteria for Approval

The following Criteria shall be applied, where applicable, by the Planning Board when considering an application for Conditional Use Permit. The burden of proof of compliance with these standards rests with the applicant.

- a. The proposed structure and site design comply with all standards of this Ordinance applicable to the zoning district and any overlay district within which the property is located.
- b. The proposed use will not create significantly more vehic~~ular~~ular traffic by patrons, residents, or suppliers than the uses and structure currently within 300 feet of the proposed use or structure that ~~currently~~ generates the most vehic~~ular~~ular traffic;
- c. The proposed use will not operate or require deliveries earlier in the morning, or later at night, than the uses and structures currently within 300 feet of the

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- c. A Certificate of Appropriateness from the Village Review Board is required if the proposed development is within the Village Review Overlay Zone.
- d. Thresholds for development review apply only to new or "add-on" construction, except as indicated in [Subsection 5.2.10.C5.2.10.C5.2.7.C](#) (Cumulative Development and Amendments). If development is proposed on two (2) or more lots and the Director finds that the development functions as a single project, thresholds for development review shall be applied to the project as though the lots on which it is located is a single lot.

Table 5.2. B
Development Review Threshold Criteria

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
Construction of New Floor Area	All GR, GC and Rural Districts; GM1, GM2, GM5, GM6, GM8	Less than 1,000 sq. ft.	Building Permit	Code Enforcement Officer
		1,000 – 5,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 5,000 to 10,000 sq. ft.	Major Development Review	Planning Board
	All Other Zoning Districts	2,000 - 10,000 sq. ft.	Minor Development Plan	Staff Review Committee
	All Zoning Districts	Less than 2,000 sq. ft.	Building Permit	Codes Enforcement Officer
		Over 10,000 sq. ft.	Major Development Review	Planning Board
Net New Impervious Surface	All GR, GC and Rural Districts; GM1, GM2, GM5, GM6, GM8	Less than 1,000 sq. ft.	Building Permit	Codes Enforcement Officer
		1,000 - 5,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 5,000 sq. ft.	Major Development Review	Planning Board
	All Other Zoning Districts	2,000 - 10,000 sq. ft.	Minor Development Review	Staff Review Committee
	All Zoning Districts	Less than 2,000 sq. ft.	Building Permit	Code Enforcement Officer
		Over 10,000 sq. ft.	Major Development Review	Planning Board
		Development Subject to Conditional Use Permit or Special Permit creating less than 5,000 sq. ft.	Minor Development Review	Staff Review Committee
		Development Subject to Conditional Use Permit or Special Permit creating 5,000 or more sq. ft.	Major Development Review	Planning Board
Net Cumulative Total of New Floor Area and New Impervious Surface	All GR, GC and Rural Districts; GM1, GM2, GM5, GM6, GM8	Less than 1,500 sq. ft.	Building Permit	Codes Enforcement Officer
		1,500 – 7,500 sq. ft.	Minor Development Review	Staff Review Committee
		Over 7,500 sq. ft.	Major Development	Planning Board

Comment [AB225]: Table revised to be focused on thresholds by Zoning District per ZORC request; 5/24/16

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Table 5.2. .B

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
	GM1, GM3, GM4, GM5, GI	Less than 3,000 sq. ft.	Building Permit	Code Enforcement Officer
		3,000 – 15,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 15,000 sq. ft.	Major Development Review	Planning Board
	GR1, GM7, GA, GI, GO	Less than 3,000 sq. ft.	Building Permit	Code Enforcement Officer
		3,000 - 20,000 sq. ft.	Minor Development Review	Staff Review Committee
All Zoning Districts	Over 20,000 sq. ft. or more	Major Development Review	Planning Board	
Change of Use	All Zoning Districts	Less than 10,000 sq. ft.	Change of Use Permit	Codes Enforcement Officer
	All Zoning Districts outside of Brunswick Landing Area	Over 10,000 sq. ft.	Major Development Review	Planning Board
	GM7, GA, GI, GO Districts within Brunswick Landing	10,000 – 20,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 20,000 sq. ft.	Major Development Review	Planning Board
All Growth Residential Districts	Conversion of single or two-family residence to any other use	Major Development Review	Planning Board	
Construction of Multi Family Dwelling Units that does not create a subdivision	All Zoning Districts	Between 3-5 units	Minor Development Review	Staff Review Committee
	All Zoning Districts	Over 5 units	Major Development Review	Planning Board
Mobile Home Park development or expansion	All Zoning Districts	All	Major Development Review	Planning Board
Traffic	All Zoning Districts	An activity generating more than 100 peak hour vehicle trips, based on ITE Trip Generation Manual, as amended, unless previously addressed as part of an approved plan, or upon recommendation by the Town Engineer.	Major Development Review	Planning Board
Development on a Road with a Level of Service of "F"	All Zoning Districts	Construction of new floor area of over 2,000 sq. ft., creation of new impervious surface of over 2,000 sq. ft. or cumulative total of new floor area	Major Development Review	Planning Board

Comment [A8225]: Table revised to be focused on thresholds by Zoning District per ZORC request; 5/24/16

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Table 5.2. .B Development Review Threshold Criteria				
Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
		and impervious surface of <u>over</u> 3,000 sq. ft.		
New Road Construction	All Zoning Districts	New private or public Road proposed as part of development application	Major Development Review	Planning Board
Subdivision	All Zoning Districts	Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended	Major Development Review	Planning Board
Mineral Extraction	All Zoning Districts	Pursuant to Subsection 3.4.1.T	Major Development Review	Planning Board
Ultra-Light Airpark	All Zoning Districts	All	Major Development Review	Planning Board
Infill and Earthmoving Activity				
Hours of Operation	Residential Districts	Non-residential use with operating hours between 11am and 7am	Major Development Review	Planning Board

Comment [AB225]: Table revised to be focused on thresholds by Zoning District per ZORC request; 5/24/16

Comment [AB226]: Added from supplemental use section 5/11/16

Comment [AB227]: To be added after adoption by Town Council. Will also add in other DR thresholds relative to Shoreland Protection Overlay upon completion of SPO rewrite. 5/24/16

C. Cumulative Development and Amendments

- (1) Development Review thresholds shall be based upon cumulative development totals over a five (5) -year period. If any threshold is exceeded during any five (5) year period, all development within that time period shall be subject to review.
- (2) Amendments to approved plans shall be subject to the appropriate level of review.

D. Joint Meeting, Hearing, and Application

If a Development Review application includes both Subdivision and Site Plan review, the Planning Board shall consider the Subdivision and Site Plans together ~~and hold a joint meeting or hearing~~. A single application may be filed, provided that it contains all necessary information for both approvals.

Comment [AB228]: Not necessary to state 5/24/16.

E. Effect of Violations on Application

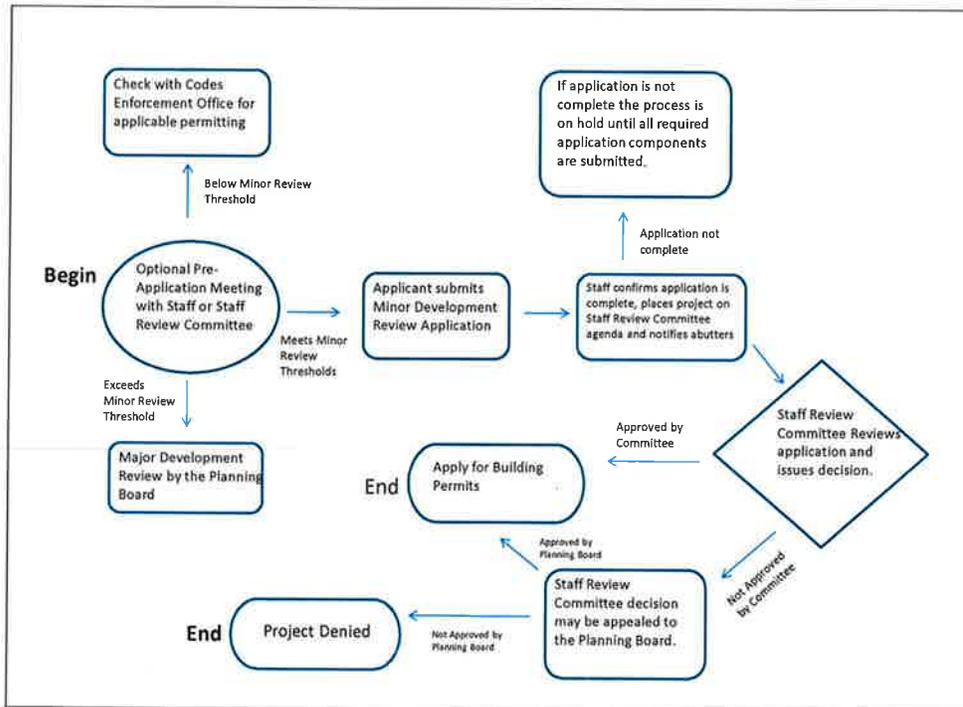
No application shall be approved by the Review Authority as long as the property is in violation of any requirements of this Ordinance or of any previous conditions of approval imposed upon the property. This provision does not apply if the application is made in whole or in part for the purpose of bringing the development into compliance with those requirements or conditions.

