VILLAGE REVIEW BOARD
APRIL 26, 2016

MEMBERS PRESENT: Chair Gary Massanek, Vice Chair Connie Lundquist, Laura Lienert, Emily Swan, Karen Topp, and Annee Tara

MEMBERS ABSENT: Brooks Stoddard

STAFF PRESENT: Director of Planning and Development, Anna Breinich

A meeting of the Village Review Board was held on Tuesday, April 26, 2016 at the Municipal Meeting Facility at 85 Union Street, Meeting Room 206. Chair Gary Massanek called the meeting to order at 5:00 P.M.

1. Tabled Case # VRB 16-003 – 14 Maine Street (Fort Andross) – The Board will remove from the table, discuss and take action on a Certificate of Appropriateness for the tower placement of a broadband antenna and related equipment at 14 Maine Street (Map U14, Lot 148).

MOTION BY LAURA LIENERT TO REMOVE TABLED CASE #VRB 16-003, 14 MAINE STREET TO TAKE ACTION ON AND DISCUSS FURTHER. MOTION SECONDED BY EMILY SWAN, MOVED UNANIMOUSLY.

Anna Breinich said that she emailed Robin Reed of the Maine Historical Preservation Commission (MHPC) roughly 2 weeks ago regarding the Section 106 review and has not heard back from her about a determination at this point. Anna noted that in Robin's prior email correspondence she stated that she had not yet received a completed application from Redzone Wireless. Emily Swan asked if the applicant was aware that their application was not complete. Anna replied that the applicant is aware. The Landlord of Fort Andross, Dan Jacques, replied that Redzone had an environmental consultant out at the location, but he has not yet received a copy of the report.

MOTION BY EMILY SWAN TO TABLE THE CASE PENDING DETERMINATION FROM SMHPO. CONNIE LUNDQUIST SECONDED, MOTION MOVED UNANIMOUSLY.

2. Case # VRB 16-001– 15 Jordan Avenue – At the request of the applicant, the Board will reconsider their action on a Certificate of Appropriateness for the construction of a replacement structure at 15 Jordan Avenue (Map U08, Lot 41).

MOTION UNANIMOUS AMONG BOARD MEMBERS TO RECONSIDER THE CERTIFICATE OF APPROPRIATENESS APPLICATION FOR 15 JORDAN AVE.

Anna Breinich referenced her cover letter to the Village Review Board dated 4/21/2016 and said that the applicant had filed an appeal within the 30 day time period specifically addressing Condition of Approval #2 from the Village Review Board Findings of Fact dated 2/23/2016. At that time the applicant was informed that the Zoning Board of Appeals had a lack of quorum. However, since that time, a new member is to be nominated and voted in at the next council meeting; this would establish a quorum. The applicant in the meantime submitted a request for reconsideration regarding Condition of Approval # 2.

Kevin Clark, of Sitelines, said that the Findings of Fact do not support Condition #2 and that it is the charge of the VRB to preserve architectural contact and historical integrity of downtown neighborhoods by applying the Design Guidelines and the Brunswick Zoning Ordinance in a reasonable and flexible manner. By forcing this type of window, Kevin said that this is neither reasonable nor flexible. Kevin said that it is their opinion that forcing the recommended window does not follow the rules in the ordinance regarding compatibility "without stifling change or forcing modern recreations of historic styles" and Kevin pointed out that the Design Guidelines say that new construction should be compatible with the existing neighborhood and reflect the time in which they are constructed. A more modern window would do this. Kevin said that the VRB found that generally the overall height, design and setback are consistent with the adjacent structures. In conducting their own research, Kevin said that there are at least 10 structures in the neighborhood that do not have grills in their windows. Kevin said that the window design that the applicant has chosen is both easy to maintain and attractive and is also historically present in buildings nearby.

Connie Lundquist clarified that the original window included in the application was a Craftsman double hung window with additional detail on the top.

Chair Gary Massanek opened the meeting to public comment. No public comment was made and the public comment period was closed.

