Draft Zoning Ordinance for Planning Board Public Hearing Town of Brunswick, Maine

PUBLIC HEARING DRAFT

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Brunswick Zoning Ordinance Rewrite Committee

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Chapter 1 - General Provisions

1.1 Title, Scope, and Authority

1.1.1. Title

This Ordinance shall be cited as "The Zoning Ordinance of the Town of Brunswick."

1.1.2. Scope

This Ordinance regulates the location, design, construction, alteration, occupancy, and use of structures and the use of land in The Town of Brunswick and divides the Town into Land Use Zoning Districts.

1.1.3. Authority

This Ordinance is enacted under the authority of the Brunswick Town Charter and Title 30-A of the Maine Revised Statutes Annotated (M.R.S.A.).

1.2 Purposes

1.2.1. General Purposes

The purpose of this Ordinance is to establish land use requirements consistent with the Maine Growth Management Program (Title 30-A M.R.S.A. § 4312 et seq.), hereinafter referred to as "The Growth Management Program") and to implement the Town of Brunswick Comprehensive Plan, as amended.

1.2.2. Specific Purposes

As stated in the Town of Brunswick 2008 Comprehensive Plan, specific purposes of this Ordinance are to:

A. Direct development to Town-designated growth areas by encouraging higher density and infill development, particularly where public water, sewer, and stormwater systems exist, and in a manner that is compatible with the existing livable neighborhoods.

B. Maintain the rural character of, and guide development away from, designated rural areas by limiting development and promoting the preservation and protection of important open spaces and habitats.

C. Protect shorelands, rivers, streams, wetlands, forest habitats, and other natural resources from harmful development activities.

D. Provide a range of affordable housing throughout the community.

E. Protect and maintain historic, scenic, and recreational resources.

F. Promote an economically viable, pedestrian-friendly, and attractive downtown that serves as the community's social center, the focus of the community's creative economy, and home to a variety of small businesses while accommodating increased housing opportunities.

G. Encourage expansion of existing and new commercial, industrial, agricultural, and marine harvesting enterprises to maintain a diverse and healthy local economy.

H. Provide expanded pedestrian, bicycle, and transit use through efficient land use and encourage more efficient vehicular use.

I. Control nuisances such as, but not limited to, odor, noise, and site lighting.

J. Encourage orderly and effective development that is compatible with Brunswick's historic development patterns, unique character, and its established neighborhoods.

K. Provide an efficient and fair land use regulatory system.

L. Require the recognition and evaluation of flood hazards in all official actions relating to land use in designated floodplain areas.

1.3 Planning Areas

1.3.1. Planning Areas as Identified in the 2008 Comprehensive Plan

The Town of Brunswick is organized into the following Planning Areas. These areas are described in Appendix A - Planning Areas.

Table 1.3.1: Planning Areas

Growth Areas	Rural Areas
Town Core	Farm and Forest Conservation Areas
Town Residential	Coastal Protection Areas
Town Extended Residential	Route One Mixed Use Area
Cook's Corner Commercial Hub	
Cook's Corner Extended Area	
Brunswick Naval Air Station (BNAS) Reuse	
Commercial Connectors	
Exit 28-Mixed Use Development Area	
Industrial Areas	

1.3.2. Purposes and Uses of Planning Areas

A. The Planning Areas are identified and described in this Ordinance for the limited purposes of:

(1) Providing an understanding of the principles upon which the zoning is based.

(2) Serving as a guide in evaluating proposed Ordinance text and map amendments, waivers, Special Permits, and Appeals.

B. If a conflict is found between standards applicable to zoning districts and the policies set forth in Appendix A (Planning Areas) for the corresponding Planning Area, the zoning district standards shall prevail.

1.4 Zoning Districts and Zoning Map

1.4.1. Establishment and Maintenance of Zoning Map

A. The Town is divided into the various base and overlay zoning districts established in Chapter 2 (Zoning Districts), with district locations and boundaries shown on the Town of Brunswick Zoning Map.

B. The Zoning Map is hereby incorporated by reference and made part of this Ordinance.

C. The Zoning Map is the latest adopted electronic map of zoning districts, as affirmed by the Department of Planning and Development.

1.4.2. Lots in Two Zoning Districts

A. **Lots Greater than Ten (10) Acres**

When a lot greater than ten (10) acres is divided by a boundary between two (2) base zoning districts, the zoning requirements for each district shall be applied as though the portions in each district were separate lots. The only exception is that there shall be no minimum setback or frontage requirements along the zoning boundary line.

B. **Lots Less than Ten (10) Acres**

When a lot less than ten (10) acres is divided by a boundary between two (2) base districts, the provisions of the zoning district in which the larger portion of the lot lies shall govern the use, density, lot area, and dimensional requirements for the lot.

C. **Lots in Overlay Districts**

When a lot is partially within an overlay district, the provisions of the overlay district shall apply only to the affected portion of the lot, regardless of the size of the lot.

1.5 Conflicts; Relationship to Other Laws

Where the provisions in one part of this Ordinance conflict with those in any other part of this Ordinance, the more restrictive provision shall apply except where expressly provided otherwise, and except that the provisions of an overlay zoning district supersede the provisions of the base zoning district regardless of whether they are stricter or more lenient. Nothing in this Ordinance shall be interpreted to supersede the provisions of a more restrictive local, state, or federal law, rule, Ordinance or regulation unless state or federal law requires a different outcome.

1.6 Nonconformities

1.6.1. General

A. **Nonconforming Defined**

As used in this Section, the term “nonconforming” refers to a lot, use, structure, site feature, or sign which is allowed solely because it was in lawful existence at the time of the effective date of this Ordinance or when a subsequent Ordinance amendment takes effect.

B. **Transfer of Ownership within the Shoreland Protection Overlay (SPO) District**

Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

C. **Repair and Maintenance within the Shoreland Protection Overlay (SPO) District**

This Ordinance allows, without a Shoreland Protection Overlay Permit, the normal upkeep and maintenance of nonconforming uses and structures, including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

1.6.2. Nonconforming Lots

A. **Definition of a Single Nonconforming Lot**

A single nonconforming lot is a nonconforming lot of record as of the effective date of this Ordinance or amendment thereto in separate ownership and not contiguous

with any other lot in the same ownership. For purposes of the Shoreland Protection Overlay (SPO) District, a single nonconforming lot is a single lot of record which, at the effective date of adoption of this Ordinance, does not meet the area, frontage, or width requirements of the SPO or Sub-District of the SPO in which it is located.

B. **Development and Use of Single Nonconforming Lots Outside of a Subdivision**

(1) **Undeveloped**

a. **Outside Shoreland Protection Overlay (SPO) District**

May be used as allowed by Chapter 3 (Property Use Standards) or Subsection 1.6.3 (Nonconforming Uses) if either:

i. The lot area is at least 3,000 square feet, and it complies with Chapter 4 Subsections 4.2.3 or 4.2.4 as applicable (Dimensional and Density Standards); or

ii. The lot area is smaller than 3,000 square feet, or lot width is less than 65 feet, setbacks are no less than 90%, and impervious surface coverage is no more than 110% of Chapter 4 dimensional and density standards.

b. **Within SPO**

May be built upon without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setbacks or other requirements not involving lot area, lot width and shore frontage shall be obtained by action of the Zoning Board of Appeals.

(2) **Developed**

a. **Outside SPO**

A nonconforming lot containing a legally existing structure may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable dimensional and density standards of the district in which it is located and shall not increase any nonconformity.

b. **Within SPO**

A single nonconforming lot containing a legally existing structure may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable zoning district dimensional and density standards, as well as all applicable regulations found in Subsection 1.6.4 of this Ordinance, and shall not increase any nonconformity.

C. **Development and Use of Single Nonconforming Lot Within Subdivision**

(1) **Undeveloped**

a. **Outside and Within SPO**

A single nonconforming lot may be used as allowed by Chapter 3 or Subsection 1.6.3 if:

i. The lot is in separate ownership and not contiguous with other lots in same ownership;

ii. And

(A) If lot area is less than 20,000 square feet, it complies with the remaining Chapter 4 standards, or

(B) If lot area is less than 20,000 square feet or lot width is less than 100 feet, setbacks are no less than 90% and impervious surface coverage is no more than 110% of Chapter 4 Subsection 4.2.3 and 4.2.4 (Dimensional and Density Standards).

(2) **Developed**

a. **Outside and Within the SPO**

A nonconforming lot containing a legally existing structure or use may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable dimensional and density standards contained in Subsections 1.6.4, 4.2.3 and 4.2.4 and shall not increase any nonconformity with respect to lot area, lot width, or impervious surface ratio.

D. **Development and Use of a Single Developed Lot with Two (2) or more Principal Uses or Structures – Lot Currently Conforming or Nonconforming**

(1) **Outside or Within SPO**

If two (2) or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the lot area complies with the minimum requirements of the State of Maine Subsurface Wastewater Disposal Rules (in those areas not served by public sewer) and the State Minimum Lot Size Law (12M.R.S.A. Sections 4807-A through 4807-D). When such lots are divided, each lot thus created must be as conforming as practicable to the dimensional requirements in Subsection 4.2.3 or 4.2.4 (Dimensional and Density Standards).

E. **Development and Use of Contiguous Nonconforming Lots in Common Ownership**

(1) **Both Lots Undeveloped, Outside or Within SPO**

If two (2) or more contiguous lots are in common ownership of record at the time of adoption of this Ordinance, if any of these lots do not individually meet the dimensional standards of this Ordinance, and if one (1) or more of the lots is vacant or contains no principal structure, the lots shall be combined to the extent necessary to meet the applicable dimensional standards of this Ordinance. The provision shall not apply to two (2) or more contiguous lots that are held 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 (1) 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 in lot area.

(2) **Both Lots Developed, Outside or Within SPO**

If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the effective date of adoption of this Ordinance, if all or part of the lots do not meet the

dimensional and density requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. Sections 4807-A through 4807-D) and, if the property is not served by public sewer, that the lot can accommodate a subsurface wastewater sewage disposal system in conformance with the State of Maine Subsurface Wastewater Rules.

(3) **One or More Lots Developed with Principal Structure or Use, and One (1) or More Lots Undeveloped**

Outside or Within SPO

If two (2) or more contiguous lots are in common ownership of record at the effective date of the Ordinance and if any of these lots contain no principal structure and do not individually meet the dimensional and density standards of this Ordinance, the lots shall be combined to the extent necessary to meet the said standards. This provision shall not apply to two (2) 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 (1) 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 of lot area.

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

(1) **Conforming Lot Developed, Nonconforming Lot Undeveloped**

Outside and Within SPO

A single, undeveloped, nonconforming lot which does not individually meet the dimensional and density standards of this Ordinance and is contiguous with a developed conforming lot held in common ownership on the effective date 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 adoption 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**

Outside and Within 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 on the effective date 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 standards of the base or overlay district, except lot width or area.

1.6.3. Nonconforming Uses

The following standards apply both within 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 for either 12 consecutive months in the last 36 months or more outside the APO, SPO, FPO, and WPO Districts, or 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 standards of this Ordinance.

B. **Change in Use**

A nonconforming use may be replaced by another use not allowed in the base zoning district (or any overlay district) if the Director determines that the new use will have no greater adverse impact on the water body, wetland, aquifer, or on adjacent properties and resources, than the existing use. To show that no greater adverse impact will occur, the development review application shall include written documentation assessing the probable effects on public health and safety, traffic, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, scenic features, as delineated in the 2002 Brunswick Parks, Recreation and Open Space Plan, as amended, flood plain management, archaeological and historic resources, commercial fishing and marine activities, and other functionally water-dependent uses.

C. **Expansion of Use**

A nonconforming use may be expanded throughout the existing structure housing the use. A nonconforming use may also be expanded throughout any expansion of the existing structure allowed by this Ordinance. Any additional expansion of area occupied by the use, whether from expansion of the structure or extension of the use to additional land area, shall be limited to 1,000 square feet over a five-year period, provided that further expansion of a significant nonconforming use may be allowed through approval of a Special Permit in accordance with Subsection 5.2.3.C (Review of Expansions of Legally Nonconforming Unclassified or Omitted Uses).

D. **Reconstruction of Structure with a Nonconforming Use**

If a structure housing a nonconforming use is destroyed or damaged by any cause, the nonconforming use may be re-established in the structure if it is restored or reconstructed provided that a Building Permit for the restoration or reconstruction is obtained within five (5) years after the date of destruction or damage, if the property is located outside the APO, SPO, FPO, and WPO Districts; or within one (1) year of the date of destruction or damage, if the property is located within the APO, SPO, FPO, and WPO districts.