F. Restrictions on Activities During Review

(1) Pending Application

An application for Development Review approval shall be considered to be pending from the submittal date of a Development Review application through the date of Final Plan application denial, approval, or conditional approval. An application shall not be considered to be pending upon the following:

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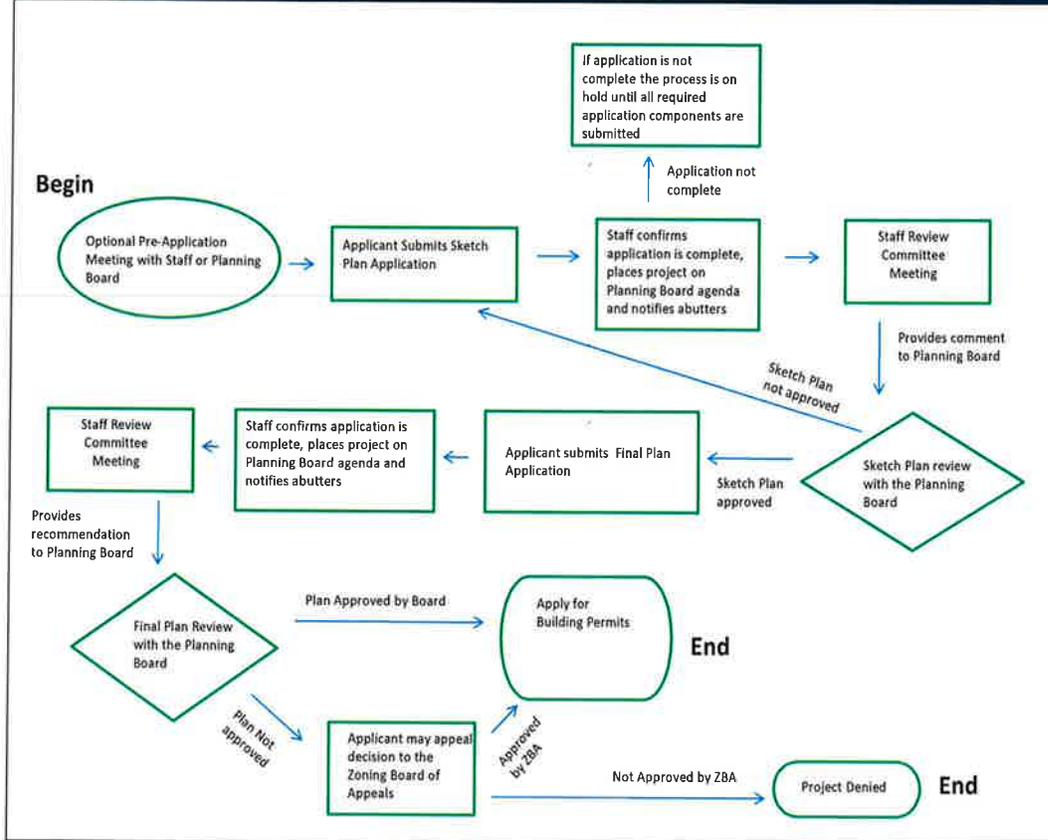


- a. This section outlines the review procedures for Minor Development Review Applications. Development Review shall be conducted ~~in one step: Final Plan~~ in accordance with the Development Review Time and Processing Requirements, Table 5.2.7.I and further illustrated by Figure 5.2.7.G.1. In reviewing the application, the Staff Review Committee shall first determine whether or not to grant any requested submission waivers, based upon criteria set forth in Subsection 05-2.7.M(2) ~~(2) Waiver Criteria~~ Waiver Criteria. The Director shall make recommendations concerning any requested waiver. If a waiver request is denied, the application shall be deemed incomplete at which time the applicant may either revise or withdraw the pending application.
- b. When Staff makes a preliminary determination that an application for Minor Development Review is complete, in accordance with Subsection 5.1.4, the Director shall so notify the applicant. The Director shall also request the applicant to submit ten ~~(10)~~ additional copies of the complete application materials to the Department of Planning and Development for distribution to Staff Review Committee members. Such materials shall be received at least ~~fourteen (14)~~ 10 working days prior to the Staff Review Committee meeting.
- c. In issuing its decision to deny or approve the application, the Staff Review Committee shall make written findings of fact in accordance with the criteria in Subsection 05-2.7.O ~~(O. Review Criteria~~ Review Criteria). The date of plan approval, denial or conditional approval shall be the date of Staff Review Committee action.
- d. The Staff Review Committee shall take public comment at its meeting for all applications under its consideration.

Comment [AB233]: Revised since staff will now be making determination and reference to standard 5/26/16.

Figure 5.2.107.G.2: Major Development Review Procedures

This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 5.2.7.G.2



b. **Final Plan**

- i. The Planning Board shall review the final plan application. After completing its review of the application, the Planning Board shall vote to deny, approve or approve the application with conditions. The date of Final Plan approval, denial, or approval with conditions shall be the date that the Planning Board votes on a Final Plan application.
- ii. If an application for Major Development Review is denied, the Planning Board's decision may be appealed in accordance with [Subsection 1.1.15-1.8](#).

Comment [AB234]: S should be 5.1.8

c. **Public Hearings**

The Planning Board shall conduct a public hearing for any residential development containing more than 20 units, and for any non-residential development resulting in the new development of 30,000 or more square feet of impervious coverage, [in accordance with Subsection 5.1.3.B](#).

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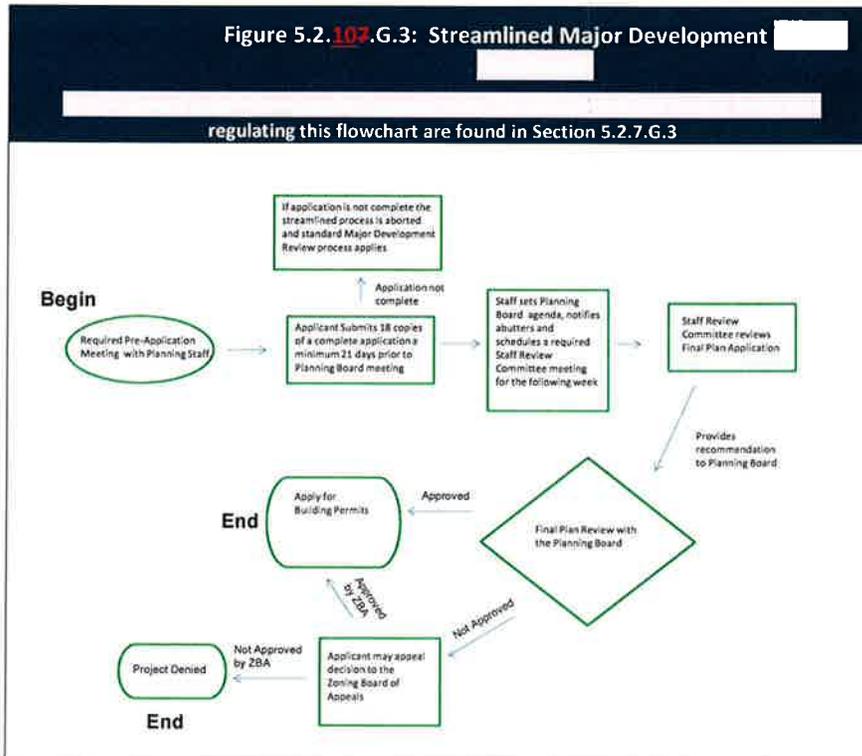
- ~~i. When a public hearing is to be conducted, the Director shall prepare a notice of the date, time and place of the hearing with a brief description of the application and its location.~~
- ~~ii. This notice shall be distributed to the applicant and the owners of all property located within a 200-foot radius of the boundaries of the parcel containing the proposed development.~~
- ~~iii. This notice shall be published at least two times in a newspaper having general circulation in Town. The date of the first publication must be at least seven days before the hearing.~~

d. **Public Comment**

The Planning Board shall take public comment in accordance with Subsection 5.1.3.C, electronically until noon of the day of the Public Hearing and/or at its meetings for all development review applications under its consideration.

(3) **Streamlined Major Development Review Procedures**

The following outlines the review procedure for Streamlined Major Development Review. Development review shall be conducted in accordance with this subsection and further illustrated by Figure 5.2.7.G.3.



Comment [AB235]: Went back to 21 days prior to PB meeting

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- a. For a proposed development to qualify for Streamlined Major Development Review it must be within the Town's designated Growth Area as defined by the Comprehensive Plan.
- b. The applicant shall meet with Department staff prior to submitting an application.
- c. Applicant shall follow the Major Development Review Procedures in Subsection ~~5.2.10.G(2)~~~~5.2.10.G(2)~~~~5.2.7.G(2)~~ except that no Sketch Plan is required.
- d. If application is not complete at Staff's determination of completeness under Subsection ~~5.2.10.K(2)~~~~5.2.10.K(2)~~~~5.2.7.K(2)~~ (Determination by Staff of Completeness of Application) the streamlined process is terminated and the standard Major Development Review process applies.

H. Common Development Plan

The Planning Board may designate and approve a development proposal as a Common Development Plan if it meets the criteria of this Subsection. A Common Development Plan may involve a development proposal for multiple new buildings or structures on a single lot, or a proposal for multiple new buildings or structures on multiple lots. Application requirements are summarized in Appendix D - Summary of Development Application Requirements.

(1) Criteria for Designation as a Common Development Plan

In considering a development proposal to be designated as a Common Development Plan, the Planning Board shall find that all of the following criteria are met:

- a. ~~The proposed development shall be located within the Town's designated growth area as defined by the Brunswick Comprehensive Plan, as amended.~~
- b. All buildings and structures shall be part of, and consistent with, a common pattern of development. The relationship of the buildings to public and private streets and to parking areas shall result in a unified pattern;
- c. The development shall incorporate private or public amenities that enhance the development's pedestrian friendly environment;
- d. There shall be common vehicular and pedestrian circulation systems that create a pedestrian friendly environment for the entire development and that integrate the individual buildings into an overall pattern; and
- e. There shall be an overall design theme or treatment of site improvements including lighting, signs, paving, site furniture, and landscaping.

(2) Designation Approval Process

A Common Development Plan designation shall be optional and voluntary, except in the case of village center type development as defined in the Cook's Corner Design Standards. If designated, all applicable zoning dimensional standards shall be established for the development by the Planning Board as part of the Major Development Review process ~~and shall be consistent with the Comprehensive Plan, as amended, and shall supercede the dimensional standards for the underlying zoning district.~~ Any property owner or applicant for development review may request that a development be designated as a Common Development Plan in accordance with the following process:

- a. ~~An application requesting for~~ a development to be designated as a Common Development Plan shall be ~~submitted made in writing 21 days prior~~ to the Planning Board ~~meeting on forms provided for that purpose~~ and shall be accompanied by the materials set forth in Appendix D: Submission Requirements.

Comment [AB236]: Added for clarification 5/24/16.

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- b. A request may be made by the owner of the property or by any party having valid right, title or interest in the property including an option to purchase or a purchase and sale agreement.
- c. The request to be designated as a Common Development Plan shall be submitted prior to any applications for development
- d. Within 60 days of the date on which a complete request is submitted, the Planning Board shall decide if the proposed development conforms to the criteria and shall be designated as a Common Development Plan. If the Board finds that the criteria are met, it shall approve the designation. If not, the Board shall deny the designation and indicate the reasons for its denial.
- d.e. ~~Within 90 days of Planning Board approval, the Common Development Plan shall be recorded in the Cumberland County Registry of Deeds by the applicant. Said Plan shall note any conditions and the applicable dimensional standards for the development area imposed by The Planning Board.~~

Comment [AB237]: Added per 5/18/16 ZORC discussion.

