

**BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION**

**JUNE 10, 2015**

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

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

**CONSULTANT PRESENT:** Don Elliott of Clarion Associates

Mr. Frizzle opened the meeting.

Mr. Frizzle opened the meeting to public comments on items not included on the agenda. Seeing no citizens offering public comments, he closed the public comments section of the meeting.

Ms. Breinich introduced the Planning & Development Department's Bowdoin Fellow, Bridger Tomlins, who will be working with the department this summer.

- **Parkview Hospital area (Medical Use District – new GM-8) (ZORC-based):**

Ms. Breinich showed a PowerPoint of the current Medical Use Overlay around Parkview Hospital, which follows the lines of the Parkview properties with the exception of one parcel, a single family home. She said just as they fine-tuned the parcels on Baribeau and Cooks Corner, staff is suggesting that the two residential lots by the Parkview properties be zoned compatibly with GR-3. They don't see the same kind of expansion of businesses and offices going into single family here as they are experiencing on Baribeau. Mr. Frizzle stated this is consistent with what they've done with the other applications of the Medical Use Overlay. The Committee agreed.

- **Consolidation of R-1 and R-8 to new GR-2 (comment-based):**

Ms. Breinich gave some history of the existing zoning in this area, and explained the proposed consolidation. GC-1 would now be a consolidation of CU-1, CU-2 and CU-3. R-1 (Longfellow) and R-8 (College Park) in the current zoning ordinance have a combined density and dimensional table and the uses are exactly the same. That is why they felt it appropriate to combine them into one district. Mr. Elliott added that Clarion put everything into a table, looked at the uses and the dimensional standards, and tried to see how similar they are. R-1 and R-8 popped up at the top of the list and made them strongly question why the districts were different. Although it may not be popular with everyone, Mr. Elliott stated this was not even a close judgment call. The concern has been that the characters are different, but one could also find some differences in character between blocks in R-2, R-3 and R-4, but he does not believe they are significant

differences. What he heard beyond the character issue is protection against impacts from the college, and he thinks they've done a lot of things that make that a better situation.

**Carol Liscovitz, 11 Berry Street**, feels that the approach used by Clarion does not take into account the differences between R-1 and R-8, specifically the pressure and encroachment between the two districts with regard to the college. She fears that in the future, as the college buys more properties on Longfellow, the zones will be harder to separate, and she doesn't see what value combining these two zones has for the town.

Ms. Wilson asked Ms. Liscovitz if the crux of her argument was the worry that as Bowdoin expands in the Longfellow area, they may request that certain uses become permitted uses, and if the uses were permitted they might also become a permitted use in the current R-8, and Ms. Liscovitz confirmed that.

**Steve Walker, District 2 Councilor**, said he's been a critic of the consolidation and doesn't see a basis for it in the Comprehensive Plan, which talks about the individual character of our neighborhoods and a plan for protecting them. He agrees with Ms. Liscovitz and would like to know how this proposed ordinance simplifies things if it has sub-standards or supplementary notes for each district. He does not support it.

Mr. Frizzle said that one of the arguments for keeping the districts separate has to do with increased pressure seen with respect to R-1. If we carried that thought process through the whole rewrite, he doesn't think a residential district could be found that doesn't abut on one side or another, a district with more intense use, whether it's mixed use or whatever, so if we're going to take all of those edge pieces and carve out separate districts, we're just going to have spot zoning. He's not sure he's buying the pressure argument. He doesn't envision pressure on R-1 having any impact on R-8. Having said that, he tended to be swayed by the argument that is supported by most of the citizens of that district. If the Committee decided to dig in their heels here and go for consolidation, then they will have to face this argument at the Town Council or the Planning Board, when it is taken up for approval. With that kind of citizen support, he does not see the Council voting for the consolidation, although there are protections that have been added since the signatures were gathered.

**Helen Cafferty**, stated that she was the one who talked to those citizens and got their signatures. She also sent out an informational sheet prior before they received this letter, so she feels they were well informed about the different issues, one of which all of the people in discussion were concerned about consolidation.