1.6.4. Nonconforming Structures

A. **Continuance**

Both in and outside the SPO District, a nonconforming structure may be continued, and may continue to be used for any use permitted within a base district or overlay district in which the property is located, or by Subsection 1.6.3 (Nonconforming Uses), even though the structure or its use does not conform to the requirements of this Ordinance. The structures,

collectively known as Fort Andross or Cabot Mill, located North of Highway 1, West of Maine Street, and South of the Androscoggin River that exceed the maximum height of the GM6 zoning district shall be deemed to be conforming structures.

B. **Expansion**

(1) **Outside SPO District**

A nonconforming structure may be expanded if the expansion area complies with the standards of this Ordinance and the expansion does not increase the structure's nonconformity or create any other nonconformity, which the exception of the following:

a. Where the structure is nonconforming because it extends into a minimum required setback, it may be expanded further within the minimum required setback as long as it does not extend beyond the setback established by the existing nonconforming structure.

b. Where a structure, located within a Growth Area Zoning District, is nonconforming because it exceeds the allowable maximum building footprint, the structure may be expanded by Special Permit (Subsection 5.2.4), such that the expansion does not create any other nonconformity.

(2) **Within SPO District**

a. All new principal and accessory structures, excluding functionally water-dependent uses, shall comply with the water body or wetland setback requirements set forth in Subsection 2.3.3.C(1)a. A nonconforming structure may be added to or expanded after obtaining a permit from the same Review Authority as that for a new structure, if such addition or expansion does not increase the structure's nonconformity and is in accordance with Subsections 1.6.4.B (2) b and c below.

b. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, stream, or upland edge of a wetland is prohibited, even if the expansion does not increase nonconformity with the water body, stream or wetland setback requirement. Expansion of an accessory structure located closer to the normal high-water line of the water body, stream or upland edge of a wetland than the principal structure is prohibited, even if the expansion does not increase nonconformity with the water body, stream or wetland setback requirements.

c. Notwithstanding Subsection 1.6.4.B(2)a, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, stream, or upland edge of a wetland, that structure may be expanded as follows, as long as the expansion complies with all other standards of this Ordinance and the expansion is not prohibited by Subsection 1.6.4.B(2)a.

The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

d. All other legally existing nonconforming principal and accessory structures that do not meet the water body, stream, or wetland setback requirements may be expanded or altered as follows, as long as the expansion complies with all other

requirements of this Ordinance and the expansion is not prohibited by Subsection 1.6.4.B(2)a. or b.

e. For structures located less than 125 feet from a river freshwater wetland, or coastal wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30 percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not exceed 20 feet, or the height of the existing structure, whichever is greater. For structures located within the Shoreland Protection Overlay – Stream Protection Sub-District (SPO-SP), the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30 percent larger than the footprint that existed on November 18, 2002, whichever is greater. The maximum height of any structure may not exceed 20 feet, or the height of the existing structure, whichever is greater. In addition to the limitations as set forth in Subsection 1.6.4.B(2)d.i for structures that are legally nonconforming due to their location within the Shoreland Protection Overlay – Resource Protection Sub-District (SPO-RP) or when located less than the required structure setback from a water body or wetland, the maximum combined total footprint for all structures shall not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Shoreland Protection Overlay - Resource Protection Sub-district (SPO-RP) or its equivalent was established on the lot, whichever is greater. The maximum height of any structure shall not exceed 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, stream, or upland edge of a wetland must meet the footprint and height limits contained in Subsections 1.6.4.B(2)c.i and 1.6.4.B(2)d.i. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Cumberland County Registry of Deeds, within 90 days of approval. The recorded plan shall show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the SPO, and if applicable, SPO Sub-District areas and evidence of the approval of the Review Authority. A copy of the recorded plan shall be provided to the Town of Brunswick Department of Planning and Development by the applicant.

f. A foundation shall not be considered an expansion of the structure if the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in accordance with (Subsection 1.6.4.B(2)d), and does not cause the structure to be elevated by more than three (3) feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill).

C. Restoration, Reconstruction or Replacement

(1) Outside SPO District

Any nonconforming structure that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition, or replaced with a structure comparable to the destroyed or damaged structure, provided that a Building Permit for the restoration, reconstruction, or replacement is obtained within two (2) years after the date of destruction or damage; and no existing nonconformity is increased and no new nonconformity is created. Any restoration, reconstruction, or replacement of a nonconforming structure authorized by a Building Permit obtained after two (2) years shall comply with the current requirements of this Ordinance.

(2) **Within SPO District**

a. Less than 50 Percent Damage

b. Any nonconforming structure, located within the required setback of a water body, stream or wetland, that is removed, destroyed or damaged by any cause, excluding normal maintenance and repair, such that the removal, destruction or damage is 50% or less of the structure's pre-destruction or pre-damage market value may be restored or reconstructed to its pre-destruction or pre-damage condition, provided that the structure is restored, reconstructed, or replaced in the same location and a Building Permit is obtained from the Code Enforcement Officer within one (1) year of such removal, destruction or damage. More than 50% Damage

i. Any nonconforming structure located within the required setback from a water body, stream, or wetland, that is removed, damaged or destroyed by any cause, excluding normal maintenance or repair, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a Building Permit is obtained within 18 months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water body, stream or wetland setback standards to the greatest extent practicable as determined by the Code Enforcement Officer. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

ii. If the reconstructed or replacement structure is located within the required setback of a water body, stream or wetland, it shall not be any larger than the original structure, except as allowed pursuant to Subsection 1.6.4.E.(2), as determined by the nonconforming footprint of the reconstructed or replacement structure in its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for the new structure.

iii. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Subsection 1.6.4.E(2).

iv. In determining whether the building reconstruction or replacement meets the setback to the greatest extent practicable, the Code Enforcement Officer shall consider, in addition to the criteria contained in Subsection 1.6.4.E(2), the physical condition and type of foundation present, it any.

v. If the structure can be restored, reconstructed, or replaced so that the total amount of floor area and volume of the original structure is located outside the minimum setback from a water body or wetland required by Subsection 2.3.3.C(1), no portion of the restored, reconstructed, or replacement structure shall be located at less than the minimum setback from a water body or wetland required by Subsection 2.3.3.C(1) for a new structure.

vi. If the structure cannot be repaired, restored, reconstructed, or replaced so that the total amount of floor area and volume of the original structure is located outside the minimum setback from a water body or wetland required by Subsection 2.3.3.C(1), the total amount of floor area and volume of the restored, reconstructed, or replacement structure located within the minimum setback area shall be no greater than for the original structure, except as

allowed in accordance with Subsection 1.6.4.B(2) (Nonconforming Structures/Expansion) . If the restoration, reconstruction, or replacement of a nonconforming structure requires removal of vegetation within the required minimum setback area from a water body or wetland, such vegetation shall be replaced within the setback area in accordance with Subsection 1.6.7.

D. **Relocation to a Different Parcel, Outside or Within SPO District**

A nonconforming structure may be relocated to a different parcel provided it complies with the dimensional and density standards of the base zoning district (and any applicable overlay district) in which it is relocated. If the relocation of a nonconforming structure requires removal of vegetation within the required SPO minimum structure setback area from a water body or wetland, such vegetation shall be replaced within the setback area in accordance with Subsection 1.6.7. Where feasible, when a nonconforming structure in the setback area is relocated, the original location of the structure shall be replanted with vegetation consisting of native grasses, shrubs, trees, or a combination thereof.

E. **Relocation on Same Parcel**

(1) **Outside SPO District**

A **n**onconforming structure may be relocated within the same parcel provided it complies, to the greatest extent practicable, with the dimensional requirements of the base zoning district (and any applicable overlay district) in which it is relocated. In determining whether the relocated structure complies, to the greatest extent practicable, with such standards, the Code Enforcement Officer shall consider the size of the parcel, the slope of the land and potential for soil erosion, the location of other structures on the parcel and on adjoining properties, and the location of any easements, septic systems and wells on the parcel.

(2) **Within SPO District**

a. A nonconforming structure may be relocated within the boundaries of the parcel on which it is located, provided that the site of relocation conforms to all setback requirements, to the greatest extent practicable, as determined by the Code Enforcement Officer and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and Rules. In no case shall a structure be relocated so that it is more nonconforming.

b. In determining whether the building relocation meets the setback to the greatest extent practicable, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties; the location of any easements, septic systems, and wells; other on-site soils suitable for septic systems; and the type and amount of vegetation to be removed to accomplish the relocation. It is the responsibility of the applicant to provide this information to the Code Enforcement Officer.

c. When it is necessary to remove vegetation within the water body or wetland required setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Subsection 2.3.3.C(11). Replanting shall be completed in accordance with Subsection 1.6.7

d. Where feasible, when a structure is relocated, its original location shall be replanted with native vegetation consisting of native grasses, shrubs, trees, or a combination thereof.

F. **Foundations**

Within SPO District

Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation shall be placed such that the required setback is met to the greatest extent practicable as determined by the Code Enforcement Officer, based on criteria specified in Subsection 1.6.4.E(2) (Relocation on Same Parcel).

1.6.5. Nonconforming Site Features

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

A. **Continuance**

A nonconforming site feature may be continued even though it does not conform to the standards of this Ordinance.

B. **Expansion or Modification**

A nonconforming site feature may be expanded or modified if the expansion area or modification complies with the requirements of this Ordinance and the expansion or modification does not extend the site feature's nonconformity or create a new nonconformity. In the APO, SPO, FPO, and WPO Districts, the expansion or modification must also comply with the minimum setback from a water body or wetland required by Subsection 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable.

C. **Restoration, Reconstruction, or Replacement**

Any benign nonconforming site feature that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition, or replaced with a site feature comparable to the destroyed or damaged site feature, provided that no existing nonconformity is increased and no new nonconformity is created, and provided that a permit for the restoration, reconstruction, or replacement site feature is obtained within two (2) years after the date of destruction or damage, if the property is located outside the APO, SPO, FPO and WPO Districts; or within one (1) year after the date of destruction or damage, if the property is located within the APO, SPO, FPO and WPO Districts. Any restoration, reconstruction, or replacement of the site feature approved after two (2) years outside the APO, SPO, FPO and WPO Districts; or after one (1) year within the APO, SPO, FPO and WPO Districts, shall comply with all requirements of this Ordinance. Within the APO, SPO, FPO and WPO Districts, the restoration, reconstruction, or replacement shall comply with the minimum setback from a water body or wetland required by Subsection 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands) to the greatest extent practicable.

1.6.6. Determination of Compliance to the Greatest Extent Practicable

In determining whether an expanded, restored, reconstructed, replacement, or relocated nonconforming structure or site feature complies with setback requirements to the greatest extent practicable, the Review Authority shall consider the area of the parcel, the parcel's topography and potential for soil erosion, the location of other structures on the parcel and on adjoining properties;

the location of any easements, septic systems or wells; soils suitable for septic systems on the parcel, and the type and amount of vegetation to be removed to accomplish the expansion.

1.6.7. Standards for Replacement of Removed Vegetation

Where replacement of removed vegetation is required by a provision in this Subsection 1.6.7, the vegetation shall be replaced within the setback area in accordance with the following standards:

A. Removed trees shall be replaced with at least one (1) native tree, at least three (3) feet in height, for every tree removed.

(1) If more than five (5) trees are planted, no one (1) species of tree shall make up more than 50 percent of the number of trees planted.

(2) Replaced trees must be planted no further from the water body or wetland than the trees that were removed.

B. Other woody and herbaceous vegetation and ground cover that are removed or destroyed shall be re-established in an area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed. The replacement vegetation and/or ground cover shall consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

1.7 Definitions and Rules of Construction

1.7.1. Rules of Ordinance Structure

A. **Similar Terms**

Terms which are similar that follow the spirit and intent of this Ordinance shall be so interpreted. For instance, the regulations pertaining to motels apply also to hotels. Should an Ordinance-referenced Federal, State or Local Agency or Department name be changed, or another agency or department takes over its function after Ordinance adoption, the new agency or department name shall be so interpreted.

B. **Separability**

The invalidity of any provision of this Ordinance does not invalidate any other provision.