(3) Post-Designation

- a. Once a development has been designated as a Common Development Plan, all subsequent applications for development review for buildings or structures within the area covered by the designation shall be consistent with the Common Development Plan reviewed by the Planning Board in making the determination.
- b. ~~The approved dimensional standards for the Common Development Plan shall remain in effect unless and until such time that the Development Review approval expires per Section 5.2.7.Q (Expiration of Development Review Approval).~~
- e.b. An owner or applicant may request that a project that has been designated as a Common Development Plan be revised based upon new information using the same procedure as used for the initial designation. If a project is revised, the revised project must be consistent with any existing development approval and the Town of Brunswick Comprehensive Plan.
- d.c. Prior to the start of construction of the first building or structure within a designated Common Development Plan, the owner or applicant may request that the designation be vacated and no longer apply to the project. Once construction is started on the first building under the designation of a Common Development Plan, the designation may not be vacated but may be revised.

Comment [AB238]: ZORC discussion

I. Development Review Time Requirements

Table ~~5.2.10.I5.2.10.I5.2.7.I~~ details the required time limits for Development Review applications. All time limits are expressed in calendar days. In cases where the date prescribed in this Table is a legal holiday, all deadlines shall apply to the previous working day.

Table 5.2.710.I: Development Review Time and Processing Requirements			
Timing	Minor Development Review (Staff Review Committee)	Standard Major Development Review (Planning Board)	Streamlined Major Development Review (Planning Board)
21 days prior to Review Authority Meeting		Deadline for filing <u>one (1) copy of application</u> for Planning Board consideration.	No less than 21 days prior to Planning Board consideration, applicant shall meet with Department staff to discuss application.

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Table 5.2.10.I: Development Review Time and Processing Requirements

Timing	Minor Development Review (Staff Review Committee)	Standard Major Development Review (Planning Board)	Streamlined Major Development Review (Planning Board)
No less than 14 days prior to Review Authority meeting	Deadline for filing <u>one (1) copy of</u> application for Staff Review Committee consideration. Staff confirms that application is complete <u>within three (3) days</u> and all owners of property within a 200 ft. radius of the proposed development are notified. The applicant <u>then</u> supplies <u>18-12</u> copies of all application materials <u>and one (1) electronic copy</u> .	<u>Within five (5) days</u> , Staff confirms that application is complete and all owners of property within a 200 ft. radius of the proposed development are notified <u>of the Staff Review Committee and Planning Board meetings</u> . The applicant <u>then</u> supplies <u>18-12</u> copies of all application materials <u>and one (1) electronic copy for Staff Review Committee distribution</u> .	Deadline for filing <u>one (1) copy of</u> application for Planning Board consideration. ¹ Staff confirms that application is complete and all owners of property within a 200 ft. radius of the proposed development are notified <u>of the Staff Review Committee and Planning Board meetings</u> . The applicant <u>then</u> supplies <u>18-12</u> copies of all application materials <u>and one (1) electronic copy for Staff Review Committee distribution</u> .
No less than seven (7) days prior to Review Authority meeting	The application shall be brought before the Staff Review Committee for comments and recommendation.	The application shall be brought before the Staff Review Committee for comments and recommendation. <u>Within five (5) days following the Staff Review Committee meeting, the applicant shall supply nine (9) copies of the revised plans and one (1) electronic version for distribution to Planning Board</u> . If a Public Hearing is required, the first of two required notices shall appear in a newspaper of general circulation no less than 7 days prior to the hearing.	The application shall be brought before the Staff Review Committee for comments and recommendation. <u>Within five (5) days following the Staff Review Committee meeting, the applicant shall supply nine (9) copies of the revised plans and one (1) electronic version for distribution to Planning Board</u> . If a Public Hearing is required, the first of two required notices shall appear in a newspaper of general circulation no less than 7 days prior to the hearing.
No less than 3 days prior to Review Authority meeting	The Director shall issue preliminary Findings of Fact based on <u>Subsection 005.2.7-O</u> and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed, or hand delivered to the Staff Review Committee and the applicant.	The Director shall issue preliminary Findings of Fact based on Section <u>005.2.7-O</u> and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed, or hand delivered to the Planning Board and the applicant.	The Director shall issue preliminary Findings of Fact based on Section <u>005.2.7-O</u> and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed or hand delivered to the Planning Board and the applicant.
No more than seven (7) days or less after decision by Review Authority	The Staff Review Committee shall transmit its written decision and Findings of Fact to the applicant.		
No more than 30 days or less after decision by Review Authority if Public Hearing held, or no more than 60 days or less if no public hearing is held.		The Planning Board shall transmit its written decision and Findings of Fact to the applicant.	The Planning Board shall transmit its written decision and Findings of Fact to the applicant.

Comment [AB239]: Revised quantities and submittal process to reflect current practice.

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Table 5.2.7.10.I: Development Review Time and Processing Requirements

Timing	Minor Development Review (Staff Review Committee)	Standard Major Development Review (Planning Board)	Streamlined Major Development Review (Planning Board)
No more than 30 days after application is deemed complete by the Review Authority staff.	The Review Authority shall consider an application unless postponement is requested or agreed to by applicant.		
NOTES: 1. If application lacks any required submittal materials, the streamlined process shall be terminated and the application shall revert back to the Major Development Review process.			

J. Submission Requirements

The submission requirements contained in Appendix D - shall apply to all Minor Development, Major Development, and Streamlined Major Development Review applications, unless a waiver is granted. Proposed development applications shall be submitted to the Director. For each item listed in Appendix D the applicant shall either submit the requested information or request a waiver from the information requirement, pursuant to Section 005.2.7.M (M. Waiver Provisions~~M. --- Waiver Provisions~~Waiver Provisions).

K. Town Processing of Development Review Applications

(1) Receipt

Upon receipt of an application, the Town shall provide the applicant a dated receipt.

(2) Determination by Staff of Completeness of Application

Within five ~~working (5)~~ days of receiving an Major Development Review application or within three (3) days of receiving a Minor Development Review application, the Director shall make a determination whether the application is complete in accordance with Subsection 5.1.4. If the application ~~was-is~~ for a Streamlined Major Development Review and the application is incomplete, the streamlined review process is terminated and the application is treated as an application for Major Development Review. If an item is missing from the application and no applicable waiver request has been submitted, the Director shall notify the applicant in writing that the application is considered incomplete and request the additional required information. The applicant shall submit the additional information and the procedure in this paragraph shall be repeated until the application is complete.

(3) Required Notification

The Town shall notify the owners of all property located within a 200 foot radius of the boundaries of the proposed development, giving a general description and specific location. The Town shall mail notifications via first class mail no less than ten (10) days prior to a scheduled review for which it is required.

L. Review Process: General Provisions

(1) Additional Studies

The Review Authority may undertake or require the applicant to undertake any study that it reasonably deems essential to ensure that the development can satisfy the Review Criteria set forth in Section 005.2.7.O (O. Review Criteria~~O. Review --- Criteria~~Review --- Criteria). The reasonable cost of any such study shall be paid by the applicant.

Comment [AB240]: Starting new review material for 6/1/16 ZORC meeting

Comment [AB241]: Reference to standard 5/26/16

(2) **Street Names**

All street names are subject to the approval of the Town Assessor, to ensure that the proposed name is not currently in use. Street names shall be proposed with the Sketch Plan or Streamlined Major Development Review application.

(3) **Peer Review**

Peer Review is a professional evaluation conducted by a consultant of the Review Authority to assist in determining whether an application submission satisfies the Review Criteria set forth in ~~Subsection 005-2.7.0 (O. Review Criteria)~~ ~~Review Criteria~~ ~~Review Criteria~~ ~~Review Criteria~~. The Review Authority may, by majority vote, select a consultant to perform a peer review for the Review Authority at the applicant's expense. Peer review shall not be undertaken unless it is necessary for an informed review of the application materials and its costs are reasonable, considering the nature and the scope of the application. Estimated costs for peer review shall be disclosed to the applicant prior to undertaking such review. The Town shall require an applicant to deposit funds into an escrow account to be held for the purpose of reimbursing the peer review costs. The applicant shall be entitled to an accounting of the use of all funds, and shall be entitled to a refund of all funds not expended upon final approval, denial or withdrawal of an application. The Review Authority reserves the right to deny any application due to a lack of information necessary to deem the proposal in compliance with ~~Subsection 005-2.7.0 (O. Review Criteria)~~ ~~Review Criteria~~ ~~Review Criteria~~ ~~Review Criteria~~).

(4) **Contract Consulting Services**

The Town of Brunswick may employ independent professional consultants to assist staff in the review of applications for development review, ~~special conditional or special~~ permits, village review ~~overlay~~ zone, or natural resource related determinations to evaluate if the proposal meets all applicable provisions of this Ordinance and other related codes and ordinances as part of the application review process. Fees associated with the use of such consultant(s) shall be borne entirely by the applicant. ~~Estimated costs for peer review shall be disclosed to the applicant prior to undertaking such review and the Department shall oversee the consultant's work. The Town shall require an applicant to deposit funds into an escrow account to be held for the purpose of reimbursing the peer review costs. The applicant shall be entitled to an accounting of the use of all funds, and shall be entitled to a refund of all funds not expended upon final approval, denial or withdrawal of an application. The costs shall be paid in full prior to an application being approved, denied, or approved with conditions. If consultant services are needed after an application is approved to verify conditions, review modification requests or any other work to confirm that the standards in this Ordinance are met, all costs shall be paid by the developer prior to receiving the building permit for the development. The estimated cost of the consultant's services shall be disclosed to the applicant prior to review and the Department shall oversee work of the consultant.~~

Comment [AB242]: Revised to reflect current practice. 5/24/16

M. Waiver Provisions

(1) **Authority to Grant Waivers**

The Review Authority may waive requirements of the Development Review Process or Review Criteria set forth in this ~~Subsection 5.2.105.2.105.2.7~~ Subsection 5.2.105.2.7. The Director of shall make recommendations in writing to the Review Authority concerning any requested waiver.