**Steve Walker, District 2 Councilor**, appreciates the protections built into GC-1 as a great attempt, but he still believes it is not accomplishing the goal of simplification, and thinks it makes the protections more vulnerable in the long run, as protections are attempted to be common across the districts.

Ms. Breinich told Ms. Liscovitz that her statements and letters led to stronger neighborhood protection standards as well as making sure that all the negotiated protections surrounding the college use district were kept.

Ms. Wilson said that R-8 didn't distinguish itself to her as being stressed by Bowdoin any more than the Meadowbrook neighborhood, and she wondered if they have to consolidate or should consolidate R-8 with the existing R-2. There are small differences between lot sizes, but all of the uses are the same. Longfellow is one of the most uniquely situated streets in town and should be on its own. It's surrounded by Bowdoin and they may, over time, have some ability to propose some differences there, but they are not going to do that in the already developed College Park area or in the R-2 district. If they are looking at R-2 as a residential district, shouldn't they be looking at R-8 as a similar residential district with those same kinds of protections.

**Steve Walker, District 2 Councilor**, asked again why the consolidation is taking place. The burden is on the Committee to prove why it needs to be done.

Ms. Breinich said although Mr. Walker is concerned about the individuality of neighborhoods, in the current TR-5, a number of very different neighborhoods coexist under one zoning district. Ms. Wilson added that a changing use in one place doesn't mean that it's appropriate for another part of the district. Ms. Breinich feels if the districts look and feel the same, why not consolidate into a smaller amount of districts. She would like to receive the second draft and see the changes made, and progress from that point.

Ms. Wilson stated that density in R-8 was 5, and it was only 3 in R-2.

Mr. Hutchinson said that the consensus in the room seemed to be that consolidation between R-1 and R-8 is not going to work, and he doesn't believe a decision should be made tonight on combining R-8 and R-2 without more review and viewing the second draft. He would like to table this until July. Ms. Wilson would like to give people the assurance that they are not going in the direction of consolidating R-1 and R-8, and they will review densities in both. Mr. Frizzle said he could support a combination districts R-2 and R-8 if the details argue in favor of it.

**Carol Liscovitz, 11 Berry Street**, understood the consensus to be that R-1 and R-8 would not be consolidated, and further review would be given to the possibility that the current R-2 and R-8 may be consolidated. The Committee agreed.

Mr. Elliott believes the reason they didn't do this to begin with was that among the things that are most important to residential neighborhoods is the density. Ms. Wilson feels that College Park density might be one of the few neighborhoods in town that's actually denser than it is zoned for, because of its very small lot sizes. Mr. Elliott said an apparent difference in the dimensional table between R-8 and R-3 is not true because it's not developed the way it's zoned. Mr. Frizzle said it existed before the zoning ordinance did,

but he doesn't know how they arrived at that number. Mr. Elliott would prefer exploring the GR-2 to GR-3 combination to try to keep the Longfellow Neighborhood by itself. He agrees that R-8 is not so unique that it needs its own zone. The Committee will study this and provide details at another meeting.

- **Consolidation of CU-1 and CU-2 to new GC-1 (comment-based):**

Staff had taken a look at the College Use districts and had seen some advantages to consolidation of CU-1/CU-2/CU-3 with all the protections that were provided currently, and adding neighborhood protections, which had never existed before. Changes have been made due to additional comments they had received and discussions on the Neighborhood Protection Standards, and those will be included in the second draft.

Mr. Elliott stated that concerns were raised about things like multi-family dwellings, which are now basically up in the northern parcel, residence halls, and eating/dining facilities. People were concerned that those uses not be available in the southern part; they are now available as conditional uses, but not by right. He explained Neighborhood Protection Standards, such as height and fencing requirements, and noise and hours of operation.

**Steve Walker, District 2 Councilor**, didn't believe the combination of current districts combined with a Neighborhood Protection Overlay made the ordinance simpler.

**Carol Liscovitz, 11 Berry Street**, asked questions about conditional uses and height requirements, and stated her concern that the Neighborhood Protection Standards appear to be less of a foundation than someone on the other side of the fence has with a permitted use. CU-2 is the heart of the campus, and it is surrounded by residential without a roadway in between. The main campus is separated by thoroughfares, which creates that increased bufferage, which is not the case in CU-2.