Karen Topp agreed that the applicant had a good point and said that when she walked around the neighborhood there was a variety of window types. Karen feels that it would be unfair to require the applicant to adhere to one style. Karen said that the proposed window does match the neighboring church and is fine in her opinion. Emily Swan agreed that they should not dictate the style, but believes that they should still require exterior muntins. Emily Swan said that many of the windows in the VRB Zone predate the VRB or predate the VRB Design Guidelines and that some were approved in a time when approvals by staff were unclear. Emily said that the Design Guidelines do point to a clear preference as to real or simulated divided light and she would be happy to amend the motion to support that they do not dictate the style but the construction technique.

The applicant, Leo Theberge, pointed out that the Design Guidelines are for remodeling existing historic buildings; the flower shop was determined 20 years ago not to be a contributing structure and they are building a new structure. Leo reiterated that the Design Guidelines are for remodeling, not for new construction. Leo said that the

windows that the Board is trying to force him to use have not been used since the 1930's and if required, these windows will not look like the other windows in the neighborhood; the new building should reflect the time in which it was built, not the 1930's. Gary Massanek asked if the proposed Craftsman window had muntins between the glass. Leo replied that they do. Connie Lundquist said that she believes that they should stick with requiring exterior muntins. Karen Topp asked if the applicant would be willing to have windows with no muntins. Leo replied that the Board's personal likes and dislikes do not come into play. Connie stated that she does not believe that requiring the muntins on the outside is any member's personal preference. Connie said that this is about maintaining the architectural character of the neighborhood and when the muntins are between the glass, they do not divide the light; this is the reason they require exterior muntins. Leo asked where in the ordinance it states that the Board has the ability to require divided light in new construction of a building. Gary replied that he is not sure that the materials the VRB has available apply to new construction and thinks that this application has found a real weakness in the ordinance. Gary said that unless someone can find a particular spot in the ordinance that allows them to require a particular style for new construction, he is not sure that they can enforce this. Anna Breinich said that the Design Guidelines talk about original materials, additions, repair, rehab, and window replacement, but that it does not talk about new construction. Connie asked about the Federal Guidelines that they are allowed to use. Karen replied that those only ask that you respect the character of the neighborhood and that the Board could argue for days over what this really means; there are no details that they can enforce. Emily asked Gary if he was implying that there is no place in the ordinance where they can enforce the exterior muntins on the windows. Gary replied that he does not see anything other than respecting the street scape. Connie reviewed the items that are required in the New Construction Application and said that she does not see why they would require all of this if the VRB cannot enforce and rule on it. Gary replied that this information can help members to understand the application and whether they meet the requirements that they do have to follow such as massing and materials, but it does not address what kind of windows they can install. Emily said that she is not happy about this, but she is inclined to agree with Gary. Laura Lienert said that she does not feel that all of this is accurate as they just had the application for the CEI building and they discussed all of these issues. Although this project is much smaller, it doesn't change the discussions that they had. Gary said that they talked a lot about massing and materials for the CEI building and they referred to Section 216.9.1.B.d. Gary said that they could try applying the word *materials* to windows, but he believes that this is stretching it too far. Gary said that he is not happy, but in reviewing this application again, he is not sure that they have the powers to require specific windows and pointed out that there are a lot of buildings in the neighborhood that have one over one windows. Connie said that she is satisfied that the guidelines and the ordinance are vague enough that if the Board cannot agree as to what it means, then they cannot impose this on the general public and will need to be clarified.

MOTION BY CONNIE LUNDQUIST TO APPROVE THE REQUEST BY THE APPLICANT FOR RECONSIDERATION OF THE APPLICANT AND TO REMOVE THE PROVISION REQUIRING SPECIFIC WINDOWS AND APPROVE THE WINDOWS THE APPLICANT ORIGINALLY SUPPLIED TO

<u>THE BOARD. MOTION SECONDED BY EMILY SWAN AND MOVED UNANIMOUSLY.</u>

3. Case # VRB 16-012 – 1 Dunning Street/44 Union Street – The Board will discuss and take action on a Certificate of Appropriateness for the construction of a new second story dormer, remove a chimney and replace roof shingles at 1 Dunning Street (Map U14, Lot 002).