C. **Abbreviations/Acronyms**

The following abbreviations/acronyms are used in this Ordinance:

Abbreviation/Acronym	Meaning
AAO	Airport Approach Overlay
AAZ	Airport Approach Zone
APO	Aquifer Protection Overlay
APO1	Aquifer Protection 1
APO2	Aquifer Protection 2
APO3	Aquifer Protection 3
BNAS	Brunswick Naval Air Station
CRI	Color Rendering Index
DU	Dwelling Unit
FAA	Federal Aviation Administration

Abbreviation/Acronym	Meaning
FAR	Federal Aviation Regulation
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FPO	Flood Protection Overlay
FO	Flight Path Overlay
FT	Foot or Feet
GA	Growth Aviation
GC	Growth College
GI	Growth Industrial
GIS	Geographic Information System
GM	Growth Mixed Use
GN	Growth Natural Resources
GO	Growth Outdoor Recreation
GR	Growth Residential
IES	Illumination Engineering Society
IN	Inch or Inches
ITE	Institute of Traffic Engineers
LID	Low Impact Development
MDIF&W	Maine Department of Inland Fisheries and Wildlife
MEDEP	Maine Department of Environmental Protection
MHO	Mobile Home Park Overlay
MNAP	Maine Natural Areas Program
MSL	Mean Sea Level
NFIP	National Flood Insurance Program
NGVD	National Geodetic Vertical Datum
NPO	Natural (Resource) Protection Overlay
RCMU	Reuse (District) Community Mixed Use
RF	Rural Farm and Forest
RM	Rural Mixed Use
RN	Rural Natural Resources
RP	Rural Protection
RPZ	Runway Protection Zone
RR	Rural Residential
SF	Square Foot
SPO	Shoreland Protection Overlay
SWES	Small Wind Energy System

Abbreviation/Acronym	Meaning
TCO	Telecommunications Overlay
UIS	Urban Impaired Stream
USEPA	U. S. Environmental Protection Agency
VFR	Visual Frame of Reference
VRO	Village Review Overlay
WPO	Wildlife Protection Overlay
ZBA	Zoning Board of Appeals

1.7.2. Definitions

Accessory Apartment: A subordinate dwelling unit added to, created within, or detached from a 1- or 2-family dwelling or a commercial structure, but located on the same lot or parcel as a primary structure, that provides basic facilities for living, sleeping, cooking, and sanitation.

Accessory Structure: A structure subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building or use.

Adult Entertainment Establishment: Those businesses in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials or devices of any kind that appeal to prurient interest and that depict or describe specified sexual activities or specified anatomical areas. "Specified sexual activities" include: 1) the exposure of human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse or sodomy; 3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts; 4) live nude exhibition. “Specified anatomical areas” include 1) less than completely and opaquely covered (a) human genitals or pubic region, and (b) buttock, and (c) female breast below a point immediately above the top of the areola, and 2) human male genitals in a discernably turgid state, even if completely and opaquely covered.

Agricultural Clearing: A clearing created to support the production of traditional agricultural crops including grazing areas for livestock, fields used for the production of hay, straw, and other fruit, grain, and vegetable crops, Christmas tree farms, and orchards. This definition does not include mineral extraction.

Agriculture: The production, keeping, or maintenance, for sale or lease, of plants and/or animals including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruit and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Agricultural Composting Operation: Composting that takes place on a farm. Agricultural composting operation does not include an operation that involves nonorganic municipal solid waste; that composts municipal sludge, septage, industrial solid waste or industrial sludge; or that composts materials with a moderate or high risk of contamination from heavy metals, volatile and semivolatile organic compounds, polychlorinated biphenyls or dioxin.

Agricultural Structure: Any primary or accessory structure designed for or used for conducting agriculture, including but not limited to barns, sheds, silos, animal shelters, storage enclosures, pens, water or irrigation tanks or related structures, or bunkhouses, but not including a single or two-family dwelling, a multifamily dwelling, and not including portable equipment.

Alteration: The addition, demolition, or construction of any building on a pre-existing site, including the removal or addition of façade materials, the addition of floor area to a site, the erection of fences or the addition of signage, and the creation of new impervious surface.

Aquaculture: The commercial raising of marine animals and plants in a natural or man-made aquatic environment, including the processing of marine animals and plants and their byproducts.

Archaeological and Historic Resources: Any material of past human life, activities, or habitation that are of historic or prehistoric significance.

Architectural or Archaeological Significance: A site, structure, object, or artifact that is listed, or is eligible to be listed on the National or Maine Registers of Historic Places, or that contributes archaeologically, culturally, or architecturally to the history of the Town of Brunswick.

Area of Special Flood Hazard: The land in the floodplain having a one (1) percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Section 2.3.4.B(2).

Assisted/Congregate Living Facility: A long-term residence for people with disabilities that prevent them from living on their own, or for people without disabilities. The residence provides private rooms or apartments with common areas for dining, socializing and programs along with daily meals, personal services, and may also offer limited nursing and 24 hour care. Housekeeping services are provided, but residents are relatively self-sufficient. It also includes a "community living arrangement" as defined in Title 30-A M.R.S.A. § 4357-A for eight (8) or fewer persons with disabilities. For purposes of this use, the term "disabilities" shall have the same meaning assigned by federal law and regulations pursuant to the Fair Housing Act Amendments of 1988.

Aviation Operations: Runways, taxiways, navigational devices, communication facilities, control towers, and similar facilities directly related to the operation and maintenance of an airfield including administrative offices and facilities for fueling aircraft.

Aviation Related Businesses: Facilities and businesses that rely on or directly benefit from proximity to airport facilities including, but not limited to, general and corporate aviation facilities, charter air service, aircraft maintenance/repair/overhaul, aviation related manufacturing, sales, service, or education, government and aerospace research and development, and similar aviation-related activities including ancillary facilities that service aviation uses.

Basal Area: The area of cross-section of a tree stem, including bark, at four and one-half (4½) feet above ground level.

Base Flood: A flood having a one (1) percent chance of being equaled or exceeded in any given year commonly called the 100-year flood.

Basement: Any area of building having its floor subgrade (below ground level) on all sides. For purposes of the Shoreland Zoning Overlay regulations of the SPO District, basement means any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than fifty (50) percent of its volume below the existing ground level.

Bed and Breakfast: A dwelling occupied by the owner as a principal place of residence with not more than ten (10) rooms that are rented on a per diem basis, where meals may be provided to those who rent rooms.

Boarding House: A building other than a hotel containing a shared kitchen and/or dining room, with sleeping rooms accommodating no more than two (2) persons per room (excepting minor children) that are offered for rent, with or without meals.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building Height: Generally the vertical distance measured from the average ground elevation of the finished grade at the base of a structure up to the highest point of the structure. For buildings with a

gabled roof, building height is measured up to the midpoint between the eave and peak of the roof. For purposes of the Shoreland Zoning Overlay regulations, height of a structure is measured as the vertical distance from the mean original (prior to any new construction) grade at the downhill side of the structure up to the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Bureau of Forestry: A bureau contained within the State of Maine Department of Agriculture, Conservation and Forestry.

Bus or Rail Station: An area or structure where public passengers board or alight from busses or trains or transfer between busses and trains, including accessory facilities such as passenger shelters and benches, but not including any facilities located in the public rights-of way.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy, Forest or Tree: The more or less continuous cover formed by tree crowns in a wooded area.

Car Wash: A structure and related land area containing facilities for the commercial washing of motor vehicles by hand or by using production-line, automated or semi-automated equipment, including facilities where washing is performed by the motor vehicle owner, where washing is mechanized, and where washing is performed by employees.

Character-Defining Feature: For the purposes of the Village Review Overlay (VRO) District, the form, material, and detail of an architectural feature important in defining a building's historic character and whose retention will preserve that character. Such features include, but are not limited to, facades, roofs, porches, windows, doors, trim, massing, scale, and orientation of structures, and landscape features such as fences, walls, posts, and walkways.

Club or Lodge: An association of persons for social or recreational purposes which may include the promotion of some common objective.

College: Any building that is used for offering courses, lectures, training seminars or other similar use of post-secondary education, or that is used in support of the educational, cultural and recreation mission of the institution, including accessory structures and uses necessary to support those activities, but not including facilities such as kindergarten, elementary, middle or secondary school.

Color Rendering Index (CRI): A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100.

Common Development Plan: A proposed development approved in accordance with Section 5.2.9.H. A Common Development Plan may involve multiple new buildings or structures on a single lot, multiple new buildings or structures on multiple lots, or a single new building or a redeveloped building on an individual lot or multiple lots.

Community Center: A building that provides a meeting place for a local, non-profit community organization on a regular basis.

Community Water and Sewer Facility: A water and sewer facility that is operated and maintained solely by a homeowners' association or other non-municipal entity and that does not connect to any municipal system.

Compatibility: For purposes of the Village Review Overlay District (VRO), possessing characteristics that are predominant in nature to character-defining features of structures within a neighborhood, as described in the VRO Design Guidelines. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of alterations or development proposals in maintaining the character of the existing neighborhood.

Complete: In the context of a Development Review application, complete means:

(1) All submission requirements established by this Ordinance have either been complied with or a wavier has been requested.

(2) Any additional information requested by the Review Authority at any prior meeting has been provided; and

(3) All conditions of any relevant prior approval for the property have been fulfilled unless the application describes the manner in which unfulfilled conditions will be addressed.

Conformity/Conforming: Complying with use, density, dimension, and other standards of this Ordinance.

Conservation Easement: A perpetual restriction on the use of land, created in accordance with the provisions of Title 33 M.R.S.A. Subchapter 8-A, § 476-479(B), for the purposes of conserving open space, agricultural land, or natural, cultural, historic and scenic resources.

Contractor's Space: A facility that contractors use for the storage, inventory and prefabrication of materials associated with construction.

Contributing Resource: For purposes of the Village Review Overlay (VRO) District, a building, site, structure, or object that adds to the historic association, historic architectural quality, or archeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property and possesses historic integrity, or is capable of yielding important information about the period; or it independently meets the National Register of Historic Places criteria.

Contributing Resource of Local or Regional Significance: For purposes of the Village Review Overlay (VRO) District, a building, site, structure, or object over 50 years of age identified as having local or regional significance, based on Town- established criteria as follows:

(1) Its value as a significant example of the cultural, historic, architectural, archeological, or related aspect of local or regional heritage;

(2) Its location as a site of significant historic or prehistoric event or activity that may have taken place within or which involved the use of any existing structure on the property.

(3) Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological, or related aspect to local or regional heritage.

(4) Its exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, and artisanship.

(5) Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in local or regional history or development.

(6) Its representation of a significant cultural, historic, architectural, archeological, or theme expressed through distinctive areas, sites, structures, objects, or artifacts that may or may not be contiguous.

Cook's Corner Master Plan: A plan, titled "The Cook's Corner Master Plan" dated June 1998, for the development of the Cook's Corner area, as approved and amended by the Town Council.

Curb Cut: An entry into a street or road or right-of-way for vehicular traffic.

Day Care Facility: A Day Care Facility for Children, as defined in Title 22 M.R.S.A. Chapter 1673, Section 8301; and Adult Day Care Programs, as defined in Title 22 M.R.S.A. Chapter 1679, Section 8601. A Small Day Care Facility is one that provides services for no more than six (6) children or adults. A Large Day Care Facility is one that provides services for more than six children or adults.

Demolition: The removal of part or the whole of a structure.

Density: For purposes of Development Review, density is defined as the number of units permitted per the determined net site area of a lot or parcel.

Department: The Department of Planning and Development of the Town of Brunswick, unless the context clearly indicates that another Department is referenced.

Develop: For purposes of the Shoreland Protection Overlay (SPO) District, develop is defined as a change in land use involving alteration of the land, water, or vegetation, or the addition or alteration of structures or other construction not naturally occurring,

Developed Area: For purposes of Stormwater Management, developed area is defined as land areas that consist of compacted soil and sparse vegetation as a result of human activity, and lawn areas that are cut more than twice annually.

Development: Any change caused by individuals or entities to improved or unimproved real estate—including, but not limited to: the construction of, or additions or substantial improvements to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; the storage, deposition, or extraction of materials; and public or private sewage disposal systems or water supply facilities.

Dimensional Standard: Any standard of this Ordinance regulating spatial aspects of land, structures, and uses—including, not limited to, lot area, lot width, setbacks, building height, impervious surface coverage, and building footprint, but excluding density.

Director: The Director of Planning and Development of the Town of Brunswick, unless the context clearly indicates that another official is referenced.

Disturbance: For the purposes of the Wildlife Protection Overlay (WPO) District regulations, the grading and/or permanent clearing of naturally occurring stands dominated by woody vegetation for other activities as stated in Section 2.3.5.C(1)a, or the area of such disturbance.

Drive-Through Service: Any structure through which a product or service is provided directly to a customer seated in a motor vehicle including, but not limited to, take-out windows, banking terminals, automatic teller machines and other facilities commonly referred to as drive-up, drive-through or take-out. This definition excludes gasoline service stations, car washes, drive-in theatres and drive-in restaurants where orders are taken and food delivered to a motor vehicle that remains in a parking space.

Driveway: That portion of a lot set aside for vehicular access between the public or private road and the portions of the lot used for buildings, structures, parking, or other uses to which the lot is devoted.

Dwelling, 1- or 2-family: A structure designed for occupancy by one (1) or two (2) households on a single lot.

Dwelling, Multifamily. A structure designed for occupancy by three (3) or more households or living units, but not including an Assisted/Congregate Living Facility, Boarding House, Hotel, Residence Hall, or Accessory Apartment, as defined.

Dwelling Unit: A group of rooms that provide living quarters with independent cooking, sleeping, and bathroom facilities for one (1) household. The term shall apply to mobile homes, and to rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented. Recreational vehicles are not dwelling units.