(2) **Waiver Criteria**

The Review Authority may grant waivers prior to taking action upon the Final Plan, in accordance with the following:

Comment [AB243]: Under review by Jared. 5/24/16

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- a. The waiver shall be consistent with the Review Criteria in Subsection 005-2.7-0 and the goals of the applicable Planning Area, as described in Appendix A - Planning Areas.
- b. A waiver may be granted if the requested information or submission requirement(s) is found by the Review Authority to be either not relevant to the application or not necessary to determine compliance with the Review Criteria ~~of~~ in Subsection 005-2.7-0.

N. Findings of Fact by Review Authority

- (1) The Review Authority may approve, deny, or approve with conditions an application for Development Review after it has reviewed the Review Criteria in Subsection 005-2.7-0.
- (2) Findings of Fact shall be made in writing and shall be sufficient to apprise the applicant and any interested party of the basis for the decision. The Findings of Fact shall include the following:
 - a. A report prepared by the Director evaluating the application proposal based upon the Review Criteria in Subsection 005-2.7-0.
 - b. Any supporting documentation, including, as appropriate, Staff Review Committee and/or staff review and recommendation, and Village Review Board actions and recommendations from other Town appointed Boards, Commissions, and Committees;
 - c. Any conditions of approval imposed by the Review Authority.

O. Review Criteria

The Review Authority may approve a Development Review application only after determining that the application:

- (1) Complies with all requirements and conditions of approval of any prior development permits or approvals;
- (2) Complies with any applicable standards in Chapter 2 -(Zoning Districts), Chapter 3 - (Property Use Standards), and Chapter 4 -(Property Development Standards);
- (3) Complies with all other applicable standards in this Ordinance, Town ordinances, and State and federal laws; and
- (4) Is consistent with the Comprehensive Plan.

P. Post Approval Provisions

(1) Plan Approval Does Not Equal Acceptance

The approval by the Review Authority of a development plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, conservation easement, recreation facilities, or other open space shown on such plan. The Review Authority shall require the Plan to contain notes to this effect. The Review Authority may also require the filing of a written agreement covering future deed and title dedication, and provision for the cost of grading, development, equipment and maintenance of any such dedicated area.

(2) Recording

All Subdivisions for which Final Plan approval has been granted, and any conditions of approval that have been imposed by the Planning Board for the Subdivision or Final Plan,

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shall be filed in the Cumberland County Registry of Deeds by the applicant. No building permits associated with a Subdivision shall be issued until applicant provides proof of recording. Any deeds issued after the granting of Subdivision approval must reference the plan and any conditions imposed upon it. If the applicant fails to record the Subdivision plan within 60 days after Subdivision approval by the Planning Board, the approval shall expire.

(3) Phasing of Development

If an applicant wishes to phase the development of a Site Plan or Subdivision, the approved plans shall reflect the intended phasing plan. The Review Authority shall review the phasing proposal as an integral part of the plan submittal. The applicant shall establish that all phased infrastructure shall be functional for the specific phase under development, independent of future phases. The Review Authority may accept, as part of a phasing plan, temporary structures, such as turnarounds, that may be required to permit infrastructure within a particular phase to function properly and in accordance with ordinance standards. In the case of a Subdivision, the applicant shall provide a separate performance guarantee, in a form and amount acceptable to the Town Manager and Town Engineer, for the completion of the infrastructure of each phase.

Comment [AB244]: Added by staff 5/24/16

(4) Submission of Digital Data

Digital data produced for any approved subdivision shall be submitted to the Town in DWG file format prior to issuance of the first certificate of occupancy for a development. Such digital submission shall include: development name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of all existing and proposed streets; profiles of centerlines of proposed streets, of a horizontal scale of 1 inch = 50 feet and a vertical scale of 1 inch = five feet, with all elevations referred to U.S.G.S. datum and appropriate GIS reference. Digital transfer of any subdivision data in GIS format on the Town's Horizontal Datum: Maine State Plane Coordinate System: Maine West Zone 4101, FIPS Zone 1802, North American Datum 1983; Units: Feet; Vertical Datum: North American Vertical Datum of 1988 (NAVD 1988). The requirement of submission of digital data may be waived, upon the recommendation of the Town Engineer, for subdivisions of limited scope. Subdivision plans drawn by hand do not need to meet this requirement.

(5) Subdivision Lot Sales Prohibited

The sale of lots of a proposed or amended Subdivision is prohibited until the Final Plan or amended Final Plan has been approved by the Planning Board and has been duly recorded by the applicant in the Cumberland County Registry of Deeds.

(6) Vesting

- a. Applications for Development Review approval shall be reviewed under the ordinance provisions in effect at the time a full application is submitted to the Director per submission requirements contained in Appendix D: Summary of Development Application Requirements ~~is submitted to the Director~~.
- b. Development approvals shall be fully vested from the date the application is determined to be complete by the Review Authority until the expiration of such approval. After such expiration, the applicant shall have no rights to develop according to the expired Final Plan and shall be subject to any adopted amendments to this Ordinance.
- c. In any partially completed phased development, if the commencement of any phase is delayed by three years, the Review Authority may declare the development approval expired as to all uncompleted phases, upon 60 days written notice to the property owner/applicant. The owner may request an extension of the phasing plan

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at any time, which shall be granted if the property owner/applicant shows good cause for the delay and the Review Authority determines that continuing the development as approved is consistent with this Ordinance as amended.

Q. Expiration of Development Review Approval

(1) General

- a. The expiration of plan approval date for any Development Review, Conditional Use Permit, ~~and~~ Special Permit ~~and Village Review Overlay Zone~~ applications shall be based upon the date the Review Authority voted to approve the application.
- b. Where construction and/or completion of improvements, or fulfillment of conditions required in an approved plan, has not occurred within the time limits stated below, a Site Plan, Subdivision, Conditional Use Permit, ~~or~~ Special Permit ~~or Village Review Overlay Zone~~ approval shall expire.
- c. The applicant may, at any time before the date of expiration, make a written request to the Review Authority for a time extension. This request shall explain the reasons why the improvements or fulfillment of conditions have not been completed and indicate how the applicant expects to complete the development if the Review Authority grants a time extension.
- d. The Review Authority may consider any amendments to this Ordinance affecting the development since first approved when considering a request to extend any approval.

(2) Site Plan Approval Expiration

Except when otherwise stipulated in an approved phasing plan, Site Plan approval shall expire three (3) years from date of approval, unless the applicant has submitted a written request for an approval extension ~~no less than 14 days prior to applicable Review Authority consideration~~. The Review Authority may extend the expiration of an approved Site Plan.

(3) Subdivision Approval Expiration

a. Sketch Plan

~~A Sketch Plan Approval shall expire one (1) year from date of Planning Board approval.~~

b. Final Plan

- i. ~~The~~ ~~Except when otherwise stipulated in an approved phasing plan,~~ Final Subdivision approval shall expire five (5) years from date of approval, unless either the Town Engineer certifies that construction of all approved infrastructure throughout the Subdivision has been completed, the applicant submits an extension request, or the Town Manager executes the terms of the performance guarantee to complete all approved infrastructure.

ii. Expiration of Final Subdivision approval shall not affect the validity of any lot that has been properly subdivided and legally conveyed to another owner.

(4) Conditional Use Permit Approval Expiration

A Conditional Use Permit shall expire ~~three-three~~ (3) years after it is approved by the Planning Board according to the approval provisions in Section 5.2.2.A (Conditional Use

Comment [AB245]: Added by staff for clarity. 5/24/16

Comment [AB246]: Moved from pending application subsection 5/24/16.

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Process) unless a Certificate of Occupancy has been granted for the approved use ~~before~~ prior to that date.

(5) Special Permit Approval Expiration

A Special Permit shall expire three ~~(3)~~ years after it is approved by the Planning Board according to the approval provisions in Section 5.2.3.A (Special Permit Process) unless a Certificate of Occupancy has been granted for the approved use ~~before~~ prior to that date.

R. Site Plan and Subdivision Re-approval Process

If a Subdivision or Site Plan expires without the applicant submitting a written request for an approval extension to the Review Authority, the applicant may request re-approval as follows:

- (1) The applicant shall submit an application and ten ~~(10)~~ copies of the approved plan to the Director along with a cover letter addressing why the improvements/development have not been completed and giving a time schedule to complete the development if reapproved.
- (2) The Review Authority may reapprove the original approval, reapprove the original approval with additional conditions or deny the re-approval. The Director shall provide the applicant with a decision in the form of Findings of Fact within seven ~~(7)~~ days of ~~action by~~ the Review Authority's action.
- ~~(7) A Site Plan re-approval shall expire three years after the date of re-approval. A Subdivision re-approval shall expire five years after the date of re-approval.~~
- (3) The Review Authority shall consider any amendments to this Ordinance affecting the development since first approved when considering a request for re-approval.

Comment [AB247]: Already stated above.

5.2.7-5.2.11. Revisions to Approved Development Plans

No changes, erasures, modifications, or revisions shall be made to any Final Plan after approval has been given by the Review Authority and endorsed in writing on the Final Plan, except in accordance with this Section.

A. General

- (1) An application to revise a previously approved Site Plan shall follow the procedure initially required ~~for Minor Development Review~~ unless the revision is found not to require Site Plan approval pursuant to Subsection 5.2.1.B (Change of Use Permit/Change of Use Permit/Expansion of Use Permit) or is deemed to be a minor modification. If the Director determines that the scope of the revisions will either increase the scale of a minor development to that of a major development or will be the functional equivalent of creating another major development, the procedure for Major Development Review shall be followed. Any amendment to a Subdivision plan, with the exception of minor modifications that qualify under ~~S~~ubsection B below, shall be subject to Major Development Review by the Planning Board.
- (2) The applicant shall submit a copy of the approved plan, as well as copies of the proposed revision and other information required to process the application. The proposed changes to the approved plan shall be clearly indicated on the revised plan. The application shall include information sufficient to allow the Review Authority to make a determination as to whether or not the revisions meet the standards of this Ordinance. A plan revision shall not be approved unless the applicant is in full compliance with all relevant terms and conditions of the

Comment [AB248]: Should go back to the Initial Review Authority.

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previously approved plan, other than those terms and conditions sought to be amended.

- (3) With the exception of Minor Modifications (see Subsection B below), if zoning standards have been amended since the approval of an original Site Plan or Subdivision Plan, the applicant's revisions shall comply with all such amendments. The Review Authority may, as a condition of approval of a revised Site Plan, require modifications to the original Site Plan in order to comply with such zoning amendments, provided that such modifications do not cause undue hardship to the applicant and are reasonable and proportionate in scope and cost to the requested plan revision.

