



Town of Brunswick, Maine

PLANNING BOARD

85 UNION STREET, BRUNSWICK, ME 04011

**PLANNING BOARD
WORKSHOP AGENDA
BRUNSWICK TOWN HALL
85 UNION STREET
COUNCIL CHAMBERS
TUESDAY, OCTOBER 4, 2016, 6:00 P.M.**

1. **WORKSHOP:** The Planning Board will hold a workshop to review the Zoning Ordinance Rewrite Committee (ZORC) revisions for the following ordinance sections:
 - a. As requested by the Planning Board during workshop sessions for additional review by the ZORC:
 - i. Use of Pesticides in Aquifer Protection Overlay
 - ii. Home Occupations
 - iii. Height Limitation Restrictions and Front Yard Setbacks Relative to Roof-top Solar Panels
 - iv. Section 4.3.3 Protection of Natural Vegetation Relative to Scenic Areas/Maintaining Existing Vegetation Along Roads in Rural Area
 - v. Fire Protection/Water Supply
 - vi. Outdoor Lighting Standards for Public Streets/Rights-of-Way
 - vii. Architectural Compatibility (Sec. 4.11.2) – Materials, Textures and Colors
 - viii. Chapter 5 - Administration Revisions, including Appendix D – Summary of Application Requirements
 - b. ZORC newly-revised sections as follows:
 - i. Shoreland Zoning Revisions
 - ii. Stormwater Management Revisions
 - iii. Revised Solar Energy Collection Facilities
 - iv. Recreation Requirements and Methodology
 - v. Signs
2. **Other Business**
3. **Adjourn**

It is the practice of the Planning Board to allow public comment and all are invited to attend and participate. 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 TTY 725-5521.

This meeting will be televised.

Anna Breinich

From: Alan Frasier <ajfrasier@btwater.org>
Sent: Thursday, August 25, 2016 4:31 PM
To: Anna Breinich
Subject: Re: Use of herbicides within the APZ

Hi Anna,

Thanks for checking in with us. Water quality regulations establish Maximum Contaminant Levels for various classes of pesticides, typically at very low levels. Use of pesticides where they could gain entrance to the groundwater is a significant risk and should be strictly prohibited. The usage instructions and qualifications of the applicator have little, if anything, to do with the risks posed by the product. If the Planning Board decides to give serious consideration to amending the ordinance, we want to be involved in the discussion.

Thanks again, and I'd be happy to answer any questions.

Alan

Alan J. Frasier, PE

General Manager

Brunswick & Topsham Water District

PO Box 489

Topsham, ME 04086

Tel. (207) 729-9956

ajfrasier@btwater.org

On Thu, Aug 25, 2016 at 12:21 PM, Anna Breinich <abreinich@brunswickme.org> wrote:

Hi Alan,

During the Planning Board review of the draft Zoning Ordinance, a question was raised by a member regarding the prohibition of pesticides/herbicides within the APZ, as to whether pesticides/herbicides could be used for controlling invasives and by someone licensed to do so.

Chapter 3 - Property Use Standards
 Section 3.4 Supplementary Use Standards
 Subsection 3.4.2 Accessory and Temporary Uses

C. Home Occupations

All home occupations shall comply with the standards below. Home occupations that cannot comply with these standards shall be considered non-residential activities subject to all applicable requirements of this Ordinance.

- (1) ~~Only one~~ No more than two (2) persons other than family members residing on the premises may be employed on site at any one time.
- ~~(2) Only one home occupation shall be permitted per dwelling unit in a single or two-family dwelling unit.~~
- ~~(2) The total area onsite occupied by home occupations may not exceed the lesser of 35 percent of the total gross floor area of the dwelling unit and finished portions of accessory structures associated with that dwelling unit or 750 square feet, whichever is less.~~
- (3) Automobile and truck traffic generated shall not be greater than 16 trips per day. No deliveries by trucks of the size typically larger than single unit trucks shall be permitted.
- ~~(4) In Growth Residential districts:~~
 - ~~a. There shall be no exterior storage of materials, equipment, commercial vehicles with a Gross Vehicle Weight (GVR) rating in excess of 10,000 pounds, or other supplies used in conjunction with a-the home occupations, nor-~~
 - ~~b. Retail sales with the exception of internet-based sales.~~
- ~~(4)(5) No exterior alterations to an existing structure may be made in relation to the home occupation. If incorporating a home occupation in a new single or two-family dwelling unit, the structure shall maintain the appearance of a typical residential structure.~~
- ~~(5) The home occupation may not exceed the lesser of 35 percent of the gross floor area of the dwelling unit and finished portions of accessory structures associated with that dwelling unit or 750 square feet whichever is less.~~
~~No retail sales shall occur on the premises with the exception of internet-based sales.~~
- ~~(6) Each-The home occupations is/are entitled to one signage in accordance with Section 4.13, four square foot non-illuminated sign upon obtaining a sign permit.~~
- ~~(7) The home occupation shall not contribute-meet performance standards as contained in Chapter 4 relative to excessive-noise, traffic, nuisance, fire hazard, and other possible adverse impacts as determined by the Codes Enforcement Officer.~~

D. Temporary Outdoor Sales

Where permitted, temporary outdoor sales are limited to no more than four events per calendar year, with no event to exceed seven consecutive days in duration

E. Temporary Construction Office or Yard

Temporary construction offices and yards may be located on the site where construction is taking place, or on an adjacent parcel with the permission of that parcel owner, between the date that a Building Permit for the construction is obtained until no more than 30 days after a Certificate of

Item a.iv.

Chapter 4 - Property Development Standards
Section 4.3 Natural and Historic Areas
Subsection 4.3.3 Protection of Natural Vegetation

B. Specific Standards

- (1) All development on former Brunswick Naval Air Station (BNAS) lands must be implemented and monitored in accordance with state and federal laws governing said lands. All applications for development review must demonstrate that the proposal takes into account the actions necessary to comply with the **BNAS Land Use Controls Implementation Plan, as amended.**
- (2) In making determination that an application meets the General Standard 4.3.2 above, the Review Authority shall at least consider:
 - a. The elevation of the land above sea level and its relation to the flood plains. (See subsection 2.3.4 (Flood Protection Overlay (FPO) District);
 - b. The nature of soils and subsoils, and their ability to adequately support waste disposal;
 - c. The slope of the land and its effect on effluents;
 - d. The availability of streams for disposal of effluents; and
 - e. The applicable Federal, State and local health and water resource rules and regulations.

Comment [AB141]: Added in date when adopted.

4.3.3. Protection of Natural Vegetation

A. General Standard

The proposed development maximizes the preservation of natural landscape features, does not occur within or cause harm to land not suitable for development, will not have an undue adverse effect on the area's scenic or natural beauty, and, for a subdivision, has not occurred in violation of state rules relating to liquidation harvesting.

Comment [JE142]: From PB Chapter 5 draft. MAW

B. Specific Standards

- (1) With the exception of brush or invasive vegetation clearing activities, developments within Rural Area zoning districts and Scenic Areas identified within the Brunswick Parks, Recreation and Open Space Plan, as amended, shall maintain an existing vegetated buffer of at least 25 feet along existing roads/rights-of-way except where doing so conflicts with the protection of other protected natural resources. The buffers may be broken only for driveways, streets, and stormwater infrastructure where it is impracticable to locate them elsewhere.
- (2) Except for developments within the Wildlife Protection Overlay, developments are encouraged to site building envelopes within or adjacent to forested areas and to discourage siting development in open fields. (3) If a violation of Chapter 23 Rule, as amended, adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Review Authority must determine prior to granting approval for a subdivision that five (5) years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel.

Comment [AB143]: Equivalent to least front setback requirement in the Rural Area Districts; revised by ZORC

4.3.4. Protection of Significant Plant and Animal Habitat

A. General Standard

The development will not have an undue adverse effect on important plant and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife or Town of Brunswick, or on rare or irreplaceable natural areas, such as rare and exemplary natural communities and rare plant habitat as identified by the Maine Natural Areas Program.

Comment [JE144]: From PB Chapter 5 draft. MAW

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner...

Section 4.11 Architectural Compatibility
Subsection 4.11.1 General Standard

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 brightness less than 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 approved sports facilities;
d. Short-term use of lighting for public festivals, celebrations, and the observance of holidays; and
e. Public street and right-of-way lighting; and
f. e. Lighting required and regulated by the Federal Aviation Administration (FAA).

Comment [AB176]: Revised per ZORC discussion 5/4/16

Comment [AB177]: ZORC revision 9/19/16

(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 [AB178]: Added for clarity 5/19/16

(3) Light Shielding

- a. All lighting emitting brightness exceeding 2600 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 [AB179]: Revised 5/19/16. Equivalent of 150 watts.

(4) Lighting Maintenance

All outdoor lighting shall be maintained pursuant to Section 4.15 (Maintenance).

4.11 Architectural Compatibility

4.11.1. 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.

The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.11 Architectural Compatibility
Subsection 4.11.2 Specific Standards

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 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.
- 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 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).
- G. Except for parcels previously part of the BNAS in Growth Mixed Use or Growth Industrial Districts, new construction and redeveloped structures, including multi-family developments, larger than 10,000 sq ft total floor area, shall comply with the following:
 - (1) **Materials, textures and color.** The relationship of materials, texture and color of the building façade shall be visually compatible with that of the predominant materials traditionally used in the area. Materials common to New England, such as brick, clapboard and shingles are encouraged. ~~Highly reflective materials such as plastic panels, aluminum and metals shall not be used.~~ Roofing material shall consist complement building materials used and be darker in color.
 - (2) **Facades.**
 - a. Horizontal facades greater than 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the façade length and extending at least 20% of the façade length. No uninterrupted length of any façade shall exceed 100 horizontal feet.
 - b. For buildings over 20,000 square feet of gross floor area, ground floor facades facing public streets shall have display windows, clearly-defined entry areas, awnings or other such features along 40% or more of the horizontal length.
 - c. For buildings up to and equal to 20,000 square feet of gross floor area, ground floor facades shall be transparent between three (3) and eight (8) feet in height along 40% or more of the horizontal length.
 - (3) **Roof shapes.** The building roof shape shall be visually compatible with those buildings visually related. Where no clear pattern exists, a roof pitch of 5/12ths or steeper shall be used, or the building should be designed so as to appear to have a pitched roof. The roofline or parapet wall design shall screen any roof-mounted utility units.
 - (4) Buildings and additions shall be parallel to the street frontage to the greatest extent practical.