Elevated Building: For the floodplain management purposes of the Floodplain Protection Overlay (FPO) District, an elevated building is a non-basement building that is:

(1) Built to have the top of the elevated floor (in the case of buildings in Zones A1-30 or A) or the bottom of the lowest horizontal structural member of the elevated floor (in the case of buildings in Zones V1-30) elevated above the ground level by means of pilings, columns, post piers, or "stilts;" and

(2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one (1) foot above the magnitude of the base flood.

Eligible Facilities Request: For purposes of telecommunications facility regulations, the collocation, removal, replacement, and modification of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station, under the Middle Class Tax Relief and Job Creation Act (2012) (as amended and interpreted by the federal courts). This includes structural enhancements involving the hardening of equipment when necessary for a covered collocation, replacement, or removal of transmission equipment, but does not include the replacement of the underlying structure.

Equestrian Facility: A facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited to: show jumping, dressage, and similar events of other equestrian disciplines, and including stables and other accessory uses and structures supporting those activities.

Essential Services: For SPO District purposes, essential services are gas, electrical or communications facilities; steam, fuel, electric power or water transmission or distribution lines; towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a Structure:

(1) An increase in the floor area of a structure, including all extensions such as, but not limited to, attached decks, garages, porches, and greenhouses.

(2) For SPO District purposes, an expansion of a structure shall be the increase in the footprint (only) of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

Expansion of Use: The addition of weeks or months to a use's operating season, additional hours of operation, or an increase in floor area or ground (footprint for SPO District purposes) area devoted to a particular use.

Fall Zone: The area within which a telecommunications tower may be expected to fall in the event of a structural failure, as determined by engineering standards.

Farm: A location for the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruit and vegetables; and ornamental and greenhouse products. A farm does not include forest management and timber harvesting activities.

Farm Operations: A condition or activity that occurs on a farm in connection with the commercial production of agricultural products and includes, but is not limited to, operations giving rise to noise, odors, dust, insects and fumes; operation of machinery and irrigation pumps; disposal of manure; agricultural support services; and the employment and use of labor.

Farmer's Market: The seasonal selling of fresh agricultural products occurring in a pre-designated outdoor area or indoor facility by local vendors that have raised and/or prepared the products for retail sale.

Financial Institution: An establishment that provides retail banking, lending, and financial services to individuals and businesses. Accessory uses may include automatic teller machines and drive through facilities.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Emergency Management Administration (FEMA), on which the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Floodplain: Any land area susceptible to being inundated by flood waters from any source during a Base Flood.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the surface elevation by more than one (1) foot. When not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half (1/2) the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Floor Area: The total area, in square feet, of all floors of a building, measured within the exterior walls, excluding unfinished attics and unfinished cellars. In the case of a use which occupies a portion of a building, floor area shall be measured from the interior of the walls which defines the space.

Footprint:

(1) The area of ground covered by a structure, including the foundation and all areas enclosed by exterior walls and footings.

(2) For SPO District purposes, footprint is the entire area of ground covered by the structure(s) on a lot, including, but not limited to, cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Foundation: For purposes of the SPO District, the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick, or similar material.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors—such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed—that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Front Lot Line: That line that separates the lot from a public or private street right-of-way. On corner lots, the front lot line shall be the line opposite the front of the principal building.

Functionally Water Dependent Use:

(1) For purposes of the floodplain management regulations for the FPO District, a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(2) For SPO District purposes, those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish

processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be functionally water-dependent use.

Garage and Yard Sales. A temporary activity for the sale of used household goods on a property containing a residential primary use.

Golf Course: A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways and hazards, excluding miniature golf, golf driving ranges and Frisbee golf. A golf course may include a clubhouse and shelters as accessory uses.

Grading: Excavation, alteration of land contours, grubbing, filling, or stockpiling of earth materials.

Ground Cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Hazard Tree: For SPO District purposes, a tree with a structural defect, combination of defects, or disease resulting in a structural defect that, under the normal range of environmental conditions at the site, exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does NOT include meteorological anomalies, such as, but not limited to hurricanes, hurricane-force winds, tornados, microbursts, or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of a tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Hazardous Matter: any material identified as being hazardous by either the Maine Department of Environmental Protection (MEDEP) or the U.S. Environmental Protection Agency (USEPA).

Historic District: A geographic area federally designated as an historic district and listed on the National Register of Historic Places.

Historic Integrity: The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship, and association) that existed during the property's prehistoric or historic period.

Historic Structure: For floodplain management purposes, a historic structure is any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register:

(2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: A lawful business, profession, occupation or trade, conducted within a dwelling unit or accessory structure by a resident of the dwelling unit, where the business, profession, occupation, or trade is incidental and subordinate to use of the dwelling for residential purposes. A home office, including for telecommuting purposes, which is carried on by only residents and does not involve any signs, public access, outdoor storage or displays is not considered a home occupation and is not regulated by this Ordinance.

Hotel: A facility that provides sleeping accommodations for transient guests, with or without a dining room or restaurant, including a Motel, but excluding Bed and Breakfast, Boarding House, and Residence Hall facilities.

Household: One (1) person, or a group of two (2) or more persons, living together in the same dwelling unit as a single housekeeping entity.

Impervious Surface: Any material covering the ground through which water does not readily penetrate—including, but not limited to, roofed structures, decks, concrete, stone, tar, asphalt, pavement, gravel, crushed stone, and shale.

Impervious Surface Coverage: The ratio between impervious surface and total land area of a lot, expressed as a percentage.

In-Kind Replacement: Replacement of a feature with new materials that identically matches the original with respect to design, size, configuration, texture and other visual qualities.

Individual Private Campsite: An area of land that is not associated with a campground, but is developed for repeated camping by only one group of not more than ten (10) individuals, and involves site improvements that may include, but not be limited to, a gravel pad, parking area, fire place, or tent platform.

Industry, Artisan. This use includes small scale manufacturing of arts, crafts, gifts, clothing, foods, beverages, and other materials in facilities that may also sell or taste goods produced to the public from the same location, in a space not to exceed 10,000 square feet and where no more than 10 employees typically occupy the space at any given time.

Industry, Class I: Production, manufacturing, assembly, fabrication, processing, treatment, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products in a space not to exceed 20,000 square feet and where no more than 25 employees typically occupy the space at any given time. Includes small engine repair.

Industry, Class II: Production, manufacturing, assembly, fabrication, processing, treatment, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products in a space exceeding 20,000 square feet or where more than 25 employees typically occupy the space at any given time.

Infill Development: The development of vacant or partially developed parcels which are surrounded by or in close proximity to areas that are substantially or fully developed.

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 (3) dogs aged six (6) 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 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 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.

Maintenance Activity: For purposes of Stormwater Management, a maintenance activity is an activity associated with stabilizing soil erosion, preventing sedimentation from developed land, or reconstruction of existing developed land, provided the activity does not require development review by the Staff Review Committee or Planning Board.

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.

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

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.

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 Subsection 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.

Nonconforming Lot: A lot that does not meet one (1) or more of the requirements of this Ordinance, but was lawfully created before the adoption of the Ordinance standards that cause it to be noncomplying.

Nonconforming Sign: A sign that does not meet one (1) or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance provisions that cause it to be noncomplying.

Nonconforming Site Feature: A site feature that does not meet one (1) or more of the requirements of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance standards that cause it to be noncomplying.

Nonconforming Structure: A structure other than a sign that does not meet one (1) or more of the standards of this Ordinance, but was lawfully constructed or erected before the adoption of the Ordinance standards that cause it to be noncomplying.

Nonconforming Use: A use of land, building or structure that does not meet one (1) or more of the standards of this Ordinance, but was lawfully established before the adoption of the Ordinance provisions that cause it to be noncomplying.

Noncontributing Resource: For purposes of the Village Review Overlay District, a building, structure, or object that does not add to the historic sense of time and place or historic development; or one where the location, design, setting, materials, workmanship, or association have been so altered or have so deteriorated that the overall integrity has been irretrievably lost.

Non-native Invasive Species of Vegetation: For SPO District purposes, that species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal High-Water Line (non-tidal waters): That line, which is apparent from visible markings, changes in the character of soils due to prolonged action of the water, or changes in vegetation that distinguishes predominantly aquatic land from predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and are at the same or lower elevation as the water level of the river or stream during the period of normal high-water, are considered part of the river or stream.

Nursing Home: A facility for individuals needing 24-hour skilled nursing care who can no longer live independently.

Office: A space used to conduct the administrative affairs of an organization, including but not limited to spaces for academic or administrative staff of a post-secondary school, or for a member of a recognized medical or non-medical profession, or for commercial vocational education that is not a college, or a facility for purposes of preparing or presenting, or broadcasting materials on radio, television, or cable television or similar communications media, or the recording or production of films or video material. Includes uses formerly known as Business Office, College Office, Professional Office, and Media Studio.

Outdoor Sales, Temporary: A temporary outdoor activity located on private property and which may be operating from a portable facility, involved with the selling of products.

Parking Facility (as a principal use): A parking lot or garage that is used for the parking of vehicles of occupants, customers, patrons, employees or visitors of a building, structure or use located on a different parcel.

Permanent Clearing: For the purposes of the WPO District, the removal of 40 percent or more of the volume of trees, or the creation of a cleared opening in the forest canopy that is greater than 250 square feet as measured from the outer limits of the tree crown, neither of which is allowed to naturally regenerate.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pests, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Plan, Final: The final drawings on which the applicant's subdivision or site plan is presented to the Review Authority for approval and which, if approved, may be recorded at the Cumberland County Registry of Deeds.

Plan, Sketch: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review by the Review Authority.

Plant Nursery: Any land or structure used primarily to raise trees, shrubs, flowers, and other plants for sale or for transplanting, including greenhouses, and including accessory sales of those plants to the public.

Primary Road: Bath Road, Bunganuc Road from Casco Road to Freeport Line, Church Road, Durham Road, Maine Street, Mill Street, Old Bath Road, Pleasant Hill Road, Pleasant Street, River Road, Route 1, Route 24, and Route 123.

Principal Façade: The architectural front of a building, often distinguished from the other faces by the use of better materials and greater elaboration of architectural or ornamental details; usually facing a street, but occasionally facing a courtyard or parking area.

Principal Structure: A structure that houses the principal use of the lot.

Principal Use: The primary purpose for which land or structures are used.

Private Road: A street privately owned and maintained that is used as the principal means of access to two (2) or more abutting lots.

Recreation, Active: Leisure activities usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes but is not limited to swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

Recreation Facility: A place designed and equipped for the conduct of sports and/or leisure time activities excluding campgrounds, regulation size miniature golf courses, water slides, outdoor amusement centers, spectator sports facilities, race tracks or other similar facilities.

Recreation, Passive: Recreational activities that generally do not require a developed site. This generally includes such non-motorized activities as interpretive programming, hiking, biking, cross-country skiing, picnicking and associated parking.

Recreational Vehicle: A vehicle designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use, and that is built on a single chassis, covers 400 square feet or less in area when measured at the largest horizontal projection, and is designed to be self-propelled or permanently towable by a motor vehicle.

Recycling Collection Facility: A lot or parcel of land, with or without buildings, upon which used and recoverable materials such as newspapers, glassware, plastics, and metal cans are separated and temporarily stored before they are sent to a processing facility, but where no processing of those items occurs.

Redeveloped Impervious Area: For purposes of Stormwater Management, a redeveloped impervious area is an existing impervious area required only for off-street parking and vehicle traffic circulation.

Religious Institution: A building or site used for religious worship, religious retreat, or religious education.

Renewable Energy Generating Facility: A facility for generating electrical energy from wind, solar, or geothermal means, or through the burning of biomass or other renewable resources.

Residence Hall: A facility owned by a school or other institution to house its students.

Restaurant or Dining Facility: An establishment or facility having as its predominant use the on-premises consumption of food and beverages, including an institutional or college dining facility.

Retail, Class I: A business whose principal use is the retail sale of consumer goods, having less than 5,000 square feet of gross floor area.

Retail, Class II: A business whose principal use is the retail sale of consumer goods, having 5,000 square feet or more of gross floor area.

Right-of-Way: A strip of specifically-described land encompassing an existing or future public or private path, street or road.

River: A free-flowing body of water, including its associated flood plain and wetlands, from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

Salt Marsh: An area of coastal wetlands that supports salt-tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters.

Salt Meadow: An area of a coastal wetland that supports salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water.

Sapling: For SPO District purposes, a tree species that is less than two (2) inches in diameter at four and one-half (4.5) feet above ground level.

Scale: Factors that determine the intensity of a use including, but not limited to: the size of buildings, the number of employees, residents, or customers, and the size and number of vehicles servicing the use.