Anna Breinich said that this is in an addition to remove a chimney and expand an existing partial roof. Anna said that rear roof dormers can be seen from the west on Dunning Street. Anna said that this application is also for an addition of a skylight on Dunning Street. This structure is considered a contributing structure.

Anne Carton, applicant, said that she has not purchased any new windows yet, but would like to answer any questions that the Board may have. Anne said that the windows that she has picked are six over six and do have the muntins inside the glass, but pointed out they will all face the backyard and are not on the dormer so they cannot be seen from the street. Karen Topp said that when she looked at this building she noticed that the windows were mostly six over six with the L portion being one over one and asked Anne what style she was planning to use. Anne replied that she was hoping to use the six over six as she feels that the one over one are ugly. Gary Massanek asked how far from the roof the dormer will hang. Anne replied that the second story dormer will align with the first story but the roof line will hang over a little. Anna Breinich referenced the drawing, included in packet materials, following the Historic Preservation form. Laura Lienert asked if the skylight could be seen from the street. Anne replied that because it is stationary and cannot be opened you won't be able to see it as it will be flush with the roofline. Anne said that the reason for that window is to get some light on that side of the peaked roof. Connie asked when the addition was put on and Anne replied that she did not know, but that she thinks the Union Street side was built first and the Dunning Street portion was built afterwards. Anna Breinich said that there was nothing in Town records that they could find as to when it was built as they could only go back to the 1950's. Karen asked if the applicant was adding a window to the side with the new dormer and Anne replied that it will just be a wall. Gary asked what the sheathing will be for the dormer and Anne replied that it will be clapboard. Anna said that she noted in the Findings of Fact a condition that whatever trim, if any, be similar in style to what is preexisting to the house. Anne added that there is a casement window above the roof structure over the door on the Dunning Street side and second story windows in the middle will also be replaced, but will submit another application for that.

Chair Gary Massanek opened the meeting to public comment. No public comment was made and the public comment portion was closed.

To save the applicant having to come back before the Board, members agreed to allow the applicant to add window replacement to the application.

Gary Massanek said that he would like to see the dormer back a little farther form the roof. Emily Swan said that she is would like any of the windows that can be seen from the street to be exterior simulated divided light. Emily asked what type of material is on the other windows and Anne replied that they are all vinyl except for the two windows in the furnace room that are wood which is rotting.

MOTION BY CONNIE LUNDQUIST THAT THE CERTIFICATE OF APPROPRIATENESS IS DEEMED COMPLETE. MOTION SECONDED BY BROOKS STODDARD, MOVED UNANIMOUSLY.

MOTION BY CONNIE LUNDQUIST THAT THE BOARD APPROVE THE CERTIFICATE OF APPROPRIATENESS FOR THE EXPANSION OF A REAR ELL DORMER, CHIMNEY REMOVAL, REPLACEMENT OF TWO SECOND STORY NORTH FACING WINDOWS AND INSTALLATION OF ONE STATIONARY SKYLIGHT AT 1 DUNNING STREET WITH THE FOLLOWING CONDITION:

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification, shall require further review and approval in accordance with the Brunswick Zoning Ordinance.

2. That the two proposed double hung second story window replacements visible from Dunning Street shall have exterior window grilles consistent with those on the main structure.

MOTION SECONDED BY EMILY SWAN, MOVED UNANIMOUSLY.

4. Case # VRB 16-013 – 14 Maine Street (Fort Andross) - The Board will discuss and take action on a Certificate of Appropriateness for the rooftop installation of 160 solar panels at 14 Maine Street (Map U14, Lot 148).

Anna Breinich introduced the application for installation of 160 angled solar panels to be located on the rooftop. Anna said she asked for simulated placement photos and was told by Revision Energy that they will not be seen from the street. Karen Topp said that she would agree with the applicant that these will not be seen unless far away.