Comment [JE180]: From current ordinance 411.11. MAW

Comment [AB181]: Removed per ZORC discussion 4/25/16

Comment [JE182]: New subsection 3/23/16

Comment [AB183]: Deleted 9/19/16

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

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
	Name of development	X	X	X	X
	Existing zoning district and overlay designations	X	X	X	X
	Location map	X	X	X	X
	Names of current owner(s) of subject parcel and abutting parcels		X	X	X
	Names of engineer and surveyor; and professional registration numbers of those who prepared the plan		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
	Documentation of Right, Title and Interest	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
Draft performance guarantee or conditional agreement		X	X	X	?
Survey, Topography, & Existing Conditions	Scale, date, north point, and area	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
	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
Survey, Topography, & Existing Conditions	Location of existing utilities; water, sewer, electrical lines, and profiles of underground facilities		X	X	X
	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 two (2) feet		X	X	X
	A <u>Class A (high intensity) Medium Intensity Soil Survey, available from the Cumberland County Soil and water Conservation District, prepared in accordance with the standards of the Maine Association of Professional Soil Scientists. The Planning Board may require a Class A (high intensity) Soil Survey, prepared in accordance with the standards of the Maine Association of Professional Soil Scientists, if issues of water quality, wetlands or other natural constraints are noted.</u>		X	X	X
Existing locations of sidewalks	X	X	X	X	

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
	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	
Infrastructure - Proposed	Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of one (1) inch = fifty (50) feet and vertical scale of one (1) = five (5) feet, with all evaluations referred to in U.S.G.S. datum		X	X	X	
	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.)		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
	Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization		X	X	X	
Infrastructure - Proposed	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 and Topsham Water District as to conditions under which public water will be provided and approval of the proposed water distribution		X	X	X	X

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
	infrastructure					
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 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.		X	X	X	
	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 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
	A Pplan showing all ten (10) inch caliper 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

Chapter 3 - Property Use Standards
Section 3.4 Supplementary Use Standards
Subsection 3.4.1 Principal Uses

of the wind energy collection facility installation, shall not exceed 55 dba (decibels day/night average) for any period of time. The 55 dba sound level may be exceeded during short-term events out of the owner's control such as utility outages or severe wind storms;

- v. The turbine and tower shall have a nonreflective surface. ;
- vi. The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades;
- vii. All signs on a wind turbine, tower, building or other structure associated with a small wind energy system visible from any public road, are prohibited with the exception of (a) the manufacturer's or installer's identification, (b) appropriate warning signs, or (c) owner identification,;

viii. No illumination of the turbine or tower shall be allowed unless required by the FAA;

~~viii-ix.~~ The wind turbine and tower shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground

~~viii.~~ The wind turbine and tower shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground.

~~ix-x.~~ This use shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator;

~~x-xi.~~ A wind turbine which is not generating and has not generated electricity for 12 consecutive months shall be deemed abandoned and shall be dismantled by the owner within 120 days of receipt of notice from the Town unless the wind turbine is not in operation due to the property being in the process of being sold. A system owner may request in writing to the Codes Enforcement Officer an extension of up to one year if the owner is actively pursuing the repair of the system for future use.

(2) Solar Energy Collection Facilities

a. Ground Mounted Systems

i. General Standards

(A) Ground mounted solar energy collection facilities shall be operated, and their angles of collection controlled in accordance with Section 4.14.J (Performance Standards). ~~to prevent glare from entering the windows of any primary structure containing a residential use on an adjacent property.~~

ii. Small-Scale Ground Mounted Systems

(A) A ground-mounted small-scale solar energy collection system shall mean a solar-energy conversion system consisting of ground-mounted solar arrays or other solar energy fixtures, and associated control or conversion electronics, occupying no more than one-quarter (.25) acre of land.

(B) Maximum Height: All ground-mounted small-scale solar energy collection systems shall comply with accessory building height limits as contained in Subsection 4.2.5.B (4) e. (Setback Requirements for Accessory Structures).

Comment [AB100]: Staff revisions 8/24/16; 9/26/16.

Comment [AB101]: Revised based on ZORC discussion 9/19/16.

(C) Setbacks: If accessory to a principal structure, ground mounted small-scale solar energy collection systems shall be located in accordance with Subsection 4.2.5.B (4) e. (Setback Requirements for Accessory Structures). If a principal use, placement of a ground-mounted small-scale solar energy collection system shall comply with all applicable zoning district setbacks. If necessary for the system's effectiveness, ground-mounted small-scale solar energy collection systems may be located within the minimum setbacks as provided for accessory structures in Subsection 4.2.5.B.(4) e.

iii. Large-Scale Ground Mounted Systems

(A) A ground-mounted large-scale solar energy collection system shall mean a solar-energy conversion system consisting of ground-mounted solar arrays or other solar energy fixtures, and associated control or conversion electronics, occupying over one-quarter (.25) acres.

(B) Maximum Height: Ground mounted large-scale solar energy collection facilities shall not exceed 20 feet in height, measured from the ground level to the highest point of the facility.

(C) Setbacks: Ground-mounted large-scale solar energy collection facilities shall be located a minimum of ten (10) feet from all property lines and other structures, or be setback a distance equal to the total height of the facility, whichever is greater. Additional setbacks may be required to mitigate visual and functional impacts.

(D) Ground mounted large-scale solar energy collection facilities shall be screened from view from each abutting public right-of-way by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six (6) feet in height, designed to achieve 100% opacity within five (5) years. All ancillary structures shall comply with all applicable zoning district dimensional standards.

(E) Site lighting shall comply with Sections 4.10 (Outdoor Lighting) and 4.12 (Neighborhood Protection).

~~The facility shall be secured from unauthorized access subject to the review and acceptance of the Brunswick Fire Chief relative to the provision of emergency services.~~

~~Ground mounted solar energy collection facilities shall be screened from view from any residential use, located within 100 feet or less of the facility, by a solid/ completely blocking from view fence or vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height.~~

~~Ground mounted solar energy collection facilities shall be screened from view from each adjacent public right-of-way by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height. All ancillary structures shall comply with all applicable zoning district dimensional standards.~~

~~Ground-mounted solar energy collection facilities shall not exceed 20 feet in height, measured from the ground level to the highest point of the facility.~~

~~Ground-mounted solar energy collection facilities shall be located a minimum of ten feet from all property lines and other structures, or be setback a distance equal to the total height of the facility, whichever is greater.~~

f.b. Building Structure Mounted Systems

- i. Solar energy collector ~~systems~~ may be ~~located~~ mounted on a principal or accessory structure in any zoning district.
- ii. ~~Structure~~Roof-mounted solar energy collector ~~systems~~ shall not exceed the maximum height permitted in the zoning district in which it is located by more than 18 inches.
- iii. ~~Roof~~Structure-mounted solar energy collector ~~systems~~ shall not extend more than 18 inches above the tallest roofline of a single or two-family residential structure, or, if being placed on a flat-roof, no more than three (3) feet above the roofline of a multi-family, mixed use or non-residential structure.

g.c. Solar Energy ~~Collection Facilities or Collectors~~ Systems within the Village Review Overlay District

~~Ground mounted or structure mounted~~ Solar energy collection systems facilities or collectors proposed ~~on a lot~~ within the Village Review Overlay District shall ~~obtain~~ require a Certificate of Appropriateness pursuant to ~~sub~~section 5.2.7 (Village Review Overlay Design Review).

(~~2~~)(3) Geothermal Energy Collection Facilities

- a. Accessory use geothermal energy collection facilities shall be located entirely underground, except that facilities connecting underground collection facilities to an aboveground structure are permitted provided:
 - i. They are located on a side or rear side of the building not abutting a public or private right-of-way unless screened by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height;
 - ii. They do not exceed two (2) feet in height above grade level; and
 - iii. They do not extend more than two (2) feet horizontally from the building face.
- b. Primary use geothermal energy collection facilities shall be located entirely underground, except that aboveground monitoring and control equipment are permitted provided:
 - i. They are located on the rear one-half of the property; The equipment does not exceed four (4) feet in height above grade level; and
 - ii. They are screened from view from adjacent public or private rights-of-way by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six (6) feet in height.

V. Agricultural Use Protections

(1) Agricultural Buffers

Wherever new non-agricultural development is proposed to abut existing agricultural uses, buffering and/or screening in accordance with Subsection 4.6.4 ~~may~~ be provided to reduce agricultural-related odors, noise and other potential nuisances related to the

Comment [AB102]: Revised based on ZORC discussion 9/19/16

Comment [AB103]: Approved by ZORC 1/7/16

Comment [AB104]: Added back from current ordinance and updated to reflect current state law. 6/6/16

Comment [AB105]: ZORC change from "shall" to "may" from current ordinance standard. 6/9/16.

related to
Item b, iii

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.15 Site Feature Maintenance
Subsection 4.15.1 General Standard

H. **Specific Standard: Unlicensed Motor Vehicles**

With the exception of properties on which a legally established vehicle sales, rental, or storage use, or a vehicle service or repair use, is located, not more than two currently unregistered and/or uninspected motor vehicle shall be parked, kept, or stored outside. This provision shall not apply to vehicles that do not require registration and/or inspection.

I. **Specific Standard: Motor Vehicle and Watercraft Parking in Required Setbacks**

The parking of motor vehicles and watercraft exceeding 16 feet in length (excluding canoes, kayaks, and rowing skulls), is not permitted in a required setback except for parking on driveways, parking lots and motor vehicle and watercraft display areas legally established in a required setback. For the purpose of watercraft storage, seasonal storage of all watercraft is allowed in a side and rear setback, but not in a front setback.

J. **Specific Standard: ~~Outdoor~~ Lighting and Glare**

(1) All installed outdoor lighting shall be operated to comply with Section 4.10 (Outdoor Lighting).

(2) Building materials, including solar panels, with high light-reflective qualities shall not be used in the construction of buildings in such manner that reflected sunlight will throw intense glare to surrounding areas.

Comment [AB209]: Expanded per ZORC discussion 9/19/16.

4.15 Site Feature Maintenance

4.15.1. General Standard

The Planning Board shall advise the applicant that site features constructed or installed as required by a development approval must be maintained in good repair, and replaced if damaged or destroyed, or in the case of living materials, if they die or are effectively destroyed after installation.

Comment [AB210]: Revised per ZORC discussion 4/25/16

4.15.2. Specific Standards: Landscape Maintenance

- A. Landscaped areas, screens, and plant materials required to be installed or protected by this Ordinance or conditions attached to a development approval shall be maintained in a healthy growing condition and in a neat and orderly appearance, free from refuse and debris.
- B. If required plant material dies or becomes diseased, it shall be replaced by the property owner on or before October of the year the dead or diseased planting is discovered or such further time frame deemed reasonable by the Codes Enforcement Officer.

4.15.3. Specific Standards: Sign Maintenance

- A. Any private sign, including signs for which a permit is not required, that has become damaged, dilapidated, or dangerous shall be repaired or removed immediately, or within the time frame deemed reasonable by the Codes Enforcement Officer.
- B. If the paint on any sign has checked, peeled, or flaked to the extent the sign cannot be read in whole or in part, the sign shall be repainted or removed.

Chapter 4 - Property Development Standards
Section 4.7 Residential Recreation Requirements
Subsection 4.6.4 Specific Standards: Buffers

- (5) When tree planting is to take place in an esplanade or tree planting strip, the width of planting spaces should be a minimum of five (5) feet in width, measured from the back of the curb to edge of sidewalk.
- (6) Proposed plantings in the Town right-of-way shall be reviewed and approved by the Town Arborist and abutting residential property owners as needed.

4.6.4. Specific Standards: Buffers

- (1) Landscaping shall provide for smooth transitions between surrounding properties, proposed and existing buildings, streetscapes, driveway or access road entrances, and parking and pedestrian walkways. Compatible transitions may be achieved by utilizing buffer areas with screening materials, landscaping, and/or natural topography. Appropriate buffer area plantings shall be determined in consultation with the Town Arborist or designee.
- (2) A single or double row of trees may be required, depending on the difference in scale and character of the adjacent uses and structures.
- (3) In order to provide year-round visual screens, tree plantings shall be comprised largely or entirely of evergreen trees. White pines shall not be used for low-level visual screening. Evergreen trees shall be between four (4) and eight (8) feet in height, with an average height of six (6) feet. Larger trees may be required for buffering of larger projects with structures that differ significantly from those on adjacent properties, or that produce significant potential visual or operating impacts.
- (4) Evergreen trees planted in a single row shall be spaced between six (6) and ten (10) feet apart, with the majority being no more than eight (8) feet apart. If a double row of trees is required and trees are offset to reduce visibility from adjacent properties, wider spacing may be used, as long as visual screening from adjacent properties is achieved.
- (5) Alternative buffer materials may be approved by the Review Authority pursuant to Subsection 4.16.2 (Alternative Equivalent Compliance).