B. Minor Modifications

- (1) Minor Modifications to approved Site Plans, Subdivisions, and Conditional Use and Special Permits may be granted by the Director, in consultation with the Town Planner, Codes Enforcement Officer, and the Public Works Director, within 30 days after submittal. The Director may deem a plan modification to be a minor modification on finding that the modification:
- a. Does not materially alter the layout or scale of the development or its impact on its surroundings; and
 - b. Does not increase the number of lots or dwelling units; and
 - c. Does not violate provisions of any Town ordinance; and
 - d. Does not reduce the effectiveness of the approved landscaping, screening or buffering of the site; and
 - e. Does not significantly alter on-site vehicular circulation; and
 - f. Does not significantly alter drainage patterns.
- (2) The procedure for processing requests for Minor Modifications shall be as follows:
- a. The applicant shall submit five (5) copies of the plan showing the proposed revisions and shall pay the established fee.
 - b. Within ~~ten~~ (10) days, the Director shall determine if the application constitutes a minor modification as defined in Subsection (1) above.
 - c. If the application is a minor modification, written notification of the proposed modification shall be provided to all owners of adjoining property at least ten (10) days prior to a decision being rendered by the Director.
 - d. If the application is found not to be a minor modification, the applicant's request shall be forwarded to the applicable Review Authority for consideration.

5.2.8.5.2.12. Ordinance Text or Map Amendment

Amendments to the text of this Ordinance or to the Zoning Map may be initiated in accordance with the Brunswick Town Charter. The following procedures shall be followed:

- A. When initiating an amendment, the person or entity requesting the amendment shall submit a written request to the Town Council. The Town Council shall decide whether to forward the requested amendment to the Planning Board.
- B. If the Town Council forwards the requested amendment, the Planning Board shall conduct at least one public hearing. The Planning Board shall give notice of hearing in accordance with the requirements of Title 30-A M.R.S.A. § 4352.9, and where applicable, § 4352.10.

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- C. The Planning Board shall prepare a written recommendation to the Town Council. In making its recommendation, the Board shall review whether the requested amendment is compatible with the Planning Area (as listed in Appendix A) in which the zoning district is located and Comprehensive Plan as amended. The written recommendation shall include draft zoning language.
- D. The Town Council, on receipt of the written recommendation from the Planning Board, shall follow the provisions regarding ordinance amendments pursuant to the Town Charter.
- E. Notwithstanding the provisions of Subsection A above, the Planning Board may initiate the amendment process by recommending an Ordinance amendment without prior referral from the Town Council.

5.3 Violations, Enforcement, and Penalties

5.3.1. Violations

The following are violations of this Ordinance if conducted without the permits or approvals required by this Ordinance or in violation of any of the terms, conditions, or standards applicable to the activity established by this Ordinance or by any official or Review Authority based on authority granted in this Ordinance, unless this Ordinance provides an exemption for the activity or activity is permitted pursuant to Section 1.6 (Nonconformities).

- A. The disturbance of any land within the Town;
- B. The division or re-division of any land within the Town into lots for sale;
- C. The construction, expansion, or modification of any structure within the Town;
- D. The use of any land or structure within the Town;
- E. The operation or maintenance of any land or structure within the Town.

5.3.2. Enforcement

A. General

- (1) The Codes Enforcement Officer shall enforce this Ordinance. In deciding applications, taking enforcement action or undertaking any other activity which the Codes Enforcement Officer is authorized to perform under this Ordinance, the Codes Enforcement Officer may interpret the provisions of this Ordinance.
- (2) In addition to any other actions, the Codes Enforcement Officer, upon determination that a violation exists in a special flood hazard area, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:
 - a. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 - b. A clear and unequivocal declaration that the property is in violation of a cited State and local law, regulation, or ordinance;
 - c. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 - d. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
 - e. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

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- (3) The Codes Enforcement Officer may inspect all necessary parts of any premises regulated by this Ordinance during normal working hours.

B. Complaints

When any person files a complaint with the Codes Enforcement Officer that this Ordinance is being violated, the Codes Enforcement Officer shall examine the subject of the complaint and take appropriate action within a reasonable amount of time not to exceed five working days. The Codes Enforcement Officer shall keep a record of these complaints and his action on them, and report to the complainant, upon request. If the Codes Enforcement Officer declines to take action on a complaint, neither that non-action nor any written record or report on the complaint constitutes an order, requirement, decision or determination which can be appealed to the Zoning Board of Appeals. Whether or not to take action on a complaint is committed to the sole and exclusive discretion of the Codes Enforcement Officer.

C. Violation Procedure

When any violation of this Ordinance comes to the attention of the Codes Enforcement Officer, he shall give written notice of the violation to the owner ~~/person(s) responsible for the lot of the premises~~ on which it occurs. The notice may be served by having a copy of it delivered by certified mail, by handing a copy to the owner, or by leaving it at his place of residence or usual place of business in the Town. If the owner cannot be found after a reasonably diligent search, the notice may be served by posting it in a conspicuous place on the premises in violation. The notice must state a specific, reasonable time within which the violation must cease. If the owner of the premises does not comply with the order within the specified time, the Codes Enforcement Officer shall take appropriate legal action consistent with this Ordinance.

Comment [AB249]: Clarification 5/26/16

D. After the Fact Reductions

- (1) The Codes Enforcement Officer may issue a certificate reducing minimum setback requirements to validate the site of mislocated 1- and 2-family residential structures and related accessory structures that are not otherwise legally sited and which were in existence on ~~May 7, 1997~~ **insert ordinance adoption date**, provided that:
- a. The use of the property is and will remain as a single or two family dwelling,
 - b. The reduction will not be more than ten (10) feet, and
 - c. The encroachment is the result of the inadvertent misplacement of a structure.
- (2) If a reduction is approved, the Codes Enforcement Officer shall provide the applicant with a signed instrument in recordable form indicating the minimum setback reduction granted under the terms of this section. The applicant shall be responsible for the recording of this instrument in the Cumberland County Registry of Deeds. If the reduction is not approved, the Codes Enforcement Officer shall advise the applicant of the right to seek an appeal through the Zoning Board of Appeals.

Comment [AB250]: Must be prior to this ordinance adoption. 5/26/16

5.3.3. Penalties

Any person who violates any provision of this Ordinance commits a civil violation and is subject to the fines and civil penalties as provided in Title 30-A M.R.S.A. Section 4452. Each day a violation continues to exist after notice to correct the violation constitutes a separate violation. The Town may also seek a temporary or permanent injunction to prevent any threatened or continuing violation of this Ordinance.

Appendix A - Planning Areas

The Town of Brunswick is divided into the following Planning Areas, as indicated in the Planning Area Map, and as described in the following section.

A.1 Growth Areas

A.1.1. Town Core

The Town Core Planning Area includes the Downtown and its immediately adjacent neighborhoods, including the Core Campus for Bowdoin College. It is the center of the community anchored by Fort Andross and the Androscoggin riverfront area to the north and Bowdoin College to the south. The Town Core is envisioned to have the greatest residential density and intensity of nonresidential uses. It is an inviting and vibrant commercial, cultural, educational, recreational and residential center.

The Town Core improves upon its walkability and bikeability aspects. Existing green space and recreational assets are maintained and additional public green space is planned and protected where appropriate. Infill and redevelopment increases density and intensity, while maintaining the overall mature and historic character of the area.

The Town Core Planning Area includes zoning districts Growth-Mixed Use 6 (GM6), Growth-Residential 6 (GR6), Growth-Residential 7 (GR7), Growth-Residential 8 (GR8), and portions of Growth-College 1 (GC1), Growth-College 2 (GC2), Growth-College 3 (GC3), Growth-Mixed Use 1 (GM1), Growth-Mixed Use 3 (GM3), and Growth-Residential 9 (GR9).

A.1.2. Town Residential

The Town Residential Planning Area includes pedestrian-scale older neighborhoods adjacent to the Town Core Planning Area and the expanded Bowdoin College Campus area (outside the core campus area), all offering an attractive living environment within an easy walk of the Town Core. The Town Residential area is envisioned to continue as a residential and educational area of the community. Bowdoin College grows, is a good neighbor, communicates its long-term planning efforts and works to minimize its impacts on the surrounding neighborhoods. Existing single-family neighborhoods are maintained while allowing limited infill development and the creation of accessory apartments to increase overall density, respectful to adjacent uses.

The Town Residential Planning Area includes a range of residential uses; very limited, small-scale commercial and home-based businesses compatible with the adjacent residential neighborhoods; college-related residential and non-residential uses; and a wider range of non-residential uses in the mixed use areas.

The Town Residential Planning Area includes zoning districts Growth-Residential 2 (GR2), Growth-Residential 5 (GR5), **Growth Residential 10 (GR10)**, Growth-Mixed Use 2 (GM2), and portions of Growth-College 1 (GC1), Growth-College 2 (GC2), Growth-College 3 (GC3), Growth-Residential 9 (GR9).

Comment [AB251]: Added per ZORC discussion on 5/18/16.

A.1.3. Town Extended Residential

The Town Extended Residential Planning Area includes the established neighborhoods of Meadowbrook-Parkview, Maquoit Road, Meredith-McKeen and River Road, as well as an area along Baribeau and north of Pleasant Hill Road. These primarily single-family residential areas are envisioned to continue as attractive places to live with effective buffering provided from new multi-family and non-residential development. New development is compatible with the larger neighborhood and creates relatively dense, tight-knit, interconnected pedestrian and bike-friendly areas. Significant natural resource and habitat areas are protected. Non-residential uses are small in scale with the exception of those within the former medical use overlay zone, now a mixed use district (GM8). Home occupations and small service businesses are accommodated.

In general, appropriate uses include a range of residential uses, retirement housing, assisted living, nursing homes, small-scale neighborhood compatible businesses, limited medical and professional uses within the Growth-Mixed Use (GM8) District (former medical use overlay zone), and recreational facilities. The focus of

development standards is to maintain the livability of established neighborhoods while accommodating new development of moderate density and intensity.

The Town Extended Residential Planning Area includes zoning districts Growth-Residential 3 (GR3) and portions of Growth-Residential 4 (GR4), and Growth-Mixed Use 8 (GM8) (former medical use overlay zone).