Scarify: The disturbance of the forest floor in a controlled way, such as the removing or rearranging of the existing leaf layer or by mixing the existing leaf layer in with and exposing the mineral soil below.

School: Any building consisting primarily of classroom space that is used for offering courses, lectures, training seminars or other similar use, including, but not limited to, private nursery, kindergarten, elementary, middle, secondary education, including accessory structures and uses necessary to support those activities, but not including facilities for post-secondary education.

Screening: The use of landscaping, fencing, or site design techniques to minimize the view of a structure or use from a public road, public place, or adjacent property.

Seasonal Storage: For the purpose of outdoor storage of watercraft, shall mean the storage of watercraft for a time period not to exceed nine (9) consecutive months.

Secondary Road: Any road not listed in the definition of "primary road."

Secretary of the Interior's Standards: The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (U.S. National Park Service, 1995), as amended. These are national standards to guide work undertaken on historic properties, and are intended to assist in the long-term preservation of historic structures and features.

Seedling: For SPO District purposes, a young tree species that is less than four and one-half (4.5) feet in height above ground level.

Service Business, Class 1: A business under 2,000 square feet in gross floor area where the principal use is the providing of personal services, including but not limited to: barber shops, beauty salons, shoe repair shops, tailors, mail services, and laundries.

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-SPO District: 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 SPO District: In the SPO District, 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 displays a commercial or non-commercial message 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 (1) side of the street to the other.

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.

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, 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.

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.

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

Sign, Freestanding/Yard: 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.

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 five (5) second time interval. Time and temperature signs emanating white light are excluded from this definition.

Sign, 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.

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.

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.

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

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.,

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

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

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

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

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

Sign, Roll: A mode of message transition on a Changeable Display 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 freestanding 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.

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

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

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.

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.

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:

(1) For purposes of the FPO District, the date the flood hazard development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start of construction means either: the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(2) For purposes other than floodplain management, start of construction shall include demolition, excavation, filling, grading, clearing of vegetation, and construction of buildings or structures. Activities noted in Subsection 5.2.9.F(2)b are exempt from this definition.

Storm-Damaged Tree: For SPO District purposes, a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stream: For purposes of the Stream Protection Sub-district (SPO-SP) within the Shoreland Protection Overlay (SPO) District, a stream shall include a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

(A) It contains or is known to contain flowing water continuously for a period of at least six (6) months of the year under normal seasonal rainfall conditions.

(B) The channel bed is primarily composed of mineral material such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.

(C) The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.

(D) The channel contains aquatic vegetation and is essentially devoid of upland vegetation. Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are

subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these wetlands are present, the normal high water line of the stream is measured from the upland/wetland transition of bordering wetlands subject to periodic stream water flooding or saturation, or where changes in wetland vegetation, soil characteristics, or topography clearly demonstrate wetland hydrology not associated with periodic flood flows.

Natural and artificial impoundments at the source and along the course of the stream are considered to be part of the stream.

A stream does not mean a ditch or other drainageway constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.

This definition is based on physical characteristics that require field verification.

Streetscape: The visual elements of a street including a street, adjoining buildings, street furniture, trees, fences, and open spaces that combine to form the street's character.

Structure: An object built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with any other object constructed or erected with a fixed location on or in the ground. This definition does not apply to customary lawn accessories such as fences, mailboxes, benches, and other such items as determined by the Codes Enforcement Officer. For floodplain management purposes, a structure also means a walled and roofed building or a gas or liquid storage tank that is principally above ground.

Studio. A workshop of an artist, writer, photographer, dancer, musician, yoga practitioner, or similar craftsperson or performer, including spaces where members of the public can come to receive instruction on a more than incidental basis or to sit for portraits.

Subdivision: The division of a tract or parcel of land as defined in Title 30-A M.R.S.A. § 4401(4).

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: For purposes of the floodplain management regulations for the FPO District, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed.

Subsurface Wastewater Disposal System: Any system designed to dispose of waste or wastewater on or beneath the surface of the earth—including, but not limited to: septic tanks, disposal fields, grandfathered cesspools, holding tanks, pretreatment filters, piping, or any other fixture, mechanism, or apparatus used for those purposes. It does not include any discharge system licensed under Title 38 M.R.S.A. § 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

Telecommunications Tower: Any tower taller than 120 feet that transmits and/or receives signals by electromagnetic or optical means using antennas, microwave dishes, horns, or similar types of equipment.

Telecommunication Tower, Small-scale: A free-standing structure with a maximum height of 120 feet that is designed, constructed, or used primarily for the purposes of supporting one (1) or more antennas, including self-supporting lattice towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and similar structures.

Telecommuting: An arrangement, in which a resident works from home rather than the primary place of employment, communicates with the workplace and conducts work by electronic means.

Temporary Use: A use of land or building occurring occasionally and for a limited period of time, and that may occur repeatedly during a calendar year, but that does not occur regularly on a weekly, monthly, or quarterly schedule.

Theater: A facility for the viewing of movies or live presentations of musicians or other performing artists, but not including any Adult Entertainment Establishment.

Tidal Waters: All waters affected by tidal action during the highest annual tide.

Timber Harvesting: The cutting and removal of wood products from their growing site and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads or the clearing of land approved for construction. For SPO District purposes, timber harvesting does not include the cutting or removal of vegetation within the SPO District when associated with any other land use activity.

Tree: For SPO District purposes, a woody perennial plant with a defined trunk(s) at least two (2) inches in diameter at four and one-half (4.5) feet above ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

Ultra-light Air Park: An ultra-light air park is a tract of land or water that is maintained for the landing and take-off of ultra-light aircraft as defined by the Federal Aviation Regulation (FAR) Part 103. An ultra-light airpark shall not be used for commercial purposes, shall not provide storage for more than five gallons of ultra-light fuel, and shall not be used for flight operations unless daylight and visual frame of reference (VFR) conditions (1,000-foot ceiling and three-mile visibility) are present.

Upland Edge of a Wetland: The boundary between a wetland and upland. For coastal wetlands, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For freshwater wetlands, the upland edge is the line formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately 20 feet) tall or taller.

Urban Agriculture: The raising, keeping or production of fruit, vegetable, flower, and other crops, or farm animals, poultry and bees as a primary (not accessory) use of land within the Town-designated growth area, in accordance with Chapter 4 (Animals) of the Brunswick Code of Ordinances, as amended.

Use, Accessory: A use customarily incidental and subordinate to the principal use or building, and that occupies no more than 40 percent of the floor area of all structures on a lot.

Use, Conditional: A use of land or structures that is listed in Table 3.2 or 3.3 as a Conditional Use, that must comply with any Supplemental Use Standards applicable to that use, and that is available only after obtaining a Conditional Use Permit pursuant to Subsection 5.2.2.

Use, Permitted: A use of land or structures that is listed in Table 3.2 or 3.3 as a Permitted Use, that must comply with any Supplemental Use Standards applicable to that use, and that may be approved by the Codes Enforcement Officer if no additional approvals are required by this Ordinance.

Use, Special: A use that is not listed in Table 3.2 as a Permitted, Conditional, or Prohibited Use, but that may be considered for approval pursuant to the Special Use Permit procedure in Section 5.2.3.

Utility Facility, Major: Facilities necessary to the supply of the electric, natural gas, water, cable television, telephone, telecommunications, or sewer services, or similar services, of a scale and character commonly found only in one or a few specialized locations in the Town, including but not limited to water treatment plants, sewer treatment plants, and electric power generating facilities

and substations, but excluding Telecommunication Towers, Small-scale Telecommunications Towers, Renewable Energy Generating Facilities, offices for the conduct of utility business and operations, and Minor Utility Facilities.

Utility Facility, Minor: An installation used by a public utility to supply and distribute electric, natural gas, water, cable television, telephone, telecommunications, sewer, stormwater management, or similar services that need to be near the property to which the service is provided, including the poles, pipes, wires, transmitters, culverts, and service boxes necessary to provide those or similar services, of a scale and character commonly found in developed portions of the Town, but excluding Telecommunications Towers, Small-scale Telecommunications Towers, Renewable Energy Generating Facilities, offices for the conduct of utility business and operations, and Major Utility Facilities.

Vegetation: All live trees, shrubs, ground cover, and other plants.

Veterinary Office: A professional office for the practice of veterinary medicine and at which related services such as pet boarding and grooming may be offered.

Warehousing and Storage: A use in which materials, goods, or equipment are stored for compensation or in connection with an approved use.

Water Body: Any great pond, river, or stream.

Water Crossing: Any project extending from a bank to the opposite bank of a river, stream, or wetland, whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance on these crossings.

Watercraft: Any type of vessel, boat, canoe, kayak or craft capable of being used as a means of transportation on water, other than a seaplane, including motors, electric and mechanical equipment and other machinery, whether permanently or temporarily attached, that are customarily used in the operations of the watercraft.

Wetland: An area, of any size, that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetland boundaries are delineated using the methods described in the 1987 *Corps of Engineers Wetlands Delineation Manual*, and the 2011 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual, as amended in January 2012*.

Wetland, Coastal: All tidal and subtidal lands; all land with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous lowland that is subject to tidal action during the highest annual tide level for the year in which an activity is proposed, as identified in tide tables published by the National Ocean Service.

Wetland, Forested: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximated 20 feet) or taller.

Wetland, Freshwater: A freshwater swamp, marsh, bog, or similar area other than a forested wetland which is:

(1) Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river or stream, such that in a natural state, the combined surface area is in excess of ten (10) acres; and

(2) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and that under normal circumstances does support, a prevalence of

wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Wildlife Corridors: The overland connections between Wildlife Habitat Blocks that provide naturally vegetated linkages supporting daily and seasonal species movement between Wildlife Habitat Blocks.

Wildlife Habitat Blocks: The rural portions of large (greater than 150 acres) continuous blocks of naturally occurring stands dominated by woody vegetation.

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.

Chapter 2 - Zoning Districts

Summary Table

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

Table 2.0: Summary Table of Zoning Districts

Old Zoning Districts		New Zoning Districts	
Growth Area Zoning Districts			
Growth Residential Districts			
R-R	BNAS Reuse - Residential	GR1	Growth Residential 1
R1	Residential Extended Neighborhood-1 (Longfellow)	GR2	Growth Residential 2
R2	Residential Extended Neighborhood-2 (Meadowbrook-Parkview)	GR3	Growth Residential 3
R3	Residential Extended Neighborhood-3 (Maquoit Rd.)	GR4	Growth Residential 4
R4	Residential Extended Neighborhood-4 (Meredith Dr.-West McKeen St.)		
R5	Residential Extended Neighborhood-5 (River Rd.)		
R6	Residential Extended Neighborhood-6 (Cooks Corner)		
CR2	Country Residential 2 (Old Bath Road Area In Growth Area)		
R7	Residential Extended Neighborhood-7 (McClellan-Garrison)	GR5	Growth Residential 5
TR1	Intown Residential Neighborhood 1 (Inner Pleasant St.)	GR6	Growth Residential 6
TR2	Intown Residential Neighborhood 2 (Federal St.)	GR7	Growth Residential 7
TR3	Intown Residential Neighborhood 3 (Water St.)	GR8	Growth Residential 8
TR4	Intown Residential Neighborhood 4 (Jordan Acres)		
TR5	Intown Residential Neighborhood 5 (Columbia Ave.-Spring St.)	GR9	Growth Residential 9
R-8	Residential Extended Neighborhood-8 (College Park)	GR10	Growth Residential 10
Growth Mixed Use Districts			
MU2	Mixed Use 2 (Intown Railroad Corridor)	GM1	Growth Mixed-Use 1
MU3	Mixed Use 3 (Upper Harpswell Rd.)	GM2	Growth Mixed-Use 2
MU6	Mixed Use 6 (Lower Harpswell Rd.)		
MU4	Mixed Use 4 (Fox Run)	GM3	Growth Mixed-Use 3
I1	Large Scale Business, Industrial, & Institutional 1 (Industry Rd. Industrial Park)		
I4	Large Scale Business, Industrial, & Institutional 4 (Exit 28)		
CC	Commercial (Cooks Corner Center)	GM4	Growth Mixed-Use 4
MU1	Lower Old Bath Road Area		
HC1	Highway Commercial 1 (Outer Pleasant St.)	GM5	Growth Mixed-Use 5
HC2	Highway Commercial 2 (Inner Bath Rd.)		
TC1	Town Center 1 (Maine Street)	GM6	Growth Mixed-Use 6
TC2	Town Center 2 (Fort Andross)		
TC3	Town Center 3 (Lower Park Row)		
R-CMU	BNAS Reuse - Community Mixed Use	GM7	Growth Mixed-Use 7
MUOZ	Medical Use Overlay Zone	GM8	Growth Mixed-Use 8
Growth Special Purpose Districts			
CU1	College Use 1 (Campus Center)	GC1	Growth College 1
CU2	College Use 2 (Pickard Field)		
CU3	College Use 3 (College St.)		
CU5	College Use 5 (Brunswick Apts.)	GC2	Growth College 2
CU6	College Use 6 (Cleaveland St.-Bath Rd.)		
CU4	College Use 4 (Bowdoin Pines)	GC3	Growth College 3