Comment [AB158]: Per ZORC meeting discussion 3/24/16.

Comment [AB159]: Revised 3/14 per ZORC discussion.

4.6.5. Specific Standards: Parking Lot and Entrance Landscaping

Proposed and expanded parking lots, and associated entrances from a right-of-way, shall be landscaped in accordance with Subsection 4.9.3.B (Landscaping).

4.6.6. Specific Standards: Landscaping Maintenance

All required landscaping shall be maintained pursuant to subsection 4.15.2 (Maintenance).

4.7 Residential Recreation Requirements

4.7.1. General Standard

~~New dwelling units Residential developments~~ shall pay a recreation facilities impact fee or ~~provide for reserved land for recreational use~~ to avoid the creation of additional burdens on the Town's ability to provide recreational services.

4.7.2. Specific Standards

A. Applicability

Any residential construction that creates one or more new dwelling units shall ~~shall be pay a subject to a recreation facilities impact fee in lieu of reservation of recreation areas~~ or reserve land to be used by the Town for recreational purposes, based upon the expected population of the proposed development considering typical occupancy rates. This includes single- and two-family ~~homes-dwelling units~~ that are not part of a subdivision or site plan, conversions of non-residential buildings to residential use, and modifications to existing buildings that increase the number of dwelling units. For purposes of this Subsection, dwelling units shall include assisted living/congregate living facilities, boarding homes and nursing homes. In the case of an activity that increases the number of dwelling units in a building or property, the fee or reserved land area shall be based upon the increased number of dwelling units. A fee or reserved land area shall not be required for the replacement of existing dwelling units, either demolished or reconfigured onsite.

B. ~~Fee in Lieu of Reservation of Recreation Area~~ Recreation Facilities Impact Fee

- (1) The ~~fee in lieu of recreation recreation facilities impact fee reservation areas~~ shall be calculated ~~and administered~~ in accordance with the "Recreation Facilities Impact Fee Methodology, as amended" separately adopted by the Brunswick Town Council and attached in Appendix F.
- (2) All ~~impact fees in lieu of recreation reservation areas~~ collected under these provisions shall be ~~segregated and~~ accounted for in a separate impact fee account designated for the particular improvements in question.
- (3) The Town shall use collected fees for the construction of a new, or improvement of an existing, recreation or conservation area. Fees may be used for any of the following types of capital related costs:
 - a. Acquisition of land or easements;
 - b. Engineering, surveying, and environmental assessment services directly related to the design, construction, and oversight of the construction of the improvement;
 - c. The actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment;
 - d. Environmental mitigation costs;
 - e. Legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project;
 - f. Debt service costs including interest if the Town borrows for the construction of the improvement;
 - g. Recreation facility or equipment relocation costs; and
 - h. Additional costs that are directly related to the project.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner

Section 4.7 Residential Recreation Requirements

Subsection 4.7.2 Specific Standards

- (4) The Recreation Commission, by formal vote, may waive the payment of the required impact fee, in whole or in part, upon a finding that the developer or property owner is required, as part of a development approval by the Town, or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee.

C. Reservation of Recreation Area

The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner wishes to provide land or recreational facilities, the Commission shall consider the request in accordance with the provisions of this subsection and permit the provision of land or facilities to meet the requirement, only if the Commission finds that that the waiver standards of this subsection are met.

The Recreation Commission may, by formal vote, waive the payment of a required impact fee ~~in lieu of reservation of recreation area~~, in whole or in part, if it finds:

(1) That the requirement for additional recreational facilities can be met in whole or in part within the development, and

(2) That the Commission determines the provision of these facilities as part of the development is preferred to the payment of the impact fee. In making this determination, the following standards shall apply:

a. That one or more of the following conditions are met:

- i. The land is adjacent to other recreational or preserved conservation land and its proposed development and use are consistent with the adjacent land;
or
- ii. The land will allow for the connection and/or expansion of a trail system or other pedestrian facility that will be available for public use; or
- iii. The land will provide public access to a waterbody; or
- iv. The land will meet other recreational needs that have been identified by the Recreation Commission, or
- v. The land will be open for public use.

b. The amount of land to be provided is based on an estimate of the number of anticipated residents of the development based on occupancy rates acceptable to the Town, is submitted by the applicant.

c. The Recreation Commission shall determine if that the reserved land and/or proposed facilities are suitable for recreational use, and if the proposed facilities are appropriate given community-wide recreation needs and the needs of the residents of the development.

d. The designation of the land for recreational facilities shall be indicated on the plan for the development.

~~An estimate of the number of anticipated residents of the development based on~~

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.7 Residential Recreation Requirements

Subsection 4.7.2 Specific Standards

~~occupancy rates acceptable to the Town is submitted by the applicant.~~

~~(1) The Recreation Commission shall determine if the reserved land and/or proposed facilities are suitable for recreational use and if the proposed facilities are appropriate given community-wide recreation needs and the needs of the residents of the development.~~

~~(2)(1) The designation of the land for recreational facilities shall be indicated on the plan for the development.~~

D. Improvement of Recreation Area

If the Recreation Commission determines that the proposed reservation area meets the standards in subsection 4.7.2.C, the reserved recreation area shall be improved in accordance with the requirements of the Review Authority. In determining these requirements, the Review Authority shall consider the Comprehensive Plan and the long-range plans of the Recreation Commission.

E. Ownership and Maintenance of Reserved Recreation Area

The developer/applicant and Review Authority shall agree on the means of future ownership and control of the reserved recreation area, which shall be one or more of the following:

- (1) The recreation area may be held and maintained in common by the future owners of the development, under the by-laws of an owners' association, as approved by the Review Authority.
- (2) The recreation area may be held and maintained in perpetuity by a land trust or other suitable private organization.
- (3) The recreation area may be deeded to the Town for future maintenance and improvement, if acceptable to the Town Council.

F. Refund of Recreation Facilities Impact Fees

Recreation facilities impact fees shall be refunded in the following cases:

- (1) If the building or other permit is surrendered or lapses without commencement of construction, the permit holder, its successor, or the developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the Town Manager and a refund shall occur within 90 days of the request.
- (2) Any fees collected that are not spent or obligated by contract for the specified improvements by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid together with interest calculated at three (3) percent per year from the date of payment. Upon a written request from the Town Manager, the current owner may authorize the Town to retain the fees paid, plus interest, for the specified improvements following the ten (10) year period.

Appendix F - Recreation Facilities Impact Fee Methodology, as Amended

Revised July 14, 2016

This methodology establishes the impact fee that should be paid by residential development for expanded active recreational facilities. In developing the fee, we looked at the need for new or expanded infrastructure to provide adequate active recreation facilities for a growing population and the potential costs of those facilities.

1. Current Supply of Parks and Active Recreational Facilities – As of the March 2015, the Town of Brunswick had a total of approximately 185 acres of parks and active recreational facilities available for public use (see attached inventory). Most of these facilities are owned by the Town while a few are leased or are used through agreements with other agencies. This figure includes only developed facilities. Where a portion of a site is undeveloped, only the portion available for active recreational or park use is included. The following is a brief summary of the current supply of these facilities.

A. Recreational Facilities – The Town has approximately 177 acres that is used for active recreational activities including developed trails. This does not include the significant acreage in open space and conservation land owned by the Town. These recreational facilities include the Coffin Pond swimming facility, the Androscoggin River bikeway, and a number of boat launches and water access points. Most of the Town's recreational fields are concentrated at a small number of locations including Edwards Field, Lishness Park, Shulman Field, Crimmins Field, and facilities adjacent to schools that are available for public use. Most of the facilities are intensively developed with little potential for the creation of new or expanded facilities. With a 2010 household population of 18,545 (not including group quarters population), this is approximately 0.0095 acres of recreational area per household resident or 9.55 acres per 1000 year-round household residents.

B. Parks – The Town has approximately 7.5 acres of park land. The majority of this land is in the Mall. This is approximately 0.00041 acres of parks per capita or 0.4 acres per 1000 year-round household residents.

C. Combined Facilities – Taken together, the Town currently has 184.61 acres of parks and active recreational land and facilities. This is 0.0995 acres per household resident or 10 acres per 1000 year-round household residents.

2. Adequacy of Current Parks and Recreational Facilities -- The current supply of approximately 185 acres of parks and recreational facilities allows the community to meet its current recreational needs but there is demand for additional facilities including more facilities for sports and active recreation, an improved and expanded swimming facility, additional bicycle/pedestrian connections, and expanded trail development. The Town has been able to relocate the Recreation Center to the former Naval Air Station Brunswick (NASB) facility and obtain the use of a ball field at NASB through a lease with Southern Maine Technical College. The Town has also been able to recently expand Crimmins Field to include two full-size soccer fields. However, as the household population of the Town grows as a result of residential development, there will be a need to continue to expand the supply of park and active recreational facilities to maintain the current level of service.

3. The Need for Expanded Facilities – The need for community recreation facilities and parks is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, facilities, playgrounds, and parks. The Town's adopted Parks, Recreation, and Open Space (PROS) Plan identifies the need to expand the supply of recreational facilities to serve a growing population. The action plan identified the following needed improvements:

- Acquire the former Merrymeeting Park should it become available
- Acquire and develop more water access points
- Construct the first phase of the bike path extension
- Construct the second phase of the bike path extension
- Develop at least three multi-purpose fields and parking on the East Brunswick land
- Build a new playground at Lishness Field
- Expand the playground at Davis Park
- Develop a playground and building on the East Brunswick land
- Construct tennis and basketball courts in East Brunswick
- Install a playground at the Androscoggin River Bike Path
- Construct 5 lighted tennis courts

A number of other needs articulated in the PROS Plan have been addressed through more recent projects including the acquisition of the former Navy transmitter site in East Brunswick, outdoor basketball court, ballfield and trails at McKeen Landing as well as the fitness center and conveyance of other open spaces located on the former Naval Air Station. In addition there has been an expansion of the sports complex at Crimmins Field, the addition of lighted tennis courts at Brunswick High School and new recreation facilities adjacent to the Harriet Beecher Stowe Elementary School.

Most recently the Recreation Commission has worked to secure necessary funding to allow for an architectural analysis to determine the extent of improvements necessary to bring the Recreation Center at Brunswick Landing up to code to allow the full building to be used for general assembly purposes. The Commission is also working toward completing a feasibility study relative to a possible new outdoor pool for the community. In addition, a Town Council appointed Recreation, Trails and Open Space Committee delivered a report recommending that an approximate seven (7) mile trail system be constructed upon the 591-acre Kate Furbish Preserve and that a larger perimeter trail be developed that would circumnavigate the 3,000-acre Brunswick Landing.

Historically, the National Recreation and Park Association published standards for the amounts and types of park and recreational facilities per capita. The "old" national standard called for 10 acres of park and recreation land per 1000 residents or 0.010 acres per capita. The Town currently provides 10 acres of parks and active recreation area per 1000 year-round household residents. In the 1990s, this standard was replaced by a recommendation for a locally derived standard to recognize local and regional differences. Even allowing for the currently identified needs, the estimated need of 0.010 acres per capita is at the low end of currently accepted standards for Maine communities. Developing new facilities as the population grows that will allow the Town to maintain a standard of 0.010 acres of land and facilities per capita or 10 acres per 1000 population will serve as a reasonable basis for the recreational facilities impact fee as long as these areas are developed to allow intensive utilization similar to the use of current Town facilities.

