

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION

SEPTEMBER 23, 2015

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

MEMBERS ABSENT ZONING ORDINANCE REWRITE COMMITTEE:

CONSULTANT PRESENT: Don Elliott of Clarion Associates

Mr. Frizzle opened the meeting.

1. Public Comment: Mr. Frizzle opened the meeting to public comments on items not included on the agenda.

Bill Morrell asked if the Committee will be reviewing the new Shoreland Zoning that the DEP has released in January that simplifies the methodology of expansion. Mr. Frizzle replied that the Committee will be looking into this at future meetings. Mr. Hutchinson agreed that these new regulations do simplify things.

Mr. Wiercinski expressed his concern over the zoning of the St. John's Parish Church which is partially in the MU2 and TR1 Zoning Districts and would become part of the GR6. Mr. Wiercinski stated that the difference in this change is the allowable footprint and impervious coverage as these changes would prohibit the changes the church is making. Mr. Wiercinski suggested moving the lot lines and stated that if the church was in the GM6 Zone as the Post Office, then there would be no issues or adding an exemption note to the overlay. Mr. Frizzle replied that the Committee can review this.

Will Wilkoff Co-Chair of the Bicycle and Pedestrian Committee, asked that the Zoning Committee review Complete Streets and asked that the Committee reconsider Section 4.6.1.A.4. Will said that the Bicycle Pedestrian Committee would like the restriction to State Roads removed and applied to all roads and that the reference to the Capital Improvements Plan and this be replaced with a policy similar to what Bath, Lewiston and surrounding municipalities use. Mr. Frizzle replied that he is hesitant to making this kind of policy change at this point in the draft and expressed the concerns he believes that would come up in any effort in vetting this issue. Mr. Frizzle suggested that Mr. Wilkoff speak with those in the road development community to see how they would feel and to ask the Town Council if they would be interested in this type of policy. John Love, member of the Bicycle and Pedestrian Committee clarified that this policy simplifies the rules and is reflective to what is already occurring such as ensuring adequate bike paths, signage, cross walks, elimination and making sure that this is part of the process when any new road is created or adopted. Mr. Wilkoff asked that a reference to the effect that a policy will be forthcoming, be inserted in the ordinance. Mrs. Breinich replied that

she has asked the Town Engineer, John Foster, to review the Bicycle Pedestrian policy, but that she has not heard back from him at this time.

Carol Liscovitch, Bowdoin College neighborhood resident, expressed her disappointment that the neighborhood protections that were decided upon were not included in the second draft of the ordinance. Mr. Frizzle replied that he is not sure why this was not included in the second draft, but stated that these protections will be included in the final draft. Mrs. Breinich added that they have created a matrix of all the protections both past and current and those that were not included, where they will be.

Mr. Frizzle closed the public forum session.

2. Draft 2:

a. Review of reworked Draft #2 Sections (Use and Dimensional Tables, Stormwater Management, Open Space Development and others that may be mentioned during the meeting)

Mrs. Breinich stated that the Committee may want to reconsider where they want to allow farming as a use and stated that they could be broader if they generated a basic standard or condition especially in the current R3, R4, R5 and R6 or the proposed GRGR3, GR4, GR5 and GR6; GR6 makes no sense. Mrs. Breinich believes that they could accomplish this change through supplemental standards. Margaret Wilson said that they will need to distinguish the difference between farm and urban agriculture. Mr. Frizzle suggested that staff review this further and bring back to the Committee something that they can review. Mr. Frizzle stated that he does not want to make farming more difficult.

Footnotes (pg. 3-5) In reference to the footnote found on the bottom of the page Mrs. Breinich said that Clarion had a question regarding the last two sentences found on the bottom of page 3-5. Mrs. Breinich reviewed the last two sentences and the question of office use; the Committee reviewed all office use areas. Mrs. Wilson replied that in general, college offices are a general use in college use zones. Mrs. Breinich stated that this may have been a footnote from another draft and she has asked Clarion for a copy of the draft ordinance with no footnotes.