Bridger Tomlins, Bowdoin student intern in the Planning and Development Department, thought in CU-2 that the fields were more of a buffer because they are athletic fields used during the day, the trees line almost the entire field, there are no residential areas there, and he doesn't see the college building residential areas there because it's farther from the main campus.

**Carol Liscovitz, 11 Berry Street**, said if there is no potential in the future for anything but athletic fields in that area, then this conversation wouldn't be necessary.

Ms. Wilson likes the idea of the college and the hospital having flexibility, but when they bring in the Neighborhood Protection Standards they will be just as prominent in the proposed ordinance as they are in the existing ordinance. They have built into the proposed ordinance the idea of Neighborhood Protection Standards, which only existed in the Bowdoin neighborhoods in the current ordinance. She does not believe they have diluted neighborhood protections, but rather, strengthened them in all districts. She feels this makes more sense than an R-1/R-8 consolidation.

**Catherine Ferdinand, Bowdoin College**, spoke in response to Mr. Walker's comment about overcomplicating the ordinance. She noted that in the current ordinance, the CU district already has a full page of notes that pertain to all of the individual districts, so this is not proposing anything more complicated than what currently exists. She addressed Ms. Liscovitz's comment about possible new uses by the college by stating that the protections are being carried forward, including setbacks, tree-cutting and connector street prohibitions, to the proposed ordinance, and they will still be subject to the strictest review standards. She believes the proposed ordinance is balanced and does simplify the uses in zones. She also stated to the Committee that Pickard Field, which abuts a residential neighborhood, has been owned by the college since 1923, and they view it as the core of the college.

Mr. Frizzle stated that he hadn't heard an argument that convinces him that combining CU-1 and CU-2 is consistent with what the Committee hopes to accomplish. He did ask the Committee to take a look at an oversight on a lot that the college owned because the line splits the property into two zones. His recommendation would be to take the small piece and add it to the new zone. He suggested that Ms. Breinich review the other college-owned lots in that vicinity to see if they might also need to be moved. The Committee agreed that it made sense to move the football field into one district.

Ms. Wilson mentioned that she hadn't seen substantial public objection to consolidating CU-3 in with CU-1, and Ms. Breinich said that was because of the Neighborhood Protection Standards. Mr. Hutchinson stated that they would apply town-wide. There are also existing historical standards that have been carried forward into the proposed draft ordinance.

- **Federal Street (west side Center and Mason Streets to revert back to TR-2 – new GR-7) (comment-based):**

Mr. Frizzle explained that the Federal Street area had been rezoned when CEI was proposing to build there, and the request now is to undo that, which the staff is not recommending.

Ms. Breinich explained that the primary reason for the change was to go back to the original zoning for that area prior to the 1997 existing ordinance. It was in the same district as Maine Street; it wasn't called Town Center, but it was the same district. Ms. Breinich reviewed that block on the slide. There are three residential uses that are multi-family; everything else is nonresidential. The Federal Street residential district is almost exclusively residential. Ms. Wilson asked if the person who made the comment about this was concerned not about the buildings on Federal Street, but some of the buildings (historic residences) on Bank and Dunlap. Ms. Breinich said the comment was all about what was included in the Federal Street Historic District, and the Federal Street Historic District includes only the properties that front on Federal Street; i.e., only the last three properties. Ms. Breinich said to keep in mind that development can happen, but it's still

Village Review, so the guidelines are there. Ms. Wilson does not see any reason to make a change.

**Bob Shephard** said he is speaking for his son, Jonathan, who couldn't be here today. He lives on Federal Street and is moving back to Brunswick after ten years away. He says this makes them wonder if they can trust the town to protect Federal Street. There is nothing to protect the residential atmosphere of Federal Street if this isn't rezoned. There was some hope that the Board would see the justification for restoring those three other blocks.