4. The Estimated Cost for Expanded Facilities – The cost of recreational facilities is related to the type of facility and the intensity of development. The estimated cost for active recreational facilities of the type needed by the Town to serve future growth typically is in the range of \$50,000 to \$150,000 per acre. When the Androscoggin River Bicycle and Pedestrian Path was developed over a decade ago, the construction cost was around \$50,000 per acre. The recent reconstruction of Crimmins Field cost \$741,320 for the development of 5.634 acres of the site for a

per acre cost of approximately \$131,500. Construction of trails is much less expensive. Since the need for additional facilities is primarily for facilities that will support intensive use, it is reasonable to plan for a relatively high intensity of development for new facilities. Therefore an estimated cost of \$100,000 per acre for expanded recreational facilities is used as the basis for the calculation of the impact fee. This strikes a balance between the cost for sports fields similar to the Crimmins Field project, multi-use paths, and other lower cost trail development.

Applying the cost per acre for new recreation facilities (\$100,000/acre) to the need of 0.010 acres per capita, results in a base cost for providing new recreational facilities of \$1,000 per capita. This figure should serve as the basis for the recreational facilities impact fee.

5. The Share of Need Attributable to Growth – The population residing in the existing housing stock has dropped significantly since the 1990'S as a result of decreasing household size. During the 1990's, population decline in the existing housing stock essentially offset the population increase resulting from new housing development. The trend to smaller household sizes continued between 2000 and 2010 but at a smaller rate of decline as the average household size dropped from 2.34 to 2.19. This trend is likely to continue but at an even slower rate going forward. As a result, the population living in the existing housing stock will continue to decrease but at a slower rate than experienced over the past two (2) decades. This decrease will continue to reduce the impact of new residential development on household population growth and thus, the need for expanded recreational facilities. Therefore, the recreational facilities impact fee should be established at about two-thirds (2/3) of the fee that would apply using the per capita basis and estimated costs, or \$650 per capita.

6. Who Should Pay The Fee – Any residential development activity should pay this impact fee based upon the expected population of the project considering typical occupancy rates. This includes single-family and two-family dwelling units not part of a subdivision, conversions of non-residential buildings to residential use, and modifications to existing buildings that increase the number of dwelling units.

7. Calculation of the Fee – The recreational facilities impact fee should be the adjusted per capita cost of providing additional recreational facilities (\$650) multiplied by the anticipated number of residents in the dwelling unit. Based upon national studies of occupancy levels of various types of housing in the Northeast United States and the State of Maine published manual – Financing Infrastructure Improvements through Impact Fees, the following occupancy factors are applied to determine the impact fee per unit. This results in the following recreation facilities impact fee based upon the type of dwelling unit and the typical occupancy of that type of unit:

Section C.4 Individually Listed Properties

<u>Type of Housing</u>	<u>Occupancy</u>	<u>Impact Fee</u>
<u>Single-Family Home</u>		
- 2 or less bedrooms	<u>1.58 per/du</u>	<u>\$1,027</u>
- 3 bedrooms	<u>2.57 per/du</u>	<u>\$1,670</u>
- 4 or more bedrooms	<u>3.02 per/du</u>	<u>\$1,963</u>
<u>Attached or Multifamily Housing</u>		
- 1 bedroom	<u>1.17 per/du</u>	<u>\$760</u>
- 2 bedrooms	<u>1.85 per/du</u>	<u>\$1,202</u>
- 3 or more bedrooms	<u>2.14 per/du</u>	<u>\$1,391</u>
<u>Mobile Homes in a MH Park</u>		
- 1 bedroom	<u>1.39 per/du</u>	<u>\$487</u>
- 2 bedrooms	<u>1.93 per/du</u>	<u>\$1,254</u>
- 3 or more bedrooms	<u>3.29 per/du</u>	<u>\$2,138</u>
<u>Age Restricted Housing including Elderly Housing, Assisted Living, and Retirement Communities</u>		
- 1 bedroom	<u>1.05 per/du</u>	<u>\$682</u>
- 2 or more bedrooms	<u>1.50 per/du</u>	<u>\$975</u>

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Section 4.13 Signs

Subsection 4.13.1 General Standard

- (5) No drive-through facility audio speakers shall be located between the nonresidential or mixed use development’s principal building(s) and property lines shared with Growth Residential district lots containing a single or two-family dwelling, unless the speaker is located at least 100 feet away from and oriented to project sound away from the Growth Residential district boundary.
- (6) Hours of operation for nonresidential uses located adjacent to a Growth Residential district single or two-family dwelling shall be limited to 7:00am – 11:00pm.
- (7) All operations on the Growth Mixed Use or Growth Special Purpose property shall comply with the standards of subsection 4.13.1.C (Performance Standards – Noise) and all applicable Town ordinances regarding loud, offensive, or unreasonable noises.

4.13 Signs

Comment [AB182]: Staff revision 9/22/16

4.13.1. General Standard

All new outdoor signs must be compatible in design and scale with their surroundings and shall not unreasonably interfere with the safe operation of adjoining roads, sidewalks, parking areas, or uses.

4.13.2. Specific Standards

Signs may not unduly impact property values, and should enhance and protect the physical appearance of the community, avoid ~~sign or advertising~~ distractions and obstructions, and reduce hazards that may be caused by signs.

A. Standards and Permits Required

- (1) No sign shall be erected or altered unless it conforms with to these regulations. Signs must be kept clean, legible, and free from all hazards, such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, or constitute a distraction or obstruction that may impair traffic safety. Any such sign that becomes a nuisances or a hazard to public safety shall be removed from the premises if so ordered by the Codes Enforcement Officer.

- (2) A permit is not required if the area of the sign is one (1) square foot or less.

Comment [AB183]: ZORC addition 9/30/16

- (2)(3) If applicable, no sign shall be erected or altered unless it conforms with to the Cooks Corner Design Standards, or meets the intent of design guidelines established for the Village Review Overlay Zone Design Guidelines, or the Brunswick Landing Design Guidelines (administered by the Midcoast Regional Redevelopment Authority).

- (3)(4) The construction, alteration, maintenance and repair of all signs shall conform to all applicable building and electrical codes adopted by the Town of Brunswick.

B. Nonconforming Signs

- (1) Continuance

A nonconforming sign may be continued even though it does not conform to the requirement of this Ordinance.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.2 Specific Standards

(2) **Change**

Any change in the content of a nonconforming sign ~~including names, words, logos, or similar information~~ shall not constitute a change requiring the sign's compliance with the current sign standards in this Section 4.12-13 provided that, the sign is not a prohibited sign under subsection 4.1213.2.C (Signs Expressly Prohibited), the changes do not make the sign more nonconforming, and a permit is obtained for the changes from the Codes Enforcement Officer.

(3) **Termination of Identified ~~or Advertised Business or~~ Use or Activity**

If a sign becomes nonconforming because the ~~business associated~~ use or activity it identifies ~~or advertises~~ is terminated ~~(i.e., because it no longer relates to a business use or activity on the premises)~~, the sign face shall be removed within 30 days after the date the ~~business use~~ or activity is terminated. If the sign face is not reused by another ~~business use~~ or activity occupying the same site within one (1) year after the termination of the previous ~~business use~~, the ~~whole entire~~ sign, ~~including all mountings, brackets, poles, sign faces, and other signage material,~~ shall be removed.

(4) **New ~~Signage Signs~~ and Waivers**

New ~~signage signs~~ may be proposed for a site that contains nonconforming ~~signage signs~~, provided that all new ~~signage signs~~ ~~complies~~ comply with this Section 4.1213. The Review Authority may waive sign standards to allow new ~~signage signs~~ on a site containing nonconforming ~~signage signs~~ provided it finds that extenuating circumstances render compliance with this Section 4.1213, infeasible or impractical, and that the signage plan for the entire site furthers the spirit and intent of this Ordinance by reducing visual clutter, or otherwise improves the aesthetic appearance of the signage on ~~the~~ site by bringing the overall site into closer compliance with the requirements of this Section 4.1213.

(5) **Restoration and Reconstruction**

Any nonconforming sign that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition provided that a permit for the restoration or reconstruction is obtained within one (1) year after the date of destruction or damage, and no existing nonconformity is increased and no new nonconformity is created. Any restoration or reconstruction of the sign approved more than one (1) year after the destruction or damage shall comply with all requirements of this Ordinance.

C. **Signs Expressly Prohibited**

The following signs are prohibited in all zoning districts:

- (1) Off-premise signs. The Codes Enforcement Officer or his/her duly authorized representative has the authority to immediately remove any unauthorized off-premise sign.
- (2) Flashing illuminated signs, with the exception of Changeable Message signs allowed in subsection 4.1213.3.D.
- (3) Moving signs, including but not limited to inflatable/expandable object signs, wind/feather signs, streamers, pennants, large bundles ~~of balloons~~ ~~[(greater more than six (6)) of balloons]~~ and other signs with moving parts ~~(excepting "Open" flags)~~ meant to attract the attention of the general public.
- (4) Roof signs.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.2 Specific Standards

~~(5)~~ Portable signs.

~~(4)(6)~~ Distracting glare signs.

~~Portable signs with the exception of those used for the conveyance of traffic and other public safety information.~~

~~(5)(2)~~ Signs located in, on, or projecting over any public right-of-way with the exception of ~~Special Requirement Signs~~ as permitted in subsection 4.1213.2.D6.

D. ~~Exemption of Certain Town Council-Authorized Signs~~

Signs authorized by the Brunswick Town Council or their designee to be displayed on town-owned or leased property, or over public rights-of-way shall be permitted. ~~are exempt from all standards of this Section 4.13, with the exception of subsection 4.12.6 (Special Requirement Signs).~~

E. Calculation of Size of Sign

(1) Two-Sided Sign

Only one (1) side of a sign shall be counted when determining the size of a two-sided sign.

(2) Signs Within or on Structures

When the graphic representation of the sign occurs on a sign board, the size of the sign shall be calculated by include the square footage of the sign board. For illuminated signs, all proportions of the sign that are illuminated shall be included in the square footage. Where individual sign graphics are attached to a structure and no sign board is used, the sign area is the sum of the areas of each of the graphic elements.

F. Illumination

(1) Directly Illuminated Signs

(a) The light emitted from a directly illuminated sign shall not result in light trespass beyond the intended area of illumination.

(b) Directly illuminated signs located in GR or any Rural District is permitted only between the hours of 7:00 am and 11:00 pm or during hours open to the public, whichever is less.

(2) Internally Illuminated Signs

Internally illuminated signs are permitted only in the GM4, GM5, GM7, GM8 (Bath Road only), GA, and GI Districts.

(3) Tube Illuminated Signs

Tube illuminated signs, including neon signs, shall not result in excessive light trespass or glare in accordance with Subsection .

Comment [AB184]: Revised per ZORC discussion 9/29/16

G. Maximum Sign Size

No sign shall exceed 200 square feet, except for:

- (1) Any sign for which a smaller sign area is indicated in this Section 4.13; and
- (2) Wall signage on structures greater than 30,000 square feet, which shall not exceed 250 square feet.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.3 Standards for Sign Types Requiring Permits

~~H. Advertising Messages Incorporated into Approved Signage~~

~~Permanent advertising messages or business information (such as signage indicating business hours, signage indicating which types of bank machine cards are accepted, or other similar message) shall be considered a sign subject to review, unless that message is in a sign not subject to permit. Review of such signage shall also consider other signs on the site.~~

~~H.H. Sign Maintenance~~

All signs shall be maintained pursuant to Section 4.15 (Maintenance).

4.13.3. Standards for Sign Types Requiring Permits

Signs are permitted as indicated in each subsection below subject to a permit issued by the Codes Enforcement Officer. The permit application shall indicate the type, size, and location of the sign and shall be accompanied by a fee as determined by the Town Council.

A. Awning Signs

- (1) The area of an awning sign shall not be included in the total building sign area permitted by this ordinance.
- (2) The total area of awning signage shall not exceed one (1) square foot for each one (1) linear foot of awning width up to a maximum of 16 square feet.
- (3) A vertical clearance of no less than eight (8) feet shall be maintained for all parts of an awning.