Inclusion of the Farmers Market (pg. 3-6): Mrs. Breinich asked if they can classify Farmers Market under Retail Class I or Retail Class II or do they need this to be a separate use. Mrs. Breinich would like to minimize uses and would like to classify this as retail. Mr. Hutchinson stated that the issue is that retail is based on building square footage and farmers markets do not have a building; Mr. Hutchinson prefers more uses as this generates more definitions and less questions. Mr. Frizzle asked if they need to make a separate definition or could they include this in retail. Mr. Hutchinson replied that it would need its own definition. The Committee reviewed the definition of outdoor sales. Mr. Frizzle stated that they do not want to necessarily restrict this use and asked staff to

figure out a way to administer this. Mrs. Wilson stated that she does not want to see flea markets excluded from this definition.

Industry Class II (pg. 3-8): In terms of supplemental use standards, Mrs. Breinich stated that she would like to say that Industry Class II is *permitted* and not just allowed; if south of the highway, limited access to Route 1. Mrs. Breinich to take the information pertaining to this out of the supplementary table and list it underneath.

Section 204 College Use Protections (pg. 3-9): To include dining as an accessory use in the GC3 District. Staff to place dining in the supplemental standard as a permitted use.

Special Event (pg. 3-10): Considered temporary use, staff would like to remove this from the ordinance due to enforcement issues. Margaret Wilson pointed out that there is no definition for Special Events. Planning and Codes staff to review the pros and cons of removing this from the ordinance. Mrs. Breinich reviewed what is considered a Special Event per Mrs. Wilson's request. Citizen pointed out that a definition for Special Event was in a previous definition and review the definition and problems with the removed definition. Suggestion by Committee and staff that this would be best handled in the Clerk's Office.

Outdoor Sales (pg. 3-10) footnote 324: Per the new definition, Mrs. Breinich asked if they want to list this as temporary as the current ordinance does. Mr. Frizzle stated that there may be outdoor displays, but the sale takes place inside at the register. (Don Elliot entered the meeting) Carol Liscovitch pointed out that Wal-Mart has blocked off part of their parking for outdoor display. Jeff Hutchinson replied that this expansion was approved. Mrs. Loscovitch stated that if building footprint is part of the zoning ordinance, then the outdoor sales should be part of the ordinance as well. Suggestion by Margaret Wilson to rewrite this footnote; cannot tell what was and what is. Mrs. Breinich stated that flea market and farmers market also need to be removed from this definition.

Aviation Operations (pg. 3-14) conditional use: Do they need to have supplementary standards or can they just say FAA standards are enough. Don Elliot to tie the supplemental standard to the FAA.

Dimensional Table (pg. 4-3): N/A and 0 (zero) are used interchangeably. Decision to use 0 (zero) where suitable.

Building height limitations (Pg. 4-4), reference feet instead of stories.

Consolidation of TC-1, TC-2 and T-3: Mrs. Breinich pointed out that with this consolidation, it means that there is no limit to building footprint. Mrs. Breinich stated that in an effort to maintain the character of Park Row, they need a maximum building footprint. Staff to review the buildings that currently exist on Park Row and suggest a maximum footprint for review.

Table 4.1.3 (Pg. 4-6) Mrs. Breinich clarified footnote and note issues. Suggestion by Mr. Hutchinson that RP1 (note 4) have 2 adoption dates referenced for the addition of FF3. Clarifications made within the table.

Suggestion to add assisted / congregate care to note 18 on pg. 4-5. Citizen stated that the height as listed at 35 feet would be difficult and suggested a sliding scale per the neighborhood protection standards for accepted uses. Mr. Elliot stated that 35 feet for residential homes fits, but advises not instituting a general sliding scale as it would be a major change to how they deal with use in residential neighborhoods. Mr. Elliot explained the Fair Housing Act.

b. Public Outreach Discussion

Mrs. Breinich reviewed examples of outreach material on ordinances. Staff is looking for feedback on the examples provided. Mrs. Wilson suggested creating a density fact sheet and updated tables reflecting the changes in draft 2 for the next public meeting. Discussion on creating a public information / fact handout. Discussion on interactive code and the associated cost. Discussion on locations of posting upcoming meeting dates and times.

3. Approval of Meeting Summary: June 10, 2015:

MOTION BY MARGARET WILSON TO APPROVE THE MEETING SUMMARY OF JUNE 10, 2015 AS MODIFIED. MOTION SECONDED BY JEFF HUTCHINSON, APPROVED UNANIMOUSLY.

4. Other Business: No other business.

5. Next meeting: Meeting date forthcoming, possibly after Columbus Day.

Adjourn

This meeting was adjourned at 3:35 P.M.

Respectfully Submitted,



Tonya Jenusaitis

Recording Secretary