A.1.4. Cook's Corner Commercial Hub

The Cook's Corner Commercial Hub Planning Area includes the area surrounding the intersection of Bath and Gurnet Roads, extending approximately one-half mile from the intersection. It is an area envisioned to evolve into a vibrant, mixed use pedestrian and bike-friendly area consistent with the Cook's Corner Master Plan. New development expands the regional commercial center as well as adds residential uses at a maximum density of 15 units per acre.

Development standards should encourage that which maximizes available development potential and complies with Cook's Corner Design Standards. Supplemental development standards should apply to maintain or enhance the Bath Road corridor as a gateway to Brunswick. The Cook's Corner Commercial Hub Planning Area is located within the Growth-Mixed Use 4 (GM4) Zoning District.

A.1.5. Cook's Corner Extended Area

The Cook's Corner Extended Planning Area encompasses the Cook's Corner area outside the "Commercial Hub" (see above) east of the "Hub", the residential neighborhoods of Wildwood and former military housing located at Brunswick Landing, a mixed use area north of Route 1 along Old Bath Road and the area containing and adjacent to Mid-Coast Medical Center. It is an area envisioned in the Cook's Corner Master Plan to evolve into a vibrant mixed use area. It is an extension of the regional commercial center of Cook's Corner allowing for additional retail development, new office and research uses around the Mid-Coast Medical Center, and expanding the range of other non-residential uses. A planned residential neighborhood is envisioned to emerge between Gurnet Road and the medical campus. Additional road connectivity is provided linking Gurnet Road to Bath Road east of Cook's Corner, improving neighborhood interconnections. Pedestrian and bicycle movement is enhanced. Significant habitat and natural resource areas are protected.

In general, appropriate uses include a range of low to higher residential uses, retirement housing, assisted living and nursing home facilities, professional and medical office and research facilities near the Mid-Coast Medical Center and limited, small-scale low-intensity non-residential uses south of Bath Road (Gurnet and Thomas Point Roads). Development standards should encourage that which maximizes available development potential. As an extension of the Cook's Corner area, supplemental development and design standards should also apply to maintain or enhance the Bath Road corridor as a gateway to Brunswick.

The Cook's Corner Extended Area includes portions of zoning districts Growth-Residential 4 (GR4), Growth-Mixed Use 4 (GM4) and Growth-Mixed Use 8 (GM8).

A.1.6. BNAS Reuse

The Brunswick Naval Air Station (BNAS) was officially "closed" in 2011. Based on the BNAS Reuse Master Plan, approved by the Brunswick Local Redevelopment Authority in 2007 and now implemented by the Midcoast Regional Redevelopment Authority (MRRA), the former BNAS will become a vibrant and integral part of Brunswick. Now known as Brunswick Landing, this area is envisioned to be a thriving mixed use community, guided by the community-influenced master reuse plan.

Within the Growth Area, generalized land uses include walkable live-work neighborhoods, educational institutions, business and professional office, business and technology industries, a fully functioning general aviation airport and related industries, community mixed uses and indoor/outdoor recreational facilities. Development standards shall be flexible in design to accommodate changes in market conditions and be consistent with smart growth principles. Buffering of natural areas and habitats located within and outside the Growth Area and identified in the Environmental Impact Statement shall be required. In addition, land use controls established by conveyance deeds will be used to mitigate environmental hazards. Conveyances to the Town of Brunswick will serve as a mix of active and passive recreation area.

Appendix A - Planning Areas
Section A.1 Growth Areas
Subsection A.1.7 Commercial Connectors

The BNAS Reuse Planning Area within the designated Growth Area includes zoning districts Growth-Natural Resources (GN), Growth-College 4 (GC4), Growth-Aviation (GA), Growth-Outdoor Recreation (GO), Growth-Mixed Use 7 (GM7), Growth-Residential 1 (GR1), and a portion of Growth-Industrial (GI).

The BNAS Reuse Planning Area outside the designated Growth Area includes zoning district Rural- Natural Resources (RN).

A.1.7. Commercial Connectors

The Commercial Connectors Planning Areas include the major road corridors leading to and linking the centers of the community including Pleasant Street (Route 1) between the I-295 interchange and Stanwood Street, south to the rail yard; and Bath Road beginning at the east edge of the Bowdoin Pines to Cooks Corner. It is envisioned that the Commercial Connectors function as safe, efficient routes for traffic to move through the community and are attractive gateways to Brunswick. These corridors serve as locations for commercial development. Commercial development standards focus on upgrading the function and appearance of development, improves the quality of the streetscape, provides for controlled access to Bath Road and is pedestrian and bike-friendly. An alternative connector road to Pleasant Street (Route 1) is explored along the railroad right-of-way from Church Road to Stanwood Street and, if developed, is subject to use limitations, design standards, and access controls to avoid becoming a strip commercial corridor.

In general, appropriate uses include a wide range of non-residential uses including retail and consumer uses, services, offices, public and community uses, and industrial uses. New residential uses are discouraged except as part of a mixed-use development. Supplemental development standards should also apply to maintain or enhance Commercial Connector corridors as gateways to Brunswick. Standards are created for Brunswick Landing to maintain/enhance the scenic character of the Bath Road corridor.

The Commercial Connectors Planning Areas includes zoning district Growth-Mixed Use 5 (GM5) and a portion of Growth-Mixed Use 1 (GM1).

A.1.8. Exit 28-Mixed Use Development Area

The Exit 28-Mixed Use Development Planning Area encompasses lands bordered by the Androscoggin River, Pleasant Street (Route 1), and I-295, extending easterly to Durham Road, excluding the Commercial Connector Planning Area along Pleasant Street. It is envisioned to be a pedestrian and bike-friendly mix of "business-park" type development with a range of moderate to higher density residential development, affordable to a mixed income household range. Vehicular access is improved by an upgraded road network with connections to River Road, Pleasant Street, I-295 or the I-295 connector. A substantial natural buffer is retained along residential edges. An undisturbed buffer is maintained along I-295 and business signs that can be seen from the interstate are prohibited.

In general, appropriate uses include business and professional offices, research facilities, financial services and institutions, business services, light industry, entertainment, restaurants (excluding drive-throughs), small scale retail, community and government uses, residential uses as part of a mixed use development, and outdoor recreation facilities. Common development plans should be required. More dense development should be allowed adjacent to I-295, less intense in other areas. Minimum lot size should be reduced. Design standards should be imposed.

The Exit 28-Mixed Use Development Area includes portions of zoning districts Growth-Mixed Use 3 (GM3) and Growth Residential 4 (GR4).

A.1.9. Industrial Areas

The Industrial Planning Areas include lands appropriate for industrial and other types of more intensive, non-residential uses (excluding large retail uses). This includes the three current industrial areas:

- Industry Road Industrial Park
- Church Road Industrial Area
- East Bath Road Industrial Area

Appendix A - Planning Areas
Section A.2 Rural Areas
Subsection A.2.1 Farm and Forest Planning Areas

The existing industrial areas provide locations for light industrial, office, service, and similar uses. As development, expansions, and redevelopment occur within these areas, the environmental and visual quality of the areas is improved. Depending on the specific industrial area, allowed uses include a limited range of non-residential uses including light industrial, service, and office uses but not including retail or consumer oriented activities.

Development standards should be similar to current zoning requirements. In addition, supplemental development standards should apply to maintain or enhance the Old Portland Road and Bath Road corridors as the gateways to Brunswick, including the development of a Gateway Overlay District.

A.2 Rural Areas

A.2.1. Farm and Forest Planning Areas

The Rural Farm and Forest Planning Areas will remain rural areas in which the environmental systems are preserved and rural resources maintained. Natural resource based uses are active. The limited development that does occur maintains the "rural character" and protects the areas' natural resource and scenic values including unfragmented wildlife habitats. Small-scale clean industrial and service uses that complement, add value to, and do not interfere with agricultural enterprises can be acceptable in this area. Commercial uses are encouraged where they are well-buffered and screened on large properties and will have no more impact on surrounding uses than agriculture or permitted residential development. Retail uses are discouraged, other than the sale of goods primarily produced on the premises or within the local community.

Rural Farming and Forest Planning Areas include zoning districts Rural-Residential (RR) and Rural-Farm and Forest (RF).

A.2.2. Coastal Protection Planning Areas

The Coastal Protection Planning Areas continue to be rural in character. Land use and development in these coastal watersheds are well managed to protect marine resources and the largely undeveloped watershed that drains into Brunswick's coastal waters, necessary to sustain and support marine economic, environmental, and recreational resources. Commercial and multifamily uses are discouraged, unless they are designed and operated in a manner that would have no more impact on water quality than permitted residential development. The Rural Coastal Protection Planning Areas are intended to protect coastal embayments from the potential impacts of excessive nutrient loading and other non-point source pollution, to maintain and enhance the economic resources of these coastal embayments and their associated watersheds.

The Rural Coastal Protection Planning Area includes zoning districts Rural-Protection 1 (RP1) and Rural-Protection 2 (RP2).

A.2.3. Route One Mixed Use Area

The Route One Mixed Use Planning Area includes the Route One Corridor from the Town of Freeport boundary northeast to the edge of the designated Growth Area. It is envisioned to be an attractive gateway to Brunswick from the south, consisting primarily of a wooded roadside with a mix of small-low-intensity residential and non-residential uses. No public water or sewer services are provided in this area. Any development is limited and maintains the area's rural character.

In general, appropriate uses include rural and natural resource based uses and businesses, low-density residential uses and low-intensity non-residential uses and businesses. Standards should be developed to assure compatibility with the overall rural and scenic character of the Route One Corridor, and protection of wildlife habitat and natural resources. Supplemental development standards should also apply to maintain or enhance the Route One Corridor as a gateway to Brunswick.

The Route One Mixed Use Planning Area includes zoning district Rural-Mixed Use (RM).

Appendix B - Street Standards

This Appendix outlines street standards necessary for dedication to the Town, and also provides guidelines for the development of private roads.

B.1 Public Dedication Roadway Standards

All streets in a proposed subdivision must be designed to comply with the following minimum standards, and must be constructed according to the specifications of the Brunswick Public Works Department. In no case shall such a street qualify for acceptance as a Town road, unless and until it is paved with bituminous concrete in accordance with the specifications of the Brunswick Public Works Department. The cost of all road construction including the upgrading of a private way for public acceptance, must be paid by the applicant. All new streets shall comply with [Subsection 4.8.1.A4.8.1.A4.7.1.A \(Development of New Streets\)](#).