~~B. Building Directory Signs~~

- ~~(1) Any building directory sign shall be attached at a building entrance to identify the business occupants for pedestrians entering the building and shall not be included in the total building sign area permitted by this ordinance.~~
- ~~(2) A building directory sign shall not exceed a total of six (6) square feet in size.~~
- ~~(3) A building directory sign located in the GM6 zoning district shall be made of wood or material resembling wood.~~

~~C.B. Campus-Type Signs~~

~~The following signage is permitted on parcels of land developed in a campus-type environment, as defined as larger parcels of land with multiple buildings including hospitals, mill complexes, business parks or public or private educational facilities.~~

(1) ~~Main Vehicle Entrance Signs~~

~~A freestanding pole or monument sign may be located at main vehicular entrances to the campus, and unless otherwise permitted, such signs shall be limited to a symbol and/or name identifying the campus and (if desired) the street address. Each sign shall comply with the following standards:~~

- a. Freestanding pole signs shall not exceed 25 square feet in total sign area nor exceed 15 feet in height.
- b. Freestanding monument signs shall not exceed 32 square feet in total sign area nor exceed ten (10) feet in height.

Comment [AB185]: Include In wall signs

Comment [AB186]: Review

Comment [AB187]: Included in definitions

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.3 Standards for Sign Types Requiring Permits

- c. ~~Main-Vehicle~~ entrance signs shall be sited within the boundaries of the campus and shall not be located within the right-of-way of any public street nor create or aggravate a traffic hazard.
- d. For a campus-type parcel with ~~secondary-multiple~~ vehicular entry points, ~~one~~ additional ~~main-vehicle~~ entrance signs, to be installed in accordance with subsections a through c above, may be sited at each ~~secondary~~ vehicular entry point, ~~provided that any secondary entrance signs are not readily visible from any other main entrance signs located on the same campus parcel.~~

Comment [AB188]: ZORC revision 9/30/16

(2) ~~Interior Campus Destination Signs~~

Interior campus signs providing detailed ~~directional and/or informational-text or mapping~~ assistance to on-site destinations may be installed and shall comply with the following standards

- a. ~~Campus-destination~~Interior campus signs shall not exceed 15 square feet in size ~~per~~ nor exceed ten (10) feet in height.
- b. ~~Interior Campus destination~~ signs shall be sited within the boundaries of the campus and shall not be located within the right-of-way of any public street, nor create or aggravate a traffic hazard.
- c. ~~Internal campus signs displaying circulation, directional or regulatory information not exceeding a total sign area of six (6) square feet nor eight (8) ten (10) feet in height, are exempt from the requirement of obtaining a sign permit. Such signs shall not be installed within a right-of-way of a private or public street or highway, nor create or aggravate a traffic hazard.~~

Comment [AB189]: Reinserted by ZORC 9/29/16

(3) ~~Campus Directory Map~~

~~Map directions graphically identifying the various destinations across the campus, may be installed and shall comply with the following standards.~~

- a. ~~Campus directory signs shall only be located along private vehicular or pedestrian access ways or parking areas to prevent unsafe conditions along public ways.~~
- b. ~~Campus directory signs shall not be located within the right-of-way of any public street.~~
- c. ~~Campus directory signs shall not exceed 32 square feet in total sign area nor exceed seven (7) feet in height~~

Comment [AB190]: Now Included in campus Interior signs

(4) ~~Miscellaneous Campus Signs~~

~~Signs displaying circulation, directional or regulatory information not exceeding a total sign area of six (6) square feet nor eight (8) feet in height, are exempt from the requirement of obtaining a sign permit. Such signs shall not be installed within a right-of-way of a private or public street or highway, nor create or aggravate a traffic hazard.~~

Comment [AB191]: Included In Interior campus signs.

D.C. Canopy Signs

Canopy signs are allowed in addition to other types of signs permitted by this Section 4.13. The sign area shall not extend beyond the edges of the canopy and shall comply with one (1) of the two (2) following alternative provisions:

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.3 Standards for Sign Types Requiring Permits

- (1) The total sign area shall not exceed nine (9%) percent of the total square footage of all sides of the canopy with no more than two (2) signs located anywhere on the canopy.
- (2) The total sign area shall not exceed 15 percent of the area of the side of the canopy on which it is located with no side containing more than one (1) sign.

E.D. Changeable Message Signs

All changeable message signs shall comply with the following standards.

- (1) Changeable message signs shall only be permitted in the GM4, GM5, and GM8 (Bath Road frontage only) districts.
- (2) Each sign shall meet the dimensional requirements in this per Section 4.1213 of this ordinance.
- (3) Messages shall remain fixed on the display surface for not less than five (5) seconds and may transition as rapidly as technologically practicable, but not to exceed a transition time of one (1) second, with no phasing, rolling, scrolling, flashing, or blending of content.
- (4) ~~Each Such~~ signs shall be equipped with a sensor or other device that automatically determines the ambient illumination conditions and be programmed to automatically dim the sign illumination to not exceed the ambient light conditions by more than 0.3 foot_candles. The Codes Enforcement Officer shall use the Illumination Measurement Criteria in accordance with the "Night-time Brightness Levels for On-Premise Electronic Message Centers" as recommended by the International Sign Association dated April 2011, as amended, which is on file in the Planning and Development Department of Planning and Development office.
- ~~(4)(5) Such signs shall not be visible from a controlled-access highway or ramp.~~
- ~~(5) Each sign may consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial, or photographic images. No sign shall include animated or video content.~~

Comment [AB192]: Deleted – Reed case

F. Development Signs

~~A single sign not to exceed 16 square feet in area shall be permitted to identify the name of a development. The development sign shall be located on a common area within the development.~~

Comment [AB193]: Delete here and allow as a pole or monument sign.

G.E. Directory Pole Multi-tenant Signs

~~Directory Poles Multi-tenant Signs are allows permitted at major entrances to commercial, business, retail, multi-tenant, or industrial developed properties and shall comply with the sign type standards in this Ordinance and may exceed such standards as follows: following standards:~~

Comment [AB194]: Revised per ZORC discussion 9/29/16

- (1) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and GI Districts a directory pole multi-tenant sign may consist of 25 square feet per non-residential use, tenant; not to exceed a cumulative sign area of 200 square feet of total sign area nor 15 feet in height.
- (2) In the GM6, ~~and~~ GM8 (excluding Bath Road frontage lots) and RM Districts a multi-tenant pole sign may consist of 18 square feet per non-residential use, tenant, not to exceed a cumulative sign area of 54 square feet nor 12 feet in height.

Comment [AB195]: Added by staff 9/22/16

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.3 Standards for Sign Types Requiring Permits

H.F. Monument Signs

- (1) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and GI Districts the size of the face of a monument sign shall not exceed 32 square feet nor a height of ten (10) feet.
- (2) In the GC1-4, GM6, ~~and~~ GM8 (excluding Bath Road frontage lots) ~~and RM~~ Districts the size of a monument sign shall not exceed 18 square feet nor a height of eight feet. The maximum height of a monument sign is ten (10) feet.
- ~~(2)~~(3) In all other zoning districts the height of a monument sign shall not exceed six (6) feet nor 12 square feet in size.
- ~~(3)~~(4) Only one (1) monument sign per 250 feet of lot frontage is permitted. For a lot of record with less than 250 feet of lot frontage, one (1) monument sign is permitted.

Comment [AB196]: Added by staff 9/22/16

H.G. Neon-Tube illuminated Window Signs

~~Neon signs~~ Tube illuminated sign, including neon signs, that are placed inside a window are permitted, ~~provided that the signs do not and shall not~~ exceed 25 percent of the glass area of the window on which the sign is to be placed.

H.H. Entrance/Exit Multiple-Driveway Directional Signs

~~An entrance/exit directional~~ A multiple-driveway sign may not exceed two (2) square feet in area and shall be placed so as not to impede sight distance.

Comment [AB197]: Revised per ZORC discussion 9/29/16

H.I. Pole Signs

- (1) Only one (1) pole sign per 250 feet of lot frontage is permitted. For a lot of record with less than 250 feet of lot frontage, one (1) pole sign is permitted.
- (2) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI Districts, the height of the pole sign shall not exceed 15 feet and the size of a pole sign shall not exceed 25 square feet.
- (3) In the GM6, GM8 (excluding lots with Bath Road frontage), ~~and~~ GC1-4 ~~and RM~~ Districts, the height of a pole sign shall not exceed ten (10) feet and the size of the pole sign shall not exceed 18 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood.
- (4) In all other zoning districts the height of a pole sign shall not exceed ten (10) feet and the size of a pole sign shall not exceed 15 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood.
- (5) Pole signs shall be set back at least five (5) feet from a side or rear property line.

Comment [AB198]: Include development signs.

Comment [AB199]: Added by staff 9/22/16

H.J. Projecting Signs

- (1) In all Growth Residential (GR) ~~D~~istricts, GM6, and GM8 (excluding lots with Bath Road frontage) Districts, Growth College (GC) ~~D~~istricts, and Rural Area Districts the size of a projecting sign shall not exceed six (6) square feet and the sign shall not project more than three (3) feet beyond the wall to which it is attached.
- (2) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI Districts, the size of a projecting sign shall not exceed 25 square feet.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.4 Temporary Signs Allowed and Not Subject to Permitting

- (3) Where a projecting sign projects over a sidewalk, it must clear the sidewalk by at least eight (8) feet.
- (4) Any use that contains a projecting sign may not contain a pole sign, unless the projecting sign is located 50 feet or more from a public right-of-way street.
- (5) Projecting signs shall not be placed above the first story of a structure unless it is advertising-related to a use that occurs above the first floor. Where a projecting sign occurs above the first story of a structure, it may not be placed higher than the midpoint of the second story.

M.K. Wall Signs

- (1) No wall sign shall protrude beyond the roof line or cornice structure of a building, and shall not cover windows, doors or architectural detailing of the building to which it is affixed.
- (2) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), GC1-4, and GI Districts, each nonresidential establishment shall be allowed wall signage not to exceed a total of 25 square feet. However establishments occupying a portion of the building's principal facade shall be allowed wall signage not to exceed 25 square feet or ten (10%) percent of that portion of the principal facade occupied by that establishment, whichever is greater.
- (3) In the GM6, and GM8 (excluding lots with Bath Road frontage) and RM Districts, wall signs shall not exceed 16 square feet. Wall signs shall be placed on the building floor level of which the establishment is located.
- (4) In all other districts, each nonresidential establishment shall be allowed wall signage not to exceed a total of 16 square feet. However, establishments occupying a portion of the building's principal facade shall be allowed wall signage not to exceed 16 square feet or ten (10) percent of that portion of the principal facade occupied by that establishment, whichever is greater.

4.13.4. Temporary Signs Allowed and Not Subject to Permitting

Temporary signs are permitted as indicated below and are not subject to a permit. Temporary signs listed below shall not be placed in a position that will impair vision, obstruct traffic, or create a hazard or nuisance to the general public.

A. Sidewalk or Sandwich Signs

- (1) Sidewalk or sandwich signs, including but not limited to, easel signs and other similar signs are permitted in any district and ~~They~~ shall be made of durable materials (i.e., not of cardboard or paper).
- (2) Such signs and shall not be placed to allow at least five (5) feet of sidewalk width for unrestricted pedestrian movement and impede pedestrian access or ~~shall not~~ create a vehicular traffic hazard.
- (3) Such sign and shall not exceed eight (8) square feet in size per side.
- (4) Only one (1) sign per establishment 50 linear feet of street frontage is permitted, not to exceed three (3) such signs per property. Sand shall be removed each day at the close of business. uch signs can only be placed outside while the establishment is open.