Dan Jacques, Fort Andross Landlord, said that Revision Energy was not present, but that they are doing this application on behalf of Fort Andross and the Nature Conservancy who is the largest tenant at Fort Andross. Dan said that it is really important to the Nature Conservancy to be green and this size of solar panels will allow them to power their entire office with is significant in size; they want to have a zero footprint. Dan said

that the owners of Fort Andross were concerned originally with the look as well. Dan noted that there is a parapet on the roof on the Maine Street side. Dan said that they are requiring Revision Energy to have at least a 10 foot clearance from the edges to address visual and safety issues. Gary Massanek asked why they chose only 10 feet. Dan replied that 10 feet is a buffer that OSHA uses and if they use a larger buffer, the panels will stretch across more of the roof. Karen Topp did a calculation and given the information provided said that you would have to be 650 feet away from the building to see the panels.

Annee Tara recused herself from the case as her husband is part of the Conservancy.

Gary Massanek suggested 15 feet. Dan Jacques said that there are several ventilations on the roof that are taller than the table that members are sitting at that you cannot see from Maine street or from the hill coming over the bridge from Topsham. Dan said that Bowdoin College has a fiber optic antenna that goes to Coles Tower that also cannot be seen.

Chair Gary Massanek opened the meeting to public comment. No public comment was made and the public comment portion was closed.

MOTION BY BROOKS STODDARD TO DEEM THE CERTIFICATE OF APPROPRIATENESS COMPLETE. MOTION SECONDED BY CONNIE LUNDQUIST, MOVED UNANIMOUSLY.

Emily Swan said that she thinks that this is a great proposal. Dan Jacques said that they are really happy that the Board welcomes this application. Connie Lundquist said that this is the most visible and important structure in Brunswick and wants to make sure that the Board feels comfortable that they do not need a condition that the panels will not be visible. Karen Topp, Emily Swan and Gary Massanek are comfortable that they will not be seen.

MOTION BY BROOKS STODDARD THAT THE BOARD APPROVE THE CERTIFICATE OF APPROPRIATENESS FOR THE ROOFTOP INSTALLATION OF SOLAR PANELS AT 14 MAINE STREET (FORT ANDROSS) WITH THE FOLLOWING CONDITION:

> 1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification, shall require further review and approval in accordance with the Brunswick Zoning Ordinance.

MOTION SECONDED BY KAREN TOPP, MOVED UNANIMOUSLY.

Annee Tara returned to the meeting as a voting member.

5. Case # VRB 16-014 – 17 Bow Street – The Board will discuss and take action on a Certificate of Appropriateness for the demolition of a non-contributing structure and expanding an existing parking lot at 17 Bow Street. (Map U14, Lot 133).

Anna Breinich introduced the application for the demolition of a non-contributing structure within the Cabot Mill Complex to expand the parking lot.

The applicant representative, Dan Jacques, reviewed his letter the Board dated 4/13/2016 and noted that the building is in a state of disrepair and reiterated that this is a non-contributing structure. Dan said that they hoped to do some renovations, but upon inspection by the Codes Enforcement Officer and Deputy Fire Chief, they have found significant renovations will be needed.

Laura Lienert asked if they were proposing any landscaping. Dan Jacques replied that they are not as the footprint is very small. Dan said that there is a tree and grassy area that they intend to retain and maintain. Anna Breinich pointed out that the applicant will need to obtain a Change of Use permit for the parking lot, but that this will be an internal review. Dan said that there are some landscaping changes coming in as they pertain to the Riverwalk path, but these changes have been put on hold until the bridge has been finalized as DOT is asking to take part of their parking lot for the next 2 years and feel that landscaping should be decided afterwards not during .

Chair Gary Massanek opened the meeting to public comment.

Allison Harrison, of the Riverwalk Committee, said that this would be a component of the continuation of the Riverwalk on the Brunswick side and would appreciate it if the Board could be as flexible as possible while the details of landscaping are worked out with DOT.