Comment [AB252]: ZORC discussion. Staff recommends deleting this section since we refer to the Town Street Acceptance Ordinance. 5/26/16

Table B.1.A: Road Standards for Town Dedication

	Collector Commercial	Local	Minor
1a. Minimum Right of Way Width, Curbed	66 feet	50 feet	50 feet
1b. Minimum Right of Way Width, Uncurbed	66 feet	60 feet	50 feet
2a. Minimum Pavement Width, Curbed	30 feet	28 feet	24 feet
2b. Minimum Pavement Width, Uncurbed	34 feet	24 feet	20 feet
3. Maximum Grade	8%	8%	12%
4. Minimum Centerline Radius	200 feet	175 feet	125 feet
5. Minimum Tangent Between Reverse Curves	100 feet	75 feet	50 feet
6. Minimum Shoulder Width	4 feet	4 feet	4 feet
7. Maximum Length of Dead End Street	1,500 feet	1,500 feet	1,500 feet
8. Minimum Braking Site Distance for Vertical and Horizontal Curves 200 feet	150 feet	150 feet	n/a

Table B.1.B: Intersection Standards for Roads Proposed for Dedication

	Collector Commercial	Local	Minor
1. Minimum/ Maximum Angle	90 degree	90 degree	90 degree
Maximum Grade within 100 feet of Centerline Intersection	3%	3%	3%
Minimum Curb Radius	30 feet	30 feet	25 feet
Minimum Property Line Radius	20 feet	20 feet	20 feet
Minimum Centerline Distance Between Intersections, Same Side of Street	300 feet	250 feet	250 feet
Minimum Centerline Distance Between Intersections, Opposite Side of Street	150 feet	150 feet	150 feet
Minimum Tangent Length from Intersection Centerlines	50 feet	50 feet	50 feet

B.1.1. Sight Distances

The minimum sight distance at intersections shall be determined according to the most current edition of "A Policy on Geometric Design of Highways and Streets" published by the American Association of State Highway and Transportation Officials (A.A.S.H.T.O)

B.1.2. Turnaround

A suitable means for reversing direction shall be provided at the end of a dead-end street in the form of a center-island cul-de-sac or a hammerhead "T" turnaround. A center-island cul-de-sac shall have a

Appendix B - Street Standards
 Section B.2 Private Street Standards
 Subsection B.3.1 Existing Streets

minimum island radius of 35 feet, a minimum outside pavement radius of 55 feet and a minimum property line radius of 75 feet. A hammer-head turnaround shall be constructed to comply with the applicable standards of this section, except that the perpendicular cross piece of the "T" shall have a minimum pavement width of 14 feet, and shall extend a minimum of 40 feet to either side of the centerline of the dead-end street. The cross piece of the "T" shall be located within a 50 feet wide right-of-way that shall extend at least 20 feet beyond the ends of the pavement. No lot may be accessed from any part of a hammerhead turnaround.

B.2 Private Street Standards

Comment [AB253]: To Include In Appendix.

The following standards are an alternative to be used for roadways not proposed for public dedication. These requirements relate only to Local and Minor Streets, as defined in Subsection 4.8.1.A4.8.1.A4.7.1.A (Development of New Streets). ~~All private streets shall comply with Section 4.7.1.A.~~

Table B.2: Private Street Standards

Streets	Local	Minor	Lane
Minimum Right of Way	50 feet	40 feet	25 feet
Minimum pavement width, curbed roads	20 feet	n/a	n/a
Minimum pavement width, uncurbed roads	18 feet	12 feet	12 feet
Maximum grade	12%	12%	12%
Design Speed; does not apply to "L" turns in a street.	20 mph	20 mph	n/a
Minimum tangent between reverse curves	n/a	n/a	n/a
Minimum shoulder width	2 feet	n/a	n/a
Maximum length of dead-end street	1,500 feet	1,500 feet	n/a
Minimum sight distance for vertical and horizontal curves	100 feet	75 feet	75 feet
Sidewalks	Required in Growth districts only		n/a
Intersections	Class 2	Class 1	Lane
Minimum/ maximum angle of intersecting streets	60-120 degrees	60-120 degrees	80-100 degrees
Maximum grade within 100 feet of intersection	5%	5%	5%
Minimum curb radius	15 feet	n/a	n/a
Minimum center-line distance between intersections (excludes lanes); does not apply to "L" Turns in a Street	Same Side 150 feet; Opposite Side 100 feet	n/a	n/a
Minimum tangent length from intersection centerlines	n/a	n/a	n/a

B.3 Brunswick Landing Street Standards

Comment [AB254]: To keep in Appendix.

~~Public and private~~All streets in the Brunswick Landing area shall conform to the provisions of the Subsection 4.8.1.A4.8.1.A4.7.1.A (Development of New Streets), ~~and Appendix B.1 (Public Dedication Roadway Standards)~~ and Appendix B.2 (Private Street Standards) except as provided for in this subsection. Where the provisions of this subsection differ from the provisions of Subsection 4.8.1.A4.8.1.A4.7.1.A or Appendix B.1B.1B.12, the standards of this subsection shall apply.

B.3.1. Existing Streets

The Planning Board may approve a subdivision or development proposal that includes a street that existed as of the date of adoption of this subsection even if the existing street does not conform to

Appendix B - Street Standards
 Section B.3 Brunswick Landing Street Standards
 Subsection B.3.2 On-Street Parking

the requirements of Section 4.8.1.A4.8.1.A4.7.1.A, Appendix B.12, and this subsection—including, but not limited to, the standards for minimum right-of-way width, minimum pavement width, and minimum distance between intersections,—if the Planning Board finds that the layout and design of the street conforms to the standards to the maximum extent practical and will provide for safe traffic movement and emergency access given the anticipated use of the street.

B.3.2. On-Street Parking

The design of public and private streets in the BM7-GM7 district located on the former BNAS lands must provide for on-street parking where such parking is practical and consistent with the overall street network. In other land use districts, the provision of on-street parking is encouraged where appropriate.

B.3.3. Standards for Public Streets

In the Brunswick Landing area, certain standards for streets for public dedication are as follows. The provisions of Table B.1.A (Road Standards for Town Dedication) shall apply to all standards not addressed in the following table:

Comment [AB255]: Need review by MRRA and John Foster 5/24/16

Table B.3.3: Brunswick Landing Area Public Street Standards				
Standard		Collector or Commercial Street	Local Street	Minor Street
Minimum Right-of-Way Width, Curbed	no on-street parking	50 feet	50 feet	50 feet
	on-street parking on one side of the street	58 feet	54 feet	52 feet
	on-street parking on both sides of the street	66 feet	60 feet	58 feet
Minimum Right-of-Way Width, Uncurbed	no on-street parking	60 feet	54 feet	50 feet
	on-street parking on one side of the street	66 feet	60 feet	56 feet
	on-street parking on both sides of the street	74 feet	66 feet	62 feet
Minimum Pavement Width, Curbed	no on-street parking	26 feet	24 feet	22 feet
	on-street parking on one side of the street	32 feet	30 feet	28 feet
	on-street parking on both sides of the street	40 feet	36 feet	34 feet
Minimum Pavement Width, Uncurbed	no on-street parking	26 feet	22 feet	20 feet
	on-street parking on one side of the street	32 feet	28 feet	24 feet
	on-street parking on both sides of the street	40 feet	34 feet	30 feet
Minimum Centerline Radius (see Note 1)		200 feet	140 feet	100 feet
Minimum Shoulder Width (Uncurbed)		2 feet	2 feet	2 feet
Minimum Curb Radius		15 feet - 30 feet	15 feet - 30 feet	10 feet - 25 feet

Note 1: The Planning Board may approve the layout of streets with L-Turns or right angle turns that do not meet these requirements if the design of the turn conforms to the standards for an intersection and the turn is part of a street network.

B.3.4. Standards for Private Streets

The standards for private streets as set forth in Table B.2 (Private Street Standards) shall guide the design and layout of private local streets, minor streets, and lanes in the Brunswick Landing area. Notwithstanding the provisions of Section B.2 (Private Street Standards), the Planning Board may approve private commercial or collector streets in the Brunswick Landing area. The design and layout of private commercial or collector streets shall be guided by the appropriate standards for the same type of public street.

Comment [AB256]: Under review by MRRRA and John Foster 5/24/16

Appendix C - Contributing Historic Structures

The following tables list contributing historic structures identified in accordance with the National Register of Historic Places that are located within each of the historic districts making up the Village Review Overlay (VRO) District, as well as other individual contributing historic structures within the VRO District.

C.1 Federal Street Historic District

Table C.1: Contributing Historic Structures - Federal Street Historic District					
	Street Address			Street Address	
U07-50	1	Federal St	O08-94	80	Federal St
U07-51	3	Federal St	O08-93	82	Federal St
U13-130	4	Federal St	O08-90	83	Federal St
U07-52	5	Federal St	O08-92	86	Federal St
U13-129	6	Federal St	O08-91	88	Federal St
U07-53	7	Federal St	U08-104	3	Bath Rd
U07-54	9	Federal St	U08-105	5	Bath Rd
U13-128	8&10	Federal St	U08-106	7	Bath Rd
U07-55	11	Federal St	U08-107	9	Bath Rd
U13-140	12/14	Federal St	U08-108	15	Bath Rd
U07-56	13	Federal St	U08-100	8	Cleveland St
U07-57	17	Federal St	U08-112	9	Cleveland St
U13-152	20	Federal St	U08-99	10	Cleveland St
U07-60	25	Federal St	U08-98	12	Cleveland St
U13-150	28	Federal St	U08-113	15	Cleveland St
U07-62	29	Federal St	U08-97	16	Cleveland St
U13-149	30	Federal St	U08-114	17	Cleveland St
U07-63	31	Federal St	U08-96	18	Cleveland St
U13-172	32	Federal St	U08-95	22	Cleveland St
U08-16	33	Federal St	U13-202	4	Green St
U13-171	34	Federal St	U13-201	6	Green St
U13-170	36	Federal St	U16-23	216	Maine St
U13-169	38	Federal St	U16-43	217	Maine St
U13-168	40	Federal St	U16-41	218	Maine St
U13-180	42	Federal St	U16-42	226	Maine St
O08-35	43	Federal St	U13-176	153	Park Row
O08-68	45	Federal St	U13-175	155/157	Park Row
U13-179	46	Federal St	U13-177	159	Park Row
U13-199	52	Federal St	U13-186	163	Park Row
O08-69	53	Federal St	U13-187	165	Park Row
U13-197A	54	Federal St	U13-188	167	Park Row
U13-197	56	Federal St	U13-189	169	Park Row
U13-196	58	Federal St	U13-190	173	Park Row
O08-78	59	Federal St	U13-192	179	Park Row
U13-195	60	Federal St	O08-109	181	Park Row
O08-83A	61	Federal St	O08-110	183	Park Row
U13-194	62	Federal St	O08-185	185	Park Row
O08-84	63	Federal St	U13-184	8	School St
U13-193	64	Federal St	U13-165	11	School St
O08-86	69	Federal St	U13-166	13	School St
O08-118	70	Federal St	U13-183	14	School St
O08-87	71	Federal St	U13-167	15	School St
O08-117	72	Federal St	U13-182	16	School St