Comment [AB200]: Staff revision 9/29/16

Comment [AB201]: For ZORC discussion

Comment [AB202]: Now under wall signs or pole signs.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.4 Temporary Signs Allowed and Not Subject to Permitting

~~Signs that display street numbers, last names, and personal names given to residential structures.~~

C. Contractor Freestanding/Yard Signs

- (1) The size of a contractor freestanding/yard sign shall not exceed ~~24~~ eight (8) square feet ~~in GN, GR1-10, RR, RN, RF and RP1-2 Districts nor 24 square feet in all other Districts.~~
- (2) ~~With the exception of political signs, a contractor freestanding/yard sign may be placed on-premise no more than three (3) days prior to the activity and shall be removed within three (3) days of the end of the activity. Sign shall be removed within five (5) days of the issuance of a Certificate of Occupancy, where one is required. A contractor sign used during home improvement or renovation projects that are not subject to Certificate of Occupancy shall be removed within five (5) days after the work has been completed.~~
- (3) ~~Political signs on private property may remain indefinitely, and shall not be located on or in front of Town-owned property, including but not limited to schools, parks, cemeteries.~~
- (2)(4) ~~Freestanding/yard signs are prohibited to be located within a public right-of-way.~~

Comment [AB203]: Revised per ZORC discussion 9/29/16

B. Farm Stand Signs

~~Farm stand signs are permitted provided that each sign is no greater than ten (10) square feet in area and they displayed only during the season when the premises are open for business. Farm stand signs may have changeable copy and shall only be located on the property at which the farm stand exists.~~

C. Lawn, Yard, or Garage Sale Signs

- (1) ~~Lawn, yard, or garage sale signs are prohibited on any State or Town-owned parcel.~~
- (2) ~~Signs shall not be posted more than three (3) days prior to the sale and shall be removed within 24 hours of the end of the sale.~~
- (3) ~~Signs are limited to four (4) square feet in area.~~

D. Motor Vehicle Signs

~~A sign. The use of business logos, identification or advertising on registered motor vehicles primarily and actively used for a use business purposes is permitted.~~

Comment [AB204]: Revised per ZORC discussion 9/29/16

E. Political Campaign Signs

~~Political Campaign Signs are permitted on private property, not to exceed eight (8) square feet in size. Political signs shall not be located on or in front of Town-owned property including but not limited to schools, parks, cemeteries, road right-of-ways, and Town-owned buildings.~~

F. Real Estate Signs

- (1) ~~A real estate sign for the sale of a residential structure shall not exceed four (4) square feet in area. A real estate sign for all other uses and vacant land shall not exceed 32 square feet in area.~~
- (2) ~~Real estate signs shall be removed within ten (10) days after the sale or lease of the property.~~

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.5 Special Event or Notice Signs Requiring Notice to Codes Enforcement Officer

~~G.C. Window Signs~~

Window signs are allowed provided they are placed on the inside of the window and occupy no more than 25% of the glassed area of the window on which the sign is to be placed.

~~F. Flag Signs~~

~~Flag signs are allowed in all districts and so long as the such sign is attached to a structure.~~

Comment [AB205]: ZORC addition 9/30/16

4.13.5. Special Event ~~or Notice~~ Signs Requiring Notice to Codes Enforcement Officer

- A. Prior to ~~displaying~~ ~~installing~~ any special event ~~or notice~~ sign, the building occupant or property owner shall submit written notification to the Codes Enforcement Officer of the ~~proposed~~ sign's installation and removal.
- B. No individual building occupant or property owner may ~~display~~ ~~install~~ a special events ~~or notice~~ sign for more than 90 days within a calendar year, provided that special events or notice signs for an event ~~or notice~~ exceeding 90 days in length may remain in place for (a) a period not to exceed five (5) calendar days immediately following the conclusion of the event ~~or notice~~, or (b) 180 days per calendar year, whichever is less, upon written approval by the Codes Enforcement Officer.
- C. Special events ~~or notice~~ signs shall not interfere with pedestrian or vehicular access.
- D. Special events ~~or notice~~ signs shall be located on the property of which the special event ~~or notice~~ is to take place.

4.13.6. Special Requirements Signs

The following signs are allowed subject to special requirements without obtaining a permit from the Codes Enforcement Officer.

A. Public Safety Signs

Governmental bodies may erect and maintain signs necessary for the public safety and welfare, or as required by law, ordinance or government regulation.

B. Banners

Town Council permission is required to raise a banner over a Town-owned public right-of-way and the Town Council or its designee may restrict where and when such banners may be displayed.

~~C. Nonprofit Organization Fundraising Signs~~

~~Nonprofit organization fundraising signs, when recommended by the Town Manager and approved by the Town Council or its designee, shall be permitted at locations on public and private property, subject to the following:~~

- ~~(1) The sign shall be a freestanding sign, with an area not exceeding 24 square feet.~~
- ~~(2) The height of such sign shall not be greater than six (6) feet.~~
- ~~(3) The sign shall not be illuminated.~~
- ~~(4) The sign shall be removed one (1) week after the fund-raising event has ended.~~

Comment [AB206]: Revision needed (Reed v. Gilbert)

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.6 Special Requirements Signs

D.C. Official Business Directional Signs

An Official Business Directional Sign visible from a public way may be erected or maintained in the Town of Brunswick in accordance with the following standards and with applicable provisions of the Maine Traveler Information Services Act (23 M.R.S.A. § 1901-1925) and any related regulations of the Maine Department of Transportation (MDOT), not inconsistent with the provisions of this Section 4.13.

(1) Qualifying Uses

The following uses are qualifying uses:

- a. Public and private schools and colleges.
- b. Airports.
- c. Cultural facilities and historic monuments.
- d. Recreational facilities.
- e. Municipal and other government facilities.
- f. Nonprofit organizations.
- g. Public accommodations and commercial businesses.
- h. Retail agricultural operation.

(2) Number of Signs

Not more than four (4) official business directional signs may be permitted per each qualified use.

(3) Placement of Signs

Official Business Directional Signs may not be installed on a State-Aid highway/road frontage, a Bath Road frontage, in the GM6 District, the Village Review Overlay District, or the Maine Street or Park Row right-of-way.

(4) Additional Requirements

The following additional requirements shall apply to Official Business Directional Signs:

- a. The minimum distance between Official Business Directional Sign posts shall be at least 300 feet as measured along the shortest straight line.
- b. No Official Business Directional Sign shall be placed closer than 200 feet from the property line of a commercial business offering directly competing goods or services.
- c. An Official Business Directional Sign shall be located no closer than 200 feet, nor further than 2,500 feet, from an intersection where a change in direction as indicated on said sign is required.
- d. No more than three (3) Official Business Directional Signs may be attached to an individual sign post assembly. No new sign post assembly shall be installed until existing sign post assemblies suitable for any newly proposed Official Business Directional Sign contain the maximum number of permitted signs.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.14 Performance Standards
 Subsection 4.14.1 Operation of Uses and Development

(5) **Permitting and approval process**

Any entity wishing to erect an Official Business Directional Sign shall make application with the Maine Department of Transportation on an application form provided by MDOT. Prior to submittal to the MDOT for final review, the application will require the signature of the Brunswick Codes Enforcement Officer certifying compliance with the Town's Zoning Ordinance and the approval of the Town's Police and Public Works Departments.

4.14 Performance Standards

4.14.1. Operation of Uses and Development

A. General Standard

Unless otherwise pre-empted by federal or state law, the following standards shall apply to all development activities and uses regulated by this Ordinance, and shall be enforced by the Codes Enforcement Officer.

B. Specific Standard:

- (1) The general standard in Subsection 4.14.1.A above shall be enforced by the Codes Enforcement Officer.
- (2) All construction, drilling, or demolition work shall be conducted between 7:00 am and 7:00 pm except when prior written approval has been obtained from the Codes Enforcement Officer. The Codes Enforcement Officer shall only grant approval for work after hours in the case of special circumstances, and such approval shall not be granted on a regular basis.
- (3) ~~Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work is prohibited on Sundays and days which the following holidays are observed: New Years, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas.~~

Comment [AB207]: Moved from Noise subsection since applies generally

Comment [AB208]: Removed by ZORC 9/26/16

C. Specific Standard: Noise

- (1) The following activities are exempt from the requirements of this section: parades, farming, forestry, emergency signals, watercraft, aircraft and automobile traffic.
- (2) The equivalent sound level measured in dBA (decibels-day/night average) resulting from any activity shall not exceed at any point on or beyond the lot line the maximum levels as set forth in the following table:

Table 4.14.1.B:
Maximum Equivalent Sound Level Measured in dBA^{[1],[2]}

Districts	Day	Night
Rural Area districts, GO, GN	50	40
Growth Residential (GR)	55	45
GM1, GM2, GM3, GM6, GM8, GC1, GC2, GC3, GC4	60	50
GM4, GM5, GM7, GA, GI	70	60

NOTES:

Chapter 1 - General Provisions
Section 1.7 Definitions and Rules of Construction
Subsection 1.7.2 Definitions

Junkyard or Automobile Graveyard: A land area used to store or dispose of old, discarded, worn-out, scrapped, or junked materials such as, but not limited to, plumbing, heating supplies, household appliances, furniture, lumber, rope, rags, batteries, paper trash, rubber debris, waste, scrap iron, steel, copper, brass, and other scrap ferrous or nonferrous material or three or more unserviceable, discarded, worn-out, or junked motor vehicles. This use includes garbage dumps, waste dumps, and sanitary landfills.

Kennel: Any establishment including cages, dog runs, and/or structures where more than three dogs aged six months or older are kept for sale, boarding, or breeding.

Lane: A secondary access road located behind a house within a subdivision.

Leachable Materials: Liquid or solid materials including solid wastes, sludge, and agricultural wastes—that are capable of releasing waterborne contaminants into the ground.

Level of Service: A technical measure that assesses the traffic impact associated with new or expanded uses, calculated in accordance with the provisions of the Highway Capacity Manual, most recent edition, published by the National Academy of Sciences, Transportation Research Board.

Lot of Record: A parcel of land described in a recorded deed or shown on an approved and recorded subdivision plan and meeting zoning standards at the time it was created.

Lot or Parcel: An area of land with ascertainable boundaries, all parts of which are owned by the same person(s) or entities.

Lot, Rear: A lot located to the rear of another lot that lacks the minimum road frontage required in the zoning district and is accessed by either by a strip of land that is part of the parcel or a deeded right-of-way or easement over one or more lot(s).

Lot Width: The horizontal distance between side lines measured along a line that is parallel to the front lot line.

Lowest Floor: For purposes of the floodplain management regulations for the FPO District, the lowest floor of the lowest enclosed area (including basement) of a building. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Housing: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A , as amended.

Marina: A business establishment having frontage on navigable water that, as its principal use, provides for hire moorings, slips, and/or docking facilities for boats, and that may also provide accessory services such as boat and related sales, boat repair and construction, setting of moorings, boat and tackle shops, and marine fuel service facilities.

Marine Activity: Construction including but not limited to piers, docks, wharves, breakwaters, causeways, marinas, boat launching ramps, yacht clubs, boatyards, boat storage, facilities associated with commercial fishing, bridges over 20 feet in length, and accessory uses associated with any of these activities. Excluded are non-commercial structures which are accessory to a single or two-family dwelling.

Market Value: For SPO District purposes, the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Message, Commercial: Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Comment [AB26]: D
EP SP revision.

Chapter 1 - General Provisions
Section 1.7 Definitions and Rules of Construction
Subsection 1.7.2 Definitions

Message, Noncommercial: Any sign wording, logo or other representation that is not defined as a commercial message.