Ms. Breinich responded by saying that in the amendments that were made to the Village Review Zone itself in 2013, they added additional processes that needed to be followed for demolition of structures that were considered contributing within a registered historic district or individually listed, and it includes a 90-day delay period, a requirement that the building can't be utilized for any other use, and a provision that the building could be moved but only after a good faith effort to seek an alternative, including relocation or reuse. The thought was they don't want buildings that are "*Brunswick*"; those that are within the historic district are considered contributing except for the Ranger building, as are all the other buildings on Federal Street. By taking a look at the uses and by putting them back in, every property except three becomes nonconforming, because they have been nonconforming before. She can't say why they were put into the TR-2, because prior to 1997, it was in the same district as Maine Street.

**Joy Shepard**, spoke of a time years ago when she was on a committee and looking at a map with someone from the Planning office when they noticed that the map went around the Town Municipal building and the Rec Center, which were part of Maine Street, and the rest of Federal Street was together. She mentioned that and was promised that he would fix it. This would not be an issue now if that particular map had been in place today. She would like the properties from Mason Street to Bank in GR-7.

Ms. Breinich defined contributing structure for audience members.

**Steve Walker, District 2 Councilor**, would like Mr. Frizzle to reiterate the justification for keeping Bank to Mason Street out of GR-7. Mr. Frizzle said, in part to a Town Council request of 2012, they put everything from Center Street down to Mason Street into the Town Center District, and he would have to hear a substantive argument to make him undo that move. He is also somewhat persuaded by the relatively new protections that are now built into the Village Review Zone requirements. Those properties cannot be changed without jumping through a lot of hoops.

**Wallace Pinfold** lives one block off Federal Street, said that what was done in 2012 was just to get rid of the Rec Center and the Municipal Building, but Ms. Wilson and Mr. Frizzle said no. The request from the Town Council was in recognition of the fact that the end and that side of Federal Street was different; it was already becoming more commercial than the rest of Federal Street. It was not strictly single family homes. Ms. Breinich said staff was asked to take a look at it historically to see how it came about. The uses that are there, that have been there forever, couldn't have come up based on the

current zoning, and when they took a lot at the zoning prior to 1997, that's where they came up. All that they suggested was to go back to what has historically been there, because the uses are reflective of what was there before.

**Steve Walker, District 2 Councilor**, read the memo Ms. Breinich included in the agenda packet and asked if the recommendation to extend the zoning to the Mason Street area was a staff recommendation. Ms. Breinich responded that they took a look at it again in the context of what was around it, and they had already been requested by a property owner at the corner of Mason and Federal Streets, whose zoning line ran through his property, to be zoned Town Central.

The Committee agreed to leave Federal Street as is, but mentioned that there would be many other opportunities for citizens to voice their concerns with respect to this change, both to the Planning Board and to the Council.

**Approval of meeting summaries:**

- May 21, 2015

Mr. Frizzle had one change to a word on page 7, and that will be fixed.

**Margaret Wilson moved, Richard Visser seconded, approval of the meeting summary from May 21, 2015. The motion was approved unanimously among those then present. Mr. Hutchinson was absent that day and abstained from voting.**

**ZORC work session meeting schedule:**

Ms. Breinich said they were very close to getting the second draft of the proposed ordinance. She and Mr. Hutchinson are working on some edits. Ms. Breinich thinks the Committee should hold off on any additional meetings until they have the second draft. Mr. Elliott added that Clarion had made a vast majority of the edits the staff and Committee had provided to them, and he will make sure they are completed before his absence. He will be back on June 29, 2015. Ms. Breinich and Mr. Hutchinson will be working through some of the discussion items Mr. Elliott had highlighted in the draft, and have a conference call scheduled for tomorrow. Mr. Elliott will incorporate into the second draft everything that Ms. Breinich and Mr. Hutchinson have for him. Ms. Breinich will see how much is accomplished this week before scheduling dates for future meetings. After going through the draft, they will schedule additional public meetings, as they did with the first draft.

**Carol Liscovitz, 11 Berry Street**, asked if the public would have the second draft before the next meeting, and Ms. Breinich responded with a no, stating that the Committee's first meeting will be a work session. Mr. Frizzle stated that once the staff is satisfied that the new draft is a fair representation of what was sent to Clarion it should be released and the Committee agreed.

**The next meeting date may be in the week of July 6, 2015.**

There was no further business, so Mr. Frizzle adjourned the meeting.

Attest

Debra L. Blum  
Recording Secretary