Appendix C - Contributing Historic Structures
Section C.2 Lincoln Street Historic District

Table C.1: Contributing Historic Structures - Federal Street Historic District					
Street Address			Street Address		
O08-116	74	Federal St	U13-181	18	School St
O08-88	75	Federal St	O08-34	22	School St
O08-89	79	Federal St			

C.2 Lincoln Street Historic District

Table C.2: Contributing Historic Structures - Lincoln Street Historic District					
Street Address			Street Address		
U13-16	2	Lincoln St	U13-12	14/16	Lincoln St
U13-24	3/5	Lincoln St	U13-28	15	Lincoln St
U13-15	4/6	Lincoln St	U13-29	17	Lincoln St
U13-25	7	Lincoln St	U13-10	18	Lincoln St
U13-14	8	Lincoln St	U13-30	19	Lincoln St
U13-13	10	Lincoln St	U13-9	20	Lincoln St
U13-26	11	Lincoln St	U13-8	22	Lincoln St
U13-27	13	Lincoln St			

C.3 Brunswick Commercial Historic District

Table C.3: Contributing Historic Structures - Commercial Historic District					
Street Address			Street Address		
U14-114	50	Maine St	U13-38	108	Maine St
U13-121	53	Maine St	U13-146	111	Maine St
U14-113	54	Maine St	U13-66	112	Maine St
U14-111	56	Maine St	U13-147A	115	Maine St
U13-23	60	Maine St	U13-157	117	Maine St
U13-21	64	Maine St	U13-65B	128	Maine St
U13-123	69	Maine St	U13-62	134	Maine St
U13-20	70	Maine St	U13-158	135	Maine St
U13-18	80	Maine St	U13-159	139	Maine St
U13-134	83	Maine St	U13-160	141	Maine St
U13-17	86	Maine St	U13-161	145	Maine St
U13-143	87	Maine St	U13-61	146	Maine St
U13-40	90	Maine St	U13-164	149	Maine St
U13-144	103	Maine St	U13-163	151	Maine St
U13-145	105	Maine St			

C.3C.4 Individually Listed Properties

Table C-3: Contributing Historic Structures					
Street Address			Street Address		
U13-185	207	Maine St	U14-104	2/4	Oak St
U13-105	27	Pleasant St			

Appendix D - Summary of Application Requirements

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
General	Application form and fee	X	X	X	X	X
	Name of development	X	X	X	X	X
	Existing zoning district and overlay designations	X	X	X	X	X
	Location map	X	X	X	X	X
	Names of current owner(s) of subject parcel and abutting parcels		X	X	X	X
	Names of engineer and surveyor; and professional registration numbers of those who prepared the plan		X	X	X	X
	Location of features, natural and artificial, such as water bodies, wetlands, streams, important habitats, vegetation, railroads, ditches and buildings	X	X	X	X	X
	Documentation of Right, Title and Interest	X	X	X	X	X
	Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners association declarations and by-laws, and such other agreements or documents as are necessary to show the manner in which common areas will be owned, maintained, and protected		X	X	X	X
Draft performance guarantee or conditional agreement		X	X	X	?	
Survey, Topography, & Existing Conditions	Scale, date, north point, and area	X	X	X	X	X
	A survey submitted by a professional surveyor with a current license by the State of Maine Board of Licensure for Professional Surveyors		X	X	X	X
	Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments property identified as existing or proposed		X	X	X	
	Existing easements associated with the development	X	X	X	X	X
	Location of existing utilities; water, sewer, electrical lines, and profiles of underground facilities		X	X	X	
Survey, Topography, & Existing Conditions	Existing location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability		X	X	X	
	Topography with contour intervals of not more than 2 feet		X	X	X	
	A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists		X	X	X	
	Existing locations of sidewalks	X	X	X	X	
	A delineation of wetlands, floodplains, important habitats, and other environmentally sensitive areas		X	X	X	
	Approximate locations of dedicated public open space, areas protected by conservation easements and recreation areas	X	X	X	X	
	Name, location, width of paving and rights-of-way, profile, cross-		X	X	X	
Infrastructure						

Appendix D - Summary of Application Requirements
Section C.4 Individually Listed Properties

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
- Proposed	section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1" equals 5', with all evaluations referred to in U.S.G.S. datum					
	Proposed easements associated with the development		X	X	X	X
	Kind, location, profile and cross-section of all proposed drainage facilities, both within and connections to the proposed development, and a storm-water management plan in accordance with Section Error! Reference source not found. Error! Reference source not found. 4.6.1 (Error! Reference source not found. Error! Reference source not found. Stormwater Management)		X	X	X	
	Location of proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of private wells.		X	X	X	
	Proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability		X	X	X	
	Proposed locations, widths and profiles of sidewalks		X	X	X	
	Locations and dimensions of proposed vehicular and bicycle parking areas, including proposed shared parking arrangement if applicable.		X	X	X	X
Infrastructure - Proposed	Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization		X	X	X	
	Storm water management plan for the proposed project prepared by a professional engineer		X	X	X	
	The size and proposed location of water supply and sewage disposal systems		X	X	X	
	Where a septic system is to be used, evidence of soil suitability		X	X	X	X
	A statement from the General Manager of the Brunswick Sewer District as to conditions under which the Sewer District will provide public sewer and approval of the proposed sanitary sewer infrastructure		X	X	X	X
	A statement from the Fire Chief recommending the number, size and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken		X	X	X	X
	A statement from the General Manager of the Brunswick-Topsham Brunswick and Topsham Water District as to conditions under which public water will be provided and approval of the proposed water distribution infrastructure		X	X	X	X
Proposed Development Plan	Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site		X	X	X	
	Reference to special conditions stipulated by the Review Authority		X	X	X	X
	Proposed ownership and approximate location and dimensions of		X	X	X	

Field Code Changed

Appendix D - Summary of Application Requirements
 Section C.4 Individually Listed Properties

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
	open spaces for conservation and recreation. Dedicated public open specs, areas protected by conservation easements, and existing and proposed open spaces or recreation areas and potential connectivity to adjoining open space.					
	When applicable, a table indicating the maximum number of lots permitted based upon the applicable dimensional requirements, the number of lots proposed, and the number of lots permitted to be further subdivided.	X	X	X	X	X
	Building envelopes showing acceptable locations for principal and accessory structures, setbacks and impervious coverage		X	X	X	
Proposed Development Plan	Disclosure of any required permits or, if a permit has already been granted, a copy of that permit		X	X	X	X
	A statement from the General Manager of the Brunswick-Topsham Brunswick and Topsham Water District regarding the proposed development if located within an Aquifer Protection Zone		X	X	X	X
	A plan of all new construction, expansion and/or redevelopment of existing facilities, including type, size, footprint, floor layout, setback, elevation of first floor slab, storage and loading areas		X	X	X	X
	An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, signage and other features as may be required by specific design standards		X	X	X	
	A circulation plan describing all pedestrian and vehicle traffic flow on surrounding road systems		X	X	X	
	A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening, the size, locations and purpose and type of vegetation		X	X	X	X
	Number of lots if a subdivision	X	X	X	X	X
	Plan showing all 10" trees to be removed as a result of the development proposal		X	X	X	
	All applicable materials necessary for the Review Authority to review the proposal in accordance with the criteria of Chapter 5.		X	X	X	X
	Any additional studies required by the Review Authority		X	X	X	X

Appendix E - Glossary of Acronyms Used

ACRONYM	DEFINITION
AAO	Airport Approach Overlay
AAZ	Airport Approach Zone
APO	Aquifer Protection Overlay
APO1	Aquifer Protection 1
APO2	Aquifer Protection 2
APO3	Aquifer Protection 3
BNAS	Brunswick Naval Air Station
CRI	Color Rendering Index
DU	Dwelling Unit
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FPO	Flood Protection Overlay
FPO	Flight Path Overlay
GA	Growth Aviation
GC	Growth College
GI	Growth Industrial
GIS	Geographic Information System
GM	Growth Mixed Use
GN	Growth Natural Resources
GO	Growth Outdoor Recreation
GR	Growth Residential
IES	Illumination Engineering Society
ITE	Institute of Traffic Engineers
LID	Low Impact Development
MDIF&W	Maine Department of Inland Fisheries and Wildlife
MEDEP	Maine Department of Environmental Protection
MHO	Mobile Home Park Overlay
MNAP	Maine Natural Areas Program
MSL	Mean Sea Level
NFIP	National Flood Insurance Program
NGVD	National Geodetic Vertical Datum
NPO	Natural (Resource) Protection Overlay

Appendix E - Glossary of Acronyms Used
Section C.4 Individually Listed Properties

ACRONYM	DEFINITION
RCMU	Reuse (District) Community Mixed Use
RF	Rural Farm and Forest
RM	Rural Mixed Use
RN	Rural Natural Resources
RP	Rural Protection
RPZ	Runway Protection Zone
RR	Rural Residential
SF	Square Foot
SPO	Shoreland Protection Overlay
SWES	Small Wind Energy System
TCO	Telecommunications Overlay
UIS	Urban Impaired Stream
USEPA	U. S. Environmental Protection Agency
VFR	Visual Frame of Reference
VRO	Village Review Overlay
WPO	Wildlife Protection Overlay
ZBA	Zoning Board of Appeals

Appendix F - Recreation Facilities Impact Fee Methodology, as Amended

[To Be Inserted]