Table 2.0: Summary Table of Zoning Districts			
Old Zoning Districts			**New Zoning Districts**
CU7	College Use 7 (Longfellow)		
CU/TC	College Use/Town Conservation (former West Side BNAS)	GC4	Growth College 4
R-AR	BNAS Reuse – Aviation Related	GA	Growth Aviation
I-2	Large Scale Business, Industrial, & Institutional 2 (Church Rd. Ind. Park)	GI	Growth Industrial
I3	Large Scale Business, Industrial, & Institutional 3 (E. Bath Rd.-Harding Plant Area)		
R-B&TI	BNAS Reuse – Business and Technology Industries		
R-R&OS	BNAS Reuse – Recreation and Open Space	GO	Growth Outdoor Recreation
BCN	BNAS Conservation (growth area part)	GN	Growth Natural Resources
R-PO	BNAS Reuse – Professional Office		Combined earlier with RCMU
Rural Area Base Districts			
BCN	BNAS Conservation (rural area part)	RN	Rural Natural Resources
FF1	Farm and Forest 1 (Durham-Hacker Rd. Area)	RF	Rural Farm and Forest
CR1	Country Residential 1 (Northwest Brunswick)		
CR2	Country Residential 2 (Old Bath Rd. Area Outside Growth Area)	RR	Rural Residential
MU1	Mixed Use 1 (Lower Old Bath Rd. Area Outside Growth Area)		
CP1	Coastal Protection 1 (Mere Point Area)	RP1	Rural Protection 1
FF3	Farm and Forest 3 (New Meadows River Area)		
CP2	Coastal Protection 2 (Raymond Rd. Area)	RP2	Rural Protection 2
MU5	Mixed Use 5 (Portland Rd. Area)	RM	Rural Mixed Use
Overlay Zoning Districts			
APZ1	Aquifer Protection Zone 1	APO1	Aquifer Protection 1
APZ2	Aquifer Protection Zone 2	APO2	Aquifer Protection 2
APZ3	Aquifer Protection Zone 3	APO3	Aquifer Protection 3
NRPZ	Natural Resource Protection Zone (Shoreland Area)	SPO	Shoreland Protection Overlay
		SPO-SP	Shoreland Protection Overlay – Stream Protection Sub-District
		SPO-RP	Shoreland Protection Overlay-Resource Protection Sub-District
NRPZ	Natural Resource Protection Zone (Special Flood Hazard Area)	FPO	Flood Protection Overlay
RBSGO	Rural Brunswick Smart Growth Overlay – Wildlife Habitat Block	WPO	Wildlife Protection Overlay
RBSGO	Rural Brunswick Smart Growth Overlay – Wildlife Corridor		
MHZ	Mobile Home Park Zone	MHO	Mobile Home Park Overlay
FPZ1	BNAS Flight Path Zone 1 (Clear Zone)	AAO	Airport Approach Overlay
FPZ2	BNAS Flight Path Zone 2 (Noise/Accident Zone)		
TCZ1	Telecommunication Zone 1	TCO	Telecom Overlay
TCZ2	Telecommunication Zone 2		
VRZ	Village Review Zone	VRO	Village Review Overlay

2.1 Growth Area Zoning Districts

2.1.1. Growth Residential Districts

A. Growth Residential 1 (GR1) District

The Growth Residential 1 (GR1) District applies to that area designated as Residential Land Use District in the Brunswick Naval Area Station (BNAS) Reuse Master Plan. It is intended to provide for a variety of housing types in a compact, pedestrian-oriented setting. District

standards accommodate a range of moderate-density residential uses, including single-family (attached or detached), multifamily apartments, assisted/senior housing, and retirement/second homes at a maximum density of eight (8) dwelling units per acre.

B. **Growth Residential 2 (GR2) District**

The Growth Residential 2 (GR2) District applies to that part of the area designated as Town Residential in the Comprehensive Plan, encompassing the Longfellow neighborhood, walkable to downtown Brunswick and Bowdoin College. District standards are intended to maintain the character of the established neighborhoods. Only one-and two-family residential uses are permitted in this District at a maximum density of four (4) dwelling units per acre.

C. **Growth Residential 3 (GR3) District**

The Growth Residential 3 (GR3) District applies to that part of the area designated as Town Extended Residential in the Comprehensive Plan, encompassing the Meadowbrook-Parkview neighborhoods. District standards are intended to continue to maintain the character of the established single and two-family neighborhoods at a maximum density of six (6) dwelling units per acre.

D. **Growth Residential 4 (GR4) District**

The Growth Residential 4 (GR4) District applies to that part of the area designated as Town Extended Residential in the Comprehensive Plan, encompassing the Maquoit Road, Meredith Drive-West McKeen Street, and River Road neighborhoods, as well as the residential neighborhoods within the Cook's Corner Extended Area and the Exit 28 Mixed Use Development Area. District standards are intended to accommodate residential uses at a maximum density of six (6) dwelling units per acre. Limited nonresidential uses are allowed as conditional uses, while maintaining the character of the established neighborhoods.

E. **Growth Residential 5 (GR5) District**

The Growth Residential 5 (GR5) District applies to that part of the area designated as Town Residential in the Comprehensive Plan, encompassing the McLellan-Garrison neighborhood. District standards are intended to continue to accommodate a variety of residential uses at a maximum density of seven (7) dwelling units per acre. Limited nonresidential uses are allowed as conditional uses, while maintaining the character of the established neighborhoods.

F. **Growth Residential 6 (GR6) District**

The Growth Residential 6 (GR6) District applies to the primarily residential portion of the Town Core Planning Area, encompassing the well-established Northwest Brunswick neighborhood. The District is intended to provide for compatible infill development and redevelopment, as well as expansions to existing buildings, while maintaining the overall character of the neighborhood. The District continues to provide a mix of single-family, two-family and multi-family residential uses, walkable to essential services, at a maximum density of ten (10) dwelling units per acre. Limited nonresidential uses are allowed by conditional use, while protecting and enhancing development patterns of the established neighborhood. The District is also covered by the Village Review Overlay Zone (VRO).

G. **Growth Residential 7 (GR7) District**

The Growth Residential 7 (GR7) District applies to that part of the area designated as Town Core in the Comprehensive Plan, encompassing most of the Federal Street neighborhood. The neighborhood is also covered by the Village Review Overlay (VRO) Zone and contains a portion of the National Register of Historic Places-designated Federal Street Historic District.

District standards are intended to continue to accommodate a mix of residential uses at a maximum density of five (5) dwelling units per acre. Very limited nonresidential uses are permitted as conditional uses, while protecting and enhancing the established neighborhood.

H. **Growth Residential 8 (GR8) District**

The Growth Residential 8 (GR8) District applies to two residential areas within the Town Core Planning Area, encompassing the Water Street and Jordan Acres neighborhoods. The District is intended to maintain the overall residential character of these neighborhoods. District standards accommodate a mix of residential uses at a maximum density of six (6) dwelling units per acre, and limited nonresidential uses.

I. **Growth Residential 9 (GR9) District**

The Growth Residential 9 (GR9) District applies to that part of the area designated as Town Residential in the Comprehensive Plan encompassing an older residential area of distinct neighborhoods, walkable to schools, bounded by Hennessey Avenue to the north, Maine Street to the east, MacMillan Drive to the south, and Baribeau Drive to the west. The District is intended to provide for compatible infill development while protecting and enhancing the overall character of the neighborhood. District standards accommodate a wide range of residential uses at a maximum density of six (6) units per acre, as well as educational facilities, and a very limited range of nonresidential uses. A portion of the National Register designated Federal Street Historic District continues along the west side of Maine Street to Boody Street.

J. **Growth Residential 10 (GR10) District**

The Growth Residential 10 (GR10) District applies to that part of the area designated as Town Residential in the Comprehensive Plan, encompassing the College Park neighborhood, walkable to downtown Brunswick and Bowdoin College. District standards are intended to maintain the character of the established neighborhoods. Only single and two-family residential uses are permitted in this District at a maximum density of four (4) dwelling units per acre.

2.1.2. Growth Mixed-Use Districts

A. **Growth Mixed-Use 1 (GM1) District**

The Growth Mixed-Use 1 (GM1) District applies to an area of Brunswick located within the Route 1- based Commercial Connector Planning Area, dominated by a mix of non-residential uses with a few residential uses. The District follows the existing freight and passenger rail corridor, bordered by Church Road to the west and Union Street to the east. The District standards are intended to provide for non-residential uses ranging from neighborhood-type uses to industrial-type uses. Residential uses are permitted at a maximum density of six (6) dwelling units per acre.

B. **Growth Mixed-Use 2 (GM2) District**

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

C. Growth Mixed-Use 3 (GM3) District

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

D. Growth Mixed-Use 4 (GM4) District

The Growth Mixed-Use 4 (GM4) District applies to the Cook's Corner commercial hub (the area around the intersection of Bath Road and Gurnet Road). The District standards are intended to promote the evolution of this area into a vibrant, mixed-use area that continues to serve as a regional commercial center, but with added residential development and enhanced pedestrian and bicycle connections to and within adjacent neighborhoods. The District accommodates a range of residential uses, a wide range of nonresidential uses (including retail and consumer uses, services, offices, and public and community uses), and mixed-use development containing residential and nonresidential uses. District standards focus on encouraging development that maximizes the available development potential, with maximum residential densities of 15 dwelling units per acre, nonresidential intensities allowing for 80% impervious coverage, as well as standards promoting high-quality design. All applications in the district are subject to the Cook's Corner Design Standards, as applicable to the type of construction or development proposed.

E. Growth Mixed-Use 5 (GM5) District

The Growth Mixed-Use 5 (GM5) District applies to existing commercial gateways into Brunswick and is intended to encourage redevelopment that will make the commercial corridors more functional, safer, and more attractive. District standards are intended to maintain or improve the quality of building design streetscape, control access to and from major roads, and accommodate pedestrian and bicycle movement. The District accommodates a wide range of nonresidential uses, including retail and consumer uses, services, office, public and community uses, and existing industrial uses. Residential uses are not encouraged except as part of mixed-use development at a maximum density of six (6) dwelling units per acre.

F. Growth Mixed-Use 6 (GM6) District

The Growth Mixed-Use 6 (GM6) District is intended to provide a pedestrian and bicycle-friendly downtown Brunswick, a part of the Town Core Planning Area, bordered by the Androscoggin River to the north, Bowdoin College to the south, Federal Street to the east and Union Street to the west. The District standards are intended to provide for a vibrant mix of primarily commercial uses (e.g., offices, retail and restaurants), cultural, educational and residential uses. Minimal dimensional and density standards allow flexibility for in-fill development. The Village Review Overlay Zone covers this District and maintains the mature and historic character of downtown Brunswick. In addition, the National Register of Historic Places-designated Lincoln Street Historic District and Brunswick Commercial Historic District (Maine Street) is located within the GM6 District, as is a portion of the Federal Street Historic District (Park Row area).

G. Growth Mixed-Use 7 (GM7) District

The Growth Mixed-Use 7 (GM7) District is intended to provide a compact pedestrian-oriented mix of uses at Brunswick Landing that will provide a variety of live, work, play, and

education opportunities. District standards accommodate a range of nonresidential uses—such as neighborhood-scale retail, professional offices, business and support services, restaurants, hotels and conference centers, health and fitness centers, day care centers, and civic and cultural uses. A variety of residential uses, such as single family dwellings, townhomes, condominiums and apartments, and assisted living/senior housing are permitted at a maximum density of 24 dwelling units per acre. Brunswick Landing Design Guidelines, administered by the Midcoast Regional Redevelopment Authority, apply to all new development.

H. **Growth Mixed-Use 8 (GM8) District**

The Growth Mixed-Use 8 (GM8) District is intended to accommodate major hospitals, large scale medical uses, professional offices and associated uses, compatible with neighboring residential uses. Supplemental design and performance standards are provided so as to protect and enhance established abutting residential neighborhoods.

2.1.3. Growth Special Purpose Districts

A. **Growth College 1 (GC1) District**

The Growth College 1 (GC1) District is intended to accommodate the core areas of Bowdoin College campus and sports fields and facilities, to allow the college significant flexibility to meet the needs of its operations within those areas, to restrict more intense land uses such as residence halls and dining halls to the core campus area. Supplemental neighborhood protection standards are in place to increase compatibility with residential uses near and adjacent to the District.