Brooks Stoddard commended the applicant for wanting to remove the structure as it will show the housing on the river that has survived and will hopefully be improved upon. Brooks said that it would be great if the owner of the apartment complex could remove the metal corrugated fence at the end and suggested that Dan Jacques consider speaking with them.

Chair Gary Massanek closed the meeting to public comment.

Emily Swan agreed with Brooks and said that hopefully the improvements to the Riverwalk will improve upon what is there and highlight this historic structure. Emily is comfortable about giving the owner flexibility as a lot of thought is going into the Riverwalk aesthetically.

MOTION BY CONNIE LUNDQUIST TO DEEM THE CERTIFICATE OF APPROPRIATENESS COMPLETE. MOTION SECONDED BY KAREN TOP, MOVED UNANIMOUSLY.

MOTION BY EMILY SWAN THAT THE BOARD APPROVE THE CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF THE NONCONTRIBUTING RESOURCE LOCATED AT 17 BOW STREET AS OUTLINED IN THE APPLICATION WITH THE FOLLOWING CONDITION:

> 1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification, shall require further review and approval in accordance with the Brunswick Zoning Ordinance.

MOTION SECONDED BY KAREN TOP, MOVED UNANIMOUSLY.

6. Case # VRB 16-015 – 34 School Street – The Board will discuss and take action on a Certificate of Appropriateness for the structural alteration of a structure located at 34 School Street (Map U08, Lot 028).

Anna Breinich introduced the application and reminded the Board that several years ago significant improvements were made to this structure by the then owners who are now rehabilitating 32 School Street. Anna said that some additional modifications are being made to turn the barn / garage to an accessory apartment and reminded the applicant that this will require a change of use permit for an accessory apartment.

Applicant, Theodore Perry, introduced himself and said that he is very happy to be in this neighborhood and to be working with Amy Russell (former owner) in improving the structure. Theodore said that he hopes he has submitted what is needed and would like to answer any questions. Laura Lienert asked why the removal of the chimney is necessary. Theodore replied that the chimney is no longer used and that the last wind storm tore out half of the roof and most of the chimney that was there. Repair would not be necessary since it is not used. Emily Swan asked if he was planning on using the same windows that are currently there and Theodore said he wants to use the same windows that are on the house. He would like to use the trim above the doorway to the barn as there are 4 different types of trim on the barn.

Gary Massanek opened the meeting to public comment. Hearing none, the public comment period was closed.

MOTION BY CONNIE LUNDQUIST THAT THE CERTIFICATE OF APPROPRIATENESS IS DEEMED COMPLETE. MOTION SECONDED BY BROOKS STODDARD, MOVED UNANIMOUSLY.

MOTION BY EMILY SWAN THAT THE BOARD APPROVES THE CERTIFICATE OF APPROPRIATE FOR THE STRUCTURAL ALTERATIONS TO CONVERT THE EXISTING BARN/GARAGE TO AN ACCESSORY APARTMENT WITH THE FOLLOWING CONDITION.

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification, shall require further review and approval in accordance with the Brunswick Zoning Ordinance.

MOTION SECONDED BY CONNIE LUNDQUIST, MOVED UNANIMOUSLY.

7. Other Business: Workshop date to be determined.

8. Approval of Minutes:

MOTION BY EMILY SWAN TO APPROVE THE FEBRUARY 3, 2016 MEETING MINUTES AS AMENDED. MOTION SECONDED BY KAREN TOPP, APPROVED UNANIMOUSLY. ANNEE TARA ABSTAINED.

9. Next Meeting Date – 5/17/16

Staff Approvals:

o 55 Cushing Street – Signage (Atlantic Regional Federal Credit Union)
o 149 Maine Street – Signage (Wild Oats)

Adjourn
This meeting was adjourned at 7:44 P.M.

Respectfully Submitted

Tonya Jenusaitis,
Recording Secretary