Comment [AB27]: Added 9/22/16

Mineral Extraction: Any operation that removes within any 12 month period more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or similar mineral from its natural location for sale or use off-site.

Mixed Use: Any combination of residential and non-residential uses on the same lot or in the same building or building complex.

Mobile Home: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A (1), as amended.

Mobile Home Park: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.B, as amended.

Mobile Home Park Site: The area of land within a mobile home park designed and used for placement of an individual mobile home and reserved for use by the occupants of that home.

Modular Home: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A (2), as amended.

Motor Vehicle: A self-powered wheeled vehicle, designed to run primarily on improved roads, which transports passengers or cargo, such as but not limited to, cars, trucks, motorcycles, recreational vehicles, and buses, but not including trains and emergency vehicles.

Motor Vehicle Fueling Station: An establishment providing sales of fuel for motor vehicles, including but not limited to gasoline, diesel fuel, compressed natural gas, or electricity, that may also provide minor repair services such as lubrication, oil and tire changes, but not including vehicle bodywork or painting, or major repair of engines or drivetrains. Does not include Vehicle Service or Repair or Marina

Motor Vehicle Service or Repair: An establishment where motor vehicles and equipment are repaired or serviced, but not including boat or small engine service or repair.

Municipal Facility: Any Town owned or leased facility that is provided to meet a municipal need, including, but not limited to recreational facilities, municipal offices, and utilities provided by Brunswick and Topsham Water District and Brunswick Sewer District necessary to provide utility services to residents of the Town, but not including schools. Facilities of the Brunswick and Topsham Water District, the Brunswick Sewer District, and any facility that was formerly Town owned but has since been purchased, transferred, or leased from the Town in order to continue to provide services to meet a municipal need, are considered to be municipal facilities.

National Geodetic Vertical Datum (NGVD): For floodplain management purposes, the NGVD is the national vertical datum, whose standards were established in 1929, which is used by the National Flood Insurance Program (NFIP). The NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

Native Tree: For SPO District purposes, a native tree is indigenous to the local forests.

Comment [AB28]: D EP SP revision.

Naturally Occurring Stand Dominated by Woody Vegetation: An area of forest, shrub land, heath barren or regenerating timber harvest. This definition does not include artificially planted Christmas tree farms or pine plantations.

Neighborhood Store: A retail store of not more than 2,000 square feet, located on a collector street, offering primarily grocery items and that may also offer takeout food items. A Neighborhood Store does not incorporate and is not accessory to a vehicle fueling station.

Net Site Area: The portion of a parcel subject to Development Review and used in the determination of allowable density. See Section 4.2.5.A, Calculation of Net Site Area.

New Floodplain Construction: Structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by the Town of Brunswick and includes any subsequent improvements to such structures.

Chapter 1 - General Provisions
Section 1.7 Definitions and Rules of Construction
Subsection 1.7.2 Definitions

Service Business, Class 2: A business 2,000 square feet in gross floor area or greater where the principal use is the provision of personal services, including but not limited to: barber shops, beauty salons, shoe repair shops, tailors, mail services, and laundries.

Setback -- In Non-Shoreland Area: The minimum horizontal distance between the front, side or rear lot line and the nearest point of the building, including decks or any covered projections thereof, on the lot.

Setback -- In Shoreland Area: In a shoreland area, the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area.

Shoreland Area: The Shoreland Protection Overlay (SPO) District.

Shoreline: The normal high-water line of, or upland edge of, a freshwater or coastal wetland.

Sign: Any object, device, or structure, or part thereof, situated outdoors or displayed in a window, freestanding or attached to a structure or registered motor vehicle, that is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by means of words, letters, figures, design, symbol, advertising flags, fixtures, colors, illuminations, or projected images.

Sign Face: The portion of a sign that includes words, letters, figures, designs and background.

Sign, Animation: The usage of multiple frames running at a fast enough speed that the human eye perceives the content to be in continuous movement.

Sign, Awning: A covering that is (or appears to be) made of cloth or canvas and is either permanently attached to a building or can be raised or retracted or fixed to a position against the building when not in use.

~~**Sign, Banner:** A sign displayed on flexible lightweight material, enclosed or not enclosed in a rigid frame, extending from one side of the street to the other.~~

Comment [AB32]: Moved in definitions to be with signs. 9/29/16

~~**Sign, Building Directory:** A wall mounted sign that identifies the occupants of a building.~~

~~**Sign, Business:** A temporary freestanding sign used for the advertisement of specific products, daily specials, or services.~~

~~**Sign, Campus-Type:** Signs as permitted on large parcels of land developed in a campus-type environment with multiple buildings, including but not limited to medical centers, mill complexes, business parks, or public or private educational facilities.~~

Comment [AB33]: Added 9/22/16

Sign, Canopy: A sign that is part of, or attached to a structural protective cover over a drive thru or outdoor service area (not including an awning sign).

Sign, Changeable Display: A sign that utilizes computer generated displays or some other electronic means of changing copy. These signs include displays using LEDs, LCDs, or incandescent lamps.

~~**Sign, Contractor:** A temporary sign erected during the construction phase of a project only.~~

~~**Sign, Development:** A sign used to identify the name of a development.~~

~~**Sign, Directory Pole:** A pole sign that advertises more than one use or establishment on single parcels developed with multiple uses, or multiple uses located on four or fewer adjacent properties with shared access.~~

Sign, Dissolve/Fade: A mode of message transition on an electronic sign accomplished by varying the light intensity or pattern, where the first display gradually reduces intensity or appears to dissipate to the point of not being legible and the subsequent display gradually appears or increases intensity to the point of legibility.

Chapter 1 - General Provisions
Section 1.7 Definitions and Rules of Construction
Subsection 1.7.2 Definitions

Sign, Distracting Glare: A sign with an illumination source which shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public, as determined by the Code Enforcement Officer.

Comment [AB34]: Z
ORC addition
9/30/16

Sign, Easel: A free-standing, moveable sign, usually shaped like a painter's easel stand, used onsite.

~~Sign, Farm Stand: A sign used to advertise a farm stand selling fruits, vegetables, or other agricultural crops and products.~~

~~Sign, Flashing Illuminated: A sign in which the light source, in whole or in part, physically changes in light intensity or gives the appearance of such change at less than a 5 second time interval. Time and temperature signs emanating white light are excluded from this definition.~~

Sign, Freestanding/Yard: A pole sign or monument sign. Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Comment [AB35]: A
added 9/22/16

~~Sign, Household: A sign that display street numbers, last names, or personal names given to residential structures.~~

Sign, Illuminated Directly: A sign illuminated by a light source that is outside of the sign.

Sign, Illuminated, Flashing: A sign in which the light source, in whole or in part, physically changes in light intensity or gives the appearance of such change at less than a 5 second time interval. Time and temperature signs emanating white light are excluded from this definition.

Sign, Internally Illuminated Internally: A sign illuminated by a light source that is within the sign.

Sign, Illuminated, Tube: A sign illuminated by a light source supplied by a tube that is not concealed and is filled with gasses, forming letters, symbols or other shapes.

Comment [AB36]: Z
ORC addition
9/29/16

Sign, Monument: A sign mounted directly on the ground.

Sign, Moving: A sign which in part or in total rotates, revolves or otherwise is in motion.

Comment [AB37]: A
added per ZORC
request 9/28/16

Sign, Motor Vehicle: Any sign permanently or temporarily attached to or placed displayed on a registered motor vehicle in any manner so that the sign is used primarily as a stationary identification or advertisement sign, where the primary purpose is to advertise a product, service business, or other business-related activity.

Comment [AB38]: R
revised 9/22/16

Sign, Multi-tenant: A sign for a grouping of two (2) or more establishments that either share common parking on the lot where located or occupy a single structure or separate structures that are physically or functionally related or attached.

Comment [AB39]: To
replace directory
sign name. 9/28/16

Sign, Multiple-Driveway: A sign at the entrance or exit of a premise that has two (2) or more driveways.

Comment [AB40]: R
replaces
entrance/exit sign
name. 9/28/16

~~Sign, Household: A sign that display street numbers, last names, or personal names given to residential structures.~~

Sign, Official Business Directional: An off-premise sign erected and maintained by the Maine Department of Transportation in accordance with the Maine Traveler Informational Services Act, 23 M.R.S.A. § 1901-1925, and this Ordinance, ~~that identifies and points the way to public accommodations and facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational, and religious interest.~~

Sign, Off-Premise Advertising: A sign that ~~advertises identifies an establishment business or their business's~~ products, services, or activities not sold, distributed, or carried out on the premises.

Sign, On-Premise Directional: A sign used to provide direction to entrances and exits from parking or pedestrian areas.

Comment [AB41]: R
replaced with
Multiple Driveway
sign 9/28/16

Sign, Pole: A sign attached to a pole or poles erected directly into the ground.

Chapter 1 - General Provisions
Section 1.7 Definitions and Rules of Construction
Subsection 1.7.2 Definitions

Sign, Political Campaign: A temporary sign bearing messages relating to an election, primary, or referendum.

Sign, Portable: A sign designed for and intended to be moved from place to place, on wheels or legs, and not ~~be~~ permanently affixed to land, buildings, or other structures. Portable signs shall include portable reader boards and other similar signs.

Comment [AB42]: R
evised per ZORC
discussion 9/28/16

Sign, Projecting: A sign attached to a wall at a right angle.

~~Sign, Real Estate: A temporary sign advertising the lease or sale of land, space, or structure.~~

Comment [AB43]: D
eleted. Now
freestanding/yard
sign.

Sign, Roll: A mode of message transition on a Changeable Message Sign wherever the message appears to move horizontally across the display surface.

Sign, Roof: A sign mounted to the roof of a building or wall mounted signs projecting above the roof line. Signs mounted on the face of a mansard roof are not considered roof signs, but as wall signs.

Sign, Sandwich: A free-standing sign which is ordinarily in the shape of an "A" or some variation thereof, readily moveable, and is not permanent attached to the ground or any structure. moveable sign, usually shaped like an "A", used to advertise specific products, daily specials, or special events.

Comment [AB44]: R
evised 9/22/16

Sign, Scroll: A mode of display transition on a Changeable Display Sign where the display appears to move vertically across the display surface.

Sign, Special Events or Notice: A temporary sign—such as a banner, pennant, or poster,—that is mounted onto a building structure to announce special events ~~or notices~~ and; are limited to the property of which the special event is located.

Comment [AB45]: R
evised 9/22/16

~~Sign, Temporary Business: A temporary sign such as a sandwich sign, easel sign, and other similar signs intended to advertise specific products, daily specials, or services.~~

Comment [AB46]: D
eleted 9/22/16

Sign, Temporary: A portable sign or any sign not permanently embedded in the ground or affixed to a building or permanent sign structure.

Comment [AB47]: St
aff addition 9/22/16

Sign, Temporary Flag: A temporary sign made of fabric or other similar non-rigid material supported or anchored along one edge or supported or anchored at only two (2) corners, if any dimension of the flag is more than three (3) times as long as any other dimension, it is classified and regulated as a wind/feather sign, regardless of how it is anchored or supported.

Comment [AB48]: F
or ZORC discussion
9/28/16

Sign, Temporary Wind or Feather: A temporary sign that is not considered a flag sign as defined, constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and is supported by a single vertical pole mounted on a structure or in the ground.

Comment [AB49]: F
or ZORC discussion
9/28/16.

Sign, Transition: A visual effect used on a Changeable Display Sign to change from one message to another.

Sign, Video: A Changeable Display Sign that displays motion or pictorial imagery, including a display from a "live" source.

Sign, Wall: A sign applied, painted, or affixed flush to the exterior of a structure.