B. **Growth College 2 (GC2) District**

The Growth College 2 (GC2) District is intended to accommodate facilities and land uses owned by, operated by, or related to Bowdoin College on certain lands located near the edges of the campus, and to accommodate existing college facilities in those areas. Supplemental neighborhood protection standards are in place to increase compatibility with residential uses near and adjacent to the District.

C. **Growth College 3 (GC3) District**

The Growth College 3 (GC3) District is intended to accommodate facilities and land uses owned by, operated by, or related to Bowdoin College on certain lands located near the edges of the campus, and in the Longfellow Avenue area located between the core campus and the playing fields, and to accommodate existing college facilities in those areas. Supplemental neighborhood protection standards are in place to increase compatibility with residential uses near and adjacent to the District.

D. **Growth College 4 (GC4) District**

The Growth College 4 (GC4) District provides for the redevelopment of lands on the west side of the former Brunswick Naval Air Station (BNAS) conveyed to Bowdoin College. The District is intended to accommodate residential and non-residential college-related uses consistent with the BNAS Reuse Master Plan and conveyance documents. Supplemental neighborhood protection standards are in place to increase compatibility with residential uses near and adjacent to the District.

E. **Growth Aviation (GA) District**

The Growth Aviation (GA) District applies to an area containing and surrounding the runways, taxiways, and buffer areas of the Brunswick Executive Airport—areas designated Airport Operations and Aviation-Related Business in the Brunswick Naval Air Station (BNAS)

Reuse Master Plan. The District is intended to accommodate primarily airport facilities and operations plus business, industry, transportation and distribution, technology employment, and other uses that rely on, or directly benefit from, proximity to airport facilities and operations. Such uses could include general and corporate aviation, aircraft maintenance/ repair/overhaul, aviation-related manufacturing, and government and aerospace research and development.

F. **Growth Industrial (GI) District**

The Growth Industrial (GI) District applies to lands appropriate for industrial and other types of more intensive nonresidential development (other than large retail uses), as well as to the area designated as Business and Technology Industries in the Brunswick Naval Area Station (BNAS) Reuse Master Plan. District standards are intended to improve the environmental and visual quality of existing industrial areas and accommodate the development and redevelopment of a wide range of nonresidential uses, including light manufacturing, technology-based research and development, energy park, laboratories, warehouse and distribution uses, and related service and office uses but not retail or consumer-oriented uses.

G. **Growth Outdoor Recreation (GO) District**

The Growth Outdoor Recreation (GO) District applies to the area designated Recreation and Open Space in the Brunswick Naval Area Station (BNAS) Reuse Master Plan. It is intended to provide suitable areas for a variety of commercial and public active and passive outdoor recreational opportunities for the community including public parks, recreation fields, golf courses, public gardens, bicycle trails, and equestrian facilities.

H. **Growth Natural Resources (GN) District**

The Growth Natural Resources (GN) District is intended to preserve, maintain, and enhance existing natural areas in Growth Areas and includes:

(1) Natural Areas designated in the Brunswick Naval Air Station (BNAS) Reuse Master Plan, as amended, providing for the long-term benefit of the natural environment, including S1-ranked natural communities, and area residents; and

(2) Town Commons and the Greater Town Commons Area.

2.2 Rural Area Base Zoning Districts

2.2.1. Rural Natural Resources (RN) District

The Rural Natural Resources (RN) District is intended to preserve, maintain, and enhance existing natural areas in Rural Areas that are designated as Natural Areas on the Reuse Master Plan for Brunswick Naval Area Station (BNAS) to provide for the long-term benefit of the natural environment, including S1-ranked natural communities, and area residents. As such, development is restricted to only those primary and accessory uses, as well as associated buildings, structures or improvements that would not significantly alter the environment and/or would provide opportunities to protect and experience the environment, including uses such as pedestrian trails, nature and interpretive centers, and other passive outdoor recreation and educational uses, forest and wildlife management activities, soil and water conservation activities and nonstructural stormwater management facilities.

2.2.2. Rural Farm and Forest (RF) District

The Rural Farm and Forest (RF) District applies to Rural Areas where environmental systems are preserved and rural resources, including active and productive natural resource-based uses such as

farming and forestry, are maintained. District regulations are intended to ensure that any development or intensive use maintains rural character and protects natural and scenic resources, including wetlands, unfragmented wildlife habitats, and scenic roads. The district accommodates agriculture and forestry activities, residential development, at a maximum density of one (1) dwelling unit per two (2) acres (encouraging open space subdivisions as the preferred form of development), and very limited businesses and other nonresidential development that support or are based on rural and natural-resource-based uses.

2.2.3. Rural Residential (RR) District

The Rural Residential (RR) District applies to Rural Areas that define gateways into Brunswick and the rural character of areas outside its Growth Areas. District regulations are intended to ensure that any development or intensive use maintains rural character and protects natural and scenic resources, including wetlands, unfragmented wildlife habitats, and scenic roads. The district accommodates residential development at a maximum density of one (1) dwelling unit per one and one-half (1½) acres (encouraging open space subdivisions as the preferred form of development), agriculture and forestry activities, and a wide range of small businesses and other nonresidential uses that support or are based on rural and natural-resource-based uses.

2.2.4. Rural Protection Districts (RP1 and RP2 Districts)

The Rural Protection (RP) districts apply to coastal watersheds in Rural Areas where environmental systems are preserved and rural resources, including active and productive natural-resource-based uses particularly those that rely on the coastal waters are maintained. District regulations are intended to manage land use and development to protect coastal embayments from the potential impact of stormwater runoff, nutrient loading, and other nonpoint source pollution by limiting impervious surfaces, enhancing stormwater management, ensuring maintenance of subsurface wastewater disposal systems, and managing lawn maintenance and agricultural practices. Standards are also intended to ensure that any development or intensive use maintains rural character and protects natural and scenic resources, including wetlands, unfragmented wildlife habitats, and scenic roads. The districts accommodate marine activities, water-dependent uses, agriculture, and forestry activities. In addition to very-low-density residential development (encouraging open space subdivisions as the preferred form of development), low-intensity businesses and other nonresidential development that support or are based on rural and natural-resource-based uses.

2.2.5. Rural Mixed Use District (RM)

The Rural Mixed Use (RM) District applies to the Old Portland Road (Route 1) corridor outside the Town's designated Growth Area. Public water and sewer are not available outside the Growth Area. The District provides for a mix of residential and limited commercial and industrial uses designed to be compatible with the rural character of the corridor. Maximum density for residential uses is one (1) dwelling unit per two (2) acres. Supplemental standards protect the area's natural resources and scenic values, minimizing disturbance of existing features and vegetation during development.

2.3 Overlay Zoning Districts

2.3.1. General

Overlay districts are applied over base zoning districts and regulations for overlay districts supplement or supersede the provisions of the underlying base zoning district(s). If regulations for an overlay district conflict with those for the underlying base zoning district, the regulations for the applicable overlay district shall prevail. If regulations for one (1) overlay district conflict with those for another applicable overlay district, the more restrictive regulations shall prevail.

2.3.2. Aquifer Protection Overlay (APO) Districts

A. Purpose

The purpose of the Aquifer Protection Overlay (APO) districts is to protect the quality and quantity of Brunswick's present and future ground water resources by regulating activities and land use practices which are likely to affect those resources. The protection of ground water is critical to promoting the health, safety, and general welfare of the residents of Brunswick.

B. Definition and Delineation of APO Districts

(1) The Aquifer Protection Overlay (APO) districts consist of sand and gravel aquifers and aquifer recharge areas. There are three APO districts:

a. Aquifer Protection Overlay 1 (APO1) District, defined in Subsection 2.3.2.C(1);

b. Aquifer Protection Overlay 2 (APO2) District, defined in Subsection 2.3.2.D(1); and

c. Aquifer Protection Overlay 3 (APO3) District, defined in Subsection 2.3.2.E(1).

(2) The boundaries of the APO districts are delineated on the Brunswick Zoning Map, and are based on:

a. "Hydrogeology of the Jackson, Taylor and Williams Stations Aquifer in Topsham and Brunswick, Maine" report, dated February 25, 1994, by Caswell, Eichler and Hill; and

b. "Hydrogeology of the Jordan Avenue Station Aquifer in Brunswick, Maine" report, dated March 22, 1994, by Caswell, Eichler and Hill.

C. Aquifer Protection 1 (APO1) District

(1) Definition of APO1 District

The APO1 District is the area within which leachable materials disposed of or applied into or onto land or water bodies can travel to the public water supply wells within 200 days.

(2) Use Standards for APO1 District

a. All uses are prohibited with exception of the following:

i. Conservation of soil, water, plants, and wildlife.

ii. Outdoor recreation—including fishing, nature study, and hunting—where otherwise legally permitted.

iii. Pedestrian, bicycle and horse paths, and bridges.

iv. Operation, maintenance, and expansion of public water supply facilities.

v. Timber harvesting.

vi. Natural gas or propane storage and transmission facilities.

vii. Solar energy collection facilities as a primary or accessory use.

b. Motorized vehicles may be used in conjunction with the allowable uses listed in Subsection a above, except that the use of motorized vehicles for recreational purposes is prohibited.

c. The permitted uses shall meet the performance standards in Subsection 2.3.2.F (Performance Standards for Aquifer Protection Overlay (APO) Districts).

D. **Aquifer Protection 2 (APO2) District**

(1) **Definition of APO2 District**

The APO2 District is the area outside of the APO1 boundary that is drained by streams flowing directly into the sand and gravel aquifer. The streams in the APO2 District are important as they have eroded through the silt/clay cap leaving exposed a "window" to the underlying aquifer.

(2) **Use Standards for APO2 District**

a. All uses are prohibited, except those uses allowed in the APO1 District provided that they meet the requirements of the underlying base zoning district and the following standards:

i. All parts of all types of subsurface wastewater disposal systems shall be set back a minimum horizontal distance of 150 linear feet from the normal high water line of any stream. The Local Plumbing Inspector may consider and grant a request to reduce this setback for a replacement subsurface wastewater disposal system if a report prepared by a soils scientist or site evaluator registered in the State of Maine is submitted and accepted, and the report states that the existing system is failing and that the proposed location is the only suitable location on the applicant's property for the replacement system.

ii. All home heating fuel tanks, except natural gas or propane gas storage tanks, shall be enclosed and located within an impervious secondary containment unit.

iii. Application of pesticides, nitrogen fertilizer, or manure within a minimum horizontal distance of 150 linear feet from the normal high water line of any stream is prohibited. This setback requirement cannot be reduced.

iv. The storage of no more than two (2) unregistered automobiles is prohibited.

b. The permitted uses shall meet the performance standards in Subsection 2.3.2.F (Performance Standards for Aquifer Protection Overlay (APO) Districts).

E. **Aquifer Protection 3 (APO3) District**

(1) **Definition of APO3 District**

The APO3 District is the area within which leachable materials disposed of or applied into or onto land or water bodies can travel to the public water supply wells in more than 200 days.

(2) **Use Standards for APO3 District**

a. The following uses and development activities are prohibited:

i. The disposal of solid waste other than brush or stumps.

ii. The disposal or storage of hazardous matters, as defined in Subsection 1.7.2 (Definitions and Rules of Construction), with the exception of the above-ground natural gas or propane gas tanks.

iii. The disposal or storage of leachable materials, except subsurface wastewater disposal systems and water from residential swimming pools.

iv. The bulk or commercial disposal or storage of road salt or other de-icing agents.

v. The storage of petroleum products in containers with a total volume in excess of ten (10) gallons, except those stored for heating use by that property owner or his designee only.

vi. The disposal, storage, or application of sludge or other sludge-containing products, except for the application of Class A composted residuals that are licensed for unrestrained distribution by the Maine Department of Environmental Protection.

vii. The disposal of any unregistered automobiles or the storage of more than two (2) unregistered automobiles.

viii. Use or storage of pesticides, other than for households or agriculture and those products that are permitted by the Organic Materials Review Institute (OMRI).

(A) The Codes Enforcement Officer may, upon written request, approve an exception to this prohibition to allow pesticides to be used to:

(1) Control or destroy a health hazard (i.e., a pest that has or is likely to have an adverse effect on the health of any person);

(2) Control or destroy pests which have caused infestation to property (i.e., where the presence of pests in numbers or under conditions that involve an immediate or potential risk of substantial loss or damage); or

(3) Control or destroy bees' nests or poison ivy.