Site Feature: An element of site design other than the characteristics of the lot itself, the uses on the lot, the structures on the lot, or signs on the lot, such as landscaping, or lighting fixtures.

Small Wind Energy System (SWES): A wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for public resale.

Solid Waste: Unwanted or discarded material with insufficient liquid content to be free-flowing including, but not limited to, rubbish, garbage, scrap, junk, refuse, inert fill, and landscape refuse, excluding septic tank sludge and agricultural and aquaculture waste.

Start of Construction:

Chapter 1 - General Provisions
 Section 1.6 Nonconformities
 Subsection 1.6.3 Nonconforming Uses

combined to the extent necessary to meet the dimensional requirements. This provision shall not apply to two or more contiguous lots in common ownership on the effective date of this Ordinance and recorded ~~separately~~ in the Cumberland County Registry of Deeds, and where at least one of the lots is nonconforming, if the nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and (a) each lot contains at least 20,000 square feet of lot area; or (b) any lots that do not meet the lot width and lot area requirements of the base zoning district and any overlay districts are reconfigured or combined so that each new lot contains at least 20,000 square feet or lot area.

Comment [AB2]: Added by Jeff in 12/2 handout.

F. Development and Use of Contiguous Lots in Common Ownership, only One Lot Nonconforming, Outside Subdivision

(1) Conforming Lot Developed, Nonconforming Lot Undeveloped

a. Outside and Inside of SPO

A single, undeveloped, nonconforming lot which does not individually meet the dimensional requirements of this Ordinance and is contiguous with a developed conforming lot held in common ownership at the time of adoption of this Ordinance shall be combined with the developed lot. This provision shall not apply if the contiguous lots are held in common ownership on the effective date of this Ordinance and are recorded separately in the Cumberland County Registry of Deeds, and where the single, unimproved, nonconforming lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and contains at least 20,000 square feet of lot area.

(2) Nonconforming Lot Developed, Conforming Lot Undeveloped

a. Outside and Inside SPO

A single, developed, nonconforming lot which does not individually meet the dimensional requirements of this Ordinance on which a principal use or structure exists and is contiguous with an undeveloped conforming lot held in common ownership at the time of adoption of the Ordinance and is recorded separately in the Cumberland County Registry of Deeds, may continue to be used as if it were a conforming lot provided that any change or expansion of the existing use or structure shall comply with all applicable dimensional and density regulations of the base or overlay district, except lot width or area.

1.6.3. Nonconforming Uses

The following standards apply both inside and outside the SPO District.

A. Continuance

A nonconforming use may be continued even though it does not conform to the use standards for the base zoning district (and any overlay district) in which it is located. A nonconforming use that is discontinued (a) for 12 consecutive months in the last 36 months or more outside the APO, SPO, FPO, and WPO Districts, or (b) for three (3) consecutive months in the last 12 months or more within the APO, SPO, FPO, or WPO Districts, may not be re-established except in compliance with the current requirements of this Ordinance.

X

Comment [AB3]:
ZORC addition
9/29/16

The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner

Section 4.8 Circulation and Access
 Subsection 4.8.1 Street Standards

4.8 Circulation and Access

4.8.1. Street Standards

A. General Standard

The development will not cause unreasonable congestion or unsafe conditions on highways or public roads, either existing or proposed, and the traffic associated with the development shall maintain the existing level of service on any public road within 200 feet of any existing or proposed curb-cut.

Comment [JE159]: From current ordinance section 411.12 with slight revision for clarity. MAW

B. Specific Standards: Development of New Streets

- (1) Streets shall be designed to integrate with the site's topography and natural features and provide safe travel for all users of the street. Any new street or road approved through the Development Review process shall be based upon the written recommendations of the Town Engineer, Fire Chief, Police Chief, and Director of Planning and Development—who shall review the project 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 anticipated multimodal users (vehicles, bicycles, pedestrians, transit) to be accommodated.
- (3) All new streets shall be classified in accordance with criteria set forth in the Brunswick Street Acceptance and Standards Ordinance, as amended.
- (4) All street designs shall comply with the ~~Maine Department of Transportation (DOT) Town of Brunswick~~ Complete Streets Policy, adopted August 15, 2016, 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 provided for within the Policy, warranted and feasible (as those terms are defined in the Policy).~~

Comment [AB160]: Revised based on ZORC discussion 4/25/16

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 Complete Streets Rev.

C. Specific Standards: Street Design and Dedication Standards

Streets intended for public dedication shall be designed and constructed in accordance with the Brunswick Street Acceptance and Standards Ordinance, as amended. 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 contained in Appendix B (Street Standards).

Comment [AB161]: Revised to reference the new TOB Complete Streets Policy 9/29/16.

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

for informational
purposes only - Sec.
4.8.1.B(4).

Town of Brunswick Complete Streets Policy

I. Vision Statement

The Town of Brunswick (the "Town") strives to be a community in which all residents and visitors, regardless of their age, ability, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel. Promoting pedestrian, bicycle, and public transportation travel reduces negative environmental impacts, promotes healthy living, advances the well-being of travelers, supports the goal of compact development, and meets the needs of diverse populations.

The Town's street system design will be consistent with, and supportive of, local neighborhoods, the historic downtown, Bowdoin College, and the Route 1 Corridor, recognizing that transportation needs vary and must be balanced, flexible, safe, and cost effective.

II. Policy Statement

- A. It is the policy of the Town of Brunswick to plan, design, construct, operate, and maintain an appropriate and integrated transportation system that meets the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles, freight haulers, emergency responders, and residents of all ages and abilities. Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel at the start of planning and design work.
- B. Street improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation.
- C. Implementation of this policy shall consider opportunities for enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of surrounding neighborhoods.
- D. Special attention should be given to projects that enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:
 - 1. corridors providing primary access to one or more significant destinations such as parks or recreation areas, schools, shopping/commercial areas, public transportation or employment centers;

2. corridors serving a relatively high number of users of non-motorized transportation modes;
3. corridors providing important continuity or connectivity links to existing pedestrian or bicycle networks;
4. projects identified in regional or local thoroughfare, bicycle and pedestrian plans.

III. Project Relevancy

- A. Projects covered by this policy are those that provide an opportunity to include pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian improvements; Americans with Disabilities Act Title VI compliance; transit accommodations; bicycle accommodations; and streetscapes that appeal to and promote pedestrian use.
- B. Maintenance projects and activities, which include repaving, typically do not provide an opportunity to increase roadway width, add sidewalks, or otherwise add additional assets. These projects may offer the opportunity to improve conditions with signage, restriping, reducing travel lane widths, or other non-widening options. System preservation projects should not decrease the safety for any road users.

IV. Policy Exceptions

- A. Projects that meet one or more of the following criteria are exempt from this policy:
 1. accommodation of a street use prohibited by law;
 2. require more space than is physically available; or
 3. require that the project would be located where both current and future demand is not evident; or
 4. create an increase in project costs beyond the approved budget; or
 5. would have adverse impacts on environmental resources such as streams, wetlands, floodplains, or on historic structures or sites above and beyond the impacts of currently existing infrastructure.
- B. Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint and crack sealing or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity.
- C. Street projects may exclude the development of sidewalks in areas falling outside those identified as appropriate for sidewalks on the basis of an adopted sidewalk policy or other plans.

V. Design Criteria

- A. The Town, through its Public Works and its Planning and Development departments, shall utilize design criteria, standards, and guidelines based upon recognized best practices in street design, construction, and operation. To the greatest extent possible, the Town shall follow the standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage.
- B. Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of:
 - 1. American Association of State Highway Transportation Officials (“AASHTO”) policy on Geometric Design of Highways and Streets, Guide to Planning, Designing, and Operating Pedestrian Facilities, and Guide to Development of Bicycle Facilities;
 - 2. Institute of Transportation Engineers (“ITE”) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach;
 - 3. National Association of City Transportation Officials (“NACTO”) Urban Bikeway Design Guide;
 - 4. U.S. Access Board Public Right-of-Way Accessibility Guidelines;
 - 5. Highway Capacity Manual and Highway Safety Manual; and
 - 6. The Manual of Uniform Traffic Control Devices.
- C. The Town may consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

VI. Policy Administration

- A. This policy shall be administered by the Town Manager, in consultation with the Town Engineer and Department of Planning and Development. The Town Manager’s determination as to whether a project complies with this policy shall be final.
- B. The Brunswick Bicycle and Pedestrian Advisory Committee (“BBPAC”), the Town appointed committee, shall be briefed on potential future projects covered by this policy when those projects are included in the Town’s capital improvement program (“CIP”). This will allow BBPAC an opportunity to provide its views regarding complete streets issues early in the planning and design process.
- C. BBPAC shall also be notified, as early in the development process as practical, of projects not included in the CIP. If BBPAC determines that a project, with a value greater than \$100,000, is not consistent with this policy, BBPAC may appeal to the Town Manager or his designee. Such appeal shall be made within thirty (30) days of notification. The Town Manager shall respond to BBPAC’s appeal within thirty (30)

days of that appeal. Projects with an estimated value equal to or less than \$100,000 are not subject to appeal.

VII. Intergovernmental Cooperation

- A. The Town will cooperate together and with other transportation agencies including the Maine Department of Transportation (“MDOT”) to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities.

VIII. Performance and Reporting

- A. BBPAC shall monitor compliance with the policy and make recommendations for its improvement. BBPAC shall report to the Town Council on an annual basis on transportation projects undertaken within the prior year and planned within the coming year highlighting the extent to which each of these projects has met or will meet the objectives of this policy.

IX. Emergencies

- A. To meet a public emergency affecting public safety, public property, or public convenience, the Town Manager may waive any portion of this policy.

Proposed to Town Council: August 15, 2010

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner

Section 4.14 Performance Standards
 Subsection 4.14.1 Operation of Uses and Development

(5) **Permitting and approval process**

Any entity wishing to erect an Official Business Directional Sign shall make application with the Maine Department of Transportation on an application form provided by MDOT. Prior to submittal to the MDOT for final review, the application will require the signature of the Brunswick Codes Enforcement Officer certifying compliance with the Town's Zoning Ordinance and the approval of the Town's Police and Public Works Departments.

4.14 Performance Standards

4.14.1. Operation of Uses and Development

A. General Standard

Unless otherwise pre-empted by federal or state law, the following standards shall apply to all development activities and uses regulated by this Ordinance, and shall be enforced by the Codes Enforcement Officer.

B. Specific Standard:

- (1) The general standard in Subsection 4.14.1.A above shall be enforced by the Codes Enforcement Officer.
- (2) All construction, drilling, or demolition work shall be conducted between 7:00 am and 7:00 pm except when prior written approval has been obtained from the Codes Enforcement Officer. The Codes Enforcement Officer shall only grant approval for work after hours in the case of special circumstances, and such approval shall not be granted on a regular basis.

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~~(3) Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work is prohibited on Sundays and days which the following holidays are observed: New Years, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas.~~

Comment [AB207]: Moved from Noise subsection since applies generally

Comment [AB208]: Removed by ZORC 9/26/16

C. Specific Standard: Noise

- (1) The following activities are exempt from the requirements of this section: parades, farming, forestry, emergency signals, watercraft, aircraft and automobile traffic.
- (2) The equivalent sound level measured in dBA (decibels-day/night average) resulting from any activity shall not exceed at any point on or beyond the lot line the maximum levels as set forth in the following table:

Table 4.14.1.B: Maximum Equivalent Sound Level Measured in dBA ^{[1],[2]}		
Districts	Day	Night
Rural Area districts, GO, GN	50	40
Growth Residential (GR)	55	45
GM1, GM2, GM3, GM6, GM8, GC1, GC2, GC3, GC4	60	50
GM4, GM5, GM7, GA, GI	70	60
NOTES:		