(B) The Brunswick and Topsham Water District shall be notified of any such requests and approvals.

ix. Use or storage of fertilizer, compost, or manure, other than:

(A) Slow-release organic fertilizer;

(B) Products used for households and agriculture; and

(C) Natural organic compost that:

(1) Is in keeping, but not limited to, compost approved by USDA National Organic Program; or

(2) Is in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association (MOFGA) Certified Farms; or

(3) Meets the standards and test requirements to qualify for unrestrained distribution under Chapter 419 of the Maine Department of Environmental Protection regulations, titled "Agronomic Utilization of Residuals," as amended.

x. Aerial spraying of pesticides from aircraft, except for applications for public health reasons performed under the auspices of the Town of Brunswick or State of Maine.

xi. Pipelines for transmission of petroleum products or hazardous materials, except natural gas or propane storage and transmission facilities.

xii. Commercial boat, internal combustion engine, and motor vehicle sales, service, and repair.

xiii. Metal plating operations.

xiv. Dry cleaning operations.

xv. Truck terminals.

xvi. Furniture stripping, painting, and wood preserving operations.

xvii. Mining operations.

xviii. Sand and gravel extraction.

b. Uses or management practices not listed above may be permitted in the APO3 District provided that they are allowed in the underlying base zoning district, will not have an unreasonable adverse effect on the water supply, and meet the performance standards in Subsection 2.3.2.F (Performance Standards for Aquifer Protection Overlay (APO) Districts).

F. Performance Standards for Aquifer Protection Overlay (APO) Districts

All uses or activities within an APO1, APO2, or APO3 District, shall meet the following performance standards. Nonconforming uses existing on the effective date of this Ordinance shall also comply with standards set forth in Subsection 1.6.3.

(1) General Standards for Uses and Activities Subject to Development Review

The following standards apply to uses and activities subject to Development Review (see Subsection 5.2.9).

a. **Management of Stormwater Runoff**

The stormwater runoff from the use or expansion of the use shall be either retained on the specific property or allowed to infiltrate or transported off-site through a subsurface stormwater system to the Town's collection system and shall incorporate stormwater management techniques to minimize runoff volume and rate, as well as pollution and nutrient loadings, from the site in accordance with Subsection 4.5.4.

b. **Groundwater Contaminants**

i. Monitoring wells may be required for a use known by the Code Enforcement Officer, in consultation with the Brunswick and Topsham Water District, to be an actual or potential source of groundwater pollution.

(A) A licensed hydrogeologist chosen or approved by the Town shall determine the number, location, and depth of monitoring wells.

(B) Monitoring wells shall be installed and sampled in accordance with “Guidelines for Monitoring Well Installation and Sampling” (Tolman, Maine Geologic Survey, 1983).

(C) Monitoring wells shall be installed on the property at the expense of the owner.

(D) The Code Enforcement Officer shall determine, in consultation with the Brunswick and Topsham Water District and/or a licensed hydrogeologist, when monitoring wells shall be sampled.

(E) Results from monitoring well samples shall be submitted to the Department and the Brunswick and Topsham Water District.

ii. The Brunswick and Topsham Water District shall promptly inform the Town Council, Code Enforcement Officer, Planning Board, and Zoning Board of Appeals when the calculated or actual levels of contaminants in the groundwater reach ten (10) percent of the Maximum Contaminant Levels

(MCLs) listed within the National Primary Public Drinking Water Regulations for contaminants as measured at the Brunswick and Topsham Water District monitoring wells and recommend remedial actions.

iii. No Development Review approval shall be granted for a use, expansion of the use, or activity that would cause the cumulative, calculated, or actual levels of contaminants in the groundwater at the Brunswick- and Topsham Water District property line to exceed 50 percent of the Maximum Contaminant Levels (MCLs) listed within the National Primary Public Drinking Water Regulations.

iv. No Development Review approval shall be granted for a use, expansion of a use, or development activity that would cause the calculated or actual levels of contaminants in the groundwater at the property line of the specific lot associated with the use, expansion of the use, or activity to exceed 50 percent of the Maximum Contaminant Levels (MCLs) listed within the National Primary Public Drinking Water Regulations.

(2) **Timber Harvesting**

Timber harvesting shall comply with the following provisions:

a. Selective cutting of no more than 40 percent of the total volume of trees four (4) inches or more in diameter measured at four and one-half (4½) feet above ground level on any lot in any ten (10) year period is permitted. Harvesting operations shall not create single clear-cut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet, they shall be at least 100 feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For purposes of these standards, volume may be considered to be equivalent to basal area.

b. Timber harvesting operations exceeding the 40 percent limitation in subsection a above may be allowed by the Review Authority upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance.

c. No accumulation of slash shall be left within 50 feet of the normal high-water line of a river, tidal waters, or stream. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground. Any debris that falls below the normal high-water line of a water body shall be removed.

d. Timber harvesting equipment shall not use stream channels as travel routes.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds that are composed of gravel, rock, or similar hard surface that would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation at least 75 feet wide for slopes up to ten (10) percent shall be retained between the exposed mineral soils and the normal high-water line of a river, tidal waters, or stream, or the upland edge of a

coastal or freshwater wetland. For each ten (10) percent increase in slope, the unscarified strip width shall be increased by 20 feet. The provisions of this paragraph apply only to a face sloping toward the river, tidal waters, stream, coastal wetland, or freshwater wetland provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet from the protected resource. In addition, an unscarified strip of vegetation at least 75 feet wide shall be retained between the exposed mineral soils and the normal high-water line of a stream.

(3) **Application of Fertilizers and Manure**

a. Application of nitrogen fertilizer and manure is permitted subject to the approval from the Code Enforcement Officer. Permit applications shall identify materials, application rates and shall conform to Subsection 2.3.2.F(1) (General Standards).

b. All manure spreading shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the University of Maine Soil and Conservation Commission in July 1972, as amended.

c. Runoff from areas where manure or fertilizer is being applied to the land shall be controlled.

d. Application of manure or fertilizer to sand, or bare soil where the topsoil has been removed, is prohibited.

(4) **Manure Storage**

Agricultural operations that generate or utilize manure shall provide containment facilities for manure storage. Such facilities shall be adequate to hold one (1) year's production, and shall be covered.

(5) **Animal Husbandry**

The landowner shall minimize potential impact on groundwater quality when managing manure generated on-site through utilization of effective collection and storage measures.

(6) **Use of Pesticides**

a. Land application of pesticides is permitted subject to the approval from the Codes Enforcement Officer, provided that surface runoff and erosion in areas where pesticides are being applied is contained.

b. Permit applications shall include copies of the pesticide labels, rate of application and materials safety information. Application rates shall conform to Subsection 2.3.2.F(1) (General Standards).

(7) **Subsurface Waste Disposal Systems**

a. Disposal of hazardous materials to subsurface waste disposal systems, including organic solvents designed for cleaning septic systems, is prohibited.

b. Subsurface waste disposal systems in the APO1 and APO2 Districts shall be pumped out at least once every three (3) years and maintained. The Local Plumbing Inspector may consider and grant a request to waive or reduce the frequency of pumping and maintenance if evidence of significant underusage of the disposal system is submitted and accepted.

c. Homeowners shall retain receipts when their tank is pumped to demonstrate compliance to the Local Plumbing Inspector during an inspection.

(8) **Storage Tanks**

a. All underground oil (petroleum products) storage tanks (other than propane gas or natural gas storage tanks) that are in place prior to December 2, 1998 shall be nonconforming. All existing oil underground storage tanks and piping systems that are single-walled and double-walled tanks without an interstitial space monitoring system shall be precision-tested annually. Double-walled tanks and piping systems with an interstitial space monitoring system are exempt from annual precision-testing. Tanks failing to pass the precision test shall be excavated and examined for leaks. If found to be leaking, the tank and any material discharged from the tank shall be removed at the expense of the owner in accordance with the requirements of the Maine Department of Environmental Protection (MDEP). When it becomes necessary to replace an underground tank and/or its piping systems it shall be replaced with a double-walled tank and/or piping system with an interstitial space monitoring system, or better.

b. All aboveground oil (petroleum products) storage tanks (other than propane gas or natural gas storage tanks) that are in place within the APO1 or APO2 District prior to December 2, 1998 and that are not enclosed and located within an impervious secondary containment unit shall be nonconforming. When it becomes necessary to replace these tanks, the replacement tanks shall be enclosed and located within a secondary containment unit.

(9) **Application of Compost, Sludge Products, or Organic Fertilizer**

a. Land application materials are limited to those allowed in Subsection 2.3.2.E(2) (Use Standards for APO3 District).

b. Landowners shall keep records of past land applications of compost, sludge products, or organic fertilizers.

2.3.3. Shoreland Protection Overlay (SPO) District

A. **Purpose**

The purposes of the SPO District are to: further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

B. **SPO District Applicability**

The SPO District consists of:

(1) All land areas within 250 feet, horizontal distance, of the normal high-water line of any river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; and all land areas within 75 feet, horizontal distance of the edge of a stream.

(2) The SPO Stream Protection Sub-District (SPO-SP) includes all land areas within 75 feet, horizontal distance of the edge of a stream, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a river, or upland edge of a

freshwater or coastal wetland. Where a stream and its associated shoreland area are located within 250 feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the Shoreland District associated with that water body or wetland.

(3) The SPO Resource Protection Sub-District (SPO-RP) includes the following areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the Shoreland Protection Overlay District, exclusive of the Stream Protection Sub-District.

a. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

b. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

c. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

d. Areas within 250 feet, horizontal distance, of the upland edge of freshwater and/or coastal wetlands, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W), and as shown on the Brunswick Official SPO Map.

e. SPO District and Sub-District boundaries are delineated on the Brunswick Zoning Map.

C. Additional Requirements for the SPO District

The requirements in this subsection shall apply to all development within the SPO District.

(1) Setbacks of Structures from Water Bodies and Wetlands

a. All new principal and accessory structures, excluding functionally water-dependent uses and public waterfront trails, shall be located outside of any SPO Resource Protection Sub-District (SPO-RP). For purposes of this Subsection, recreational boat storage buildings are not considered a functionally water-dependent use. All new principal and accessory structures shall be set back a minimum horizontal distance of at least:

i. 75 feet from the edge of a stream;

ii. 125 feet from the normal high water line of a river;

iii. 125 feet from the upland edge of a coastal or freshwater wetland; and

iv. 250 feet from the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, where such areas are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of December 31, 2008, as depicted

on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map. These areas are defined as "Resource Protection Areas" and include areas which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. Water body and wetland setback measurements shall be taken from the top of a coastal bluff such as those that have been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map, and as depicted on the Brunswick GIS. If an applicant for development approval and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist to make a determination.

b. On a nonconforming lot of record on which only one (1) principal residential structure exists and it is not possible to place an accessory structure meeting the required water body, stream or wetland setbacks, the Code Enforcement Officer may issue a permit for a single accessory structure, with no utilities provided, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed 80 square feet in area nor eight (8) feet in height, shall be located as far from the shoreline, wetland or stream to the greatest extent practicable and shall satisfy all other applicable standards, including, but not limited to, impervious coverage and vegetation clearing limitations. In no case shall the accessory structure be located any closer to the shoreline, wetland or stream than the principal structure.

(2) **Prohibited Locations of New Structures Within the SPO District**

No new principal or accessory structure, except structures requiring direct access to the water as an operational necessity (including, but not limited to, piers, docks, retaining walls, and public waterfront trails, but excluding recreational boat storage buildings), shall be located within any of the following areas:

a. Floodplains adjacent to tidal waters, rivers, and artificially formed great ponds along rivers, as defined by the 100-year floodplain designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps Flood Boundary and Floodway Maps or the flood of record.

b. Areas of two (2) or more contiguous acres with sustained slopes of 20 percent or greater.

c. Areas of two (2) or more contiguous acres of wetlands that are not part of a freshwater or coastal wetland and are not surficially connected to a river, tidal waters, or stream during the period of normal high water.

d. Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.

(3) **Shoreland Protection Overlay Zone Permit Requirements and Exceptions**

Development and other land use activity within the Shoreland Protection Overlay Zone may be permitted in accordance with Subsection 5.2.6.

(4) **Water-Dependent Structures.**

New principal and accessory structures requiring direct access to the water as an operational necessity are subject to the supplementary use standards in Subsection 3.4.1.S (Marine Activity).

(5) **Agriculture**

a. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. § 4201-4209), as amended.

b. Storage or stockpiling of manure shall be set back a minimum horizontal distance of:

   i. 75 feet of the normal high water line of a stream;

   ii. 125 feet from the normal high water line of a river or tidal waters; or

   iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. All manure storage areas shall be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

d. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the SPO District shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Ordinance. Assistance in preparing a soil and water conservation plan may be available through the Cumberland County Soil and Water Conservation District Office.

e. Newly established fields that require tilling of soil shall not be permitted within 75 feet, horizontal distance, of the normal high water line of any river, tidal waters, or stream, or of the upland edge of a coastal or freshwater wetland.

f. The tilling of fields that is associated with ongoing farm activities and is not in conformance with the setback requirement in Subsection e above may continue, provided that such tilling is conducted in accordance with a Conservation Plan.

g. Newly established livestock grazing areas shall be set back at a minimum horizontal distance of 75 feet from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland. Livestock grazing that is associated with ongoing farm activities and is not in conformance with the above setback requirement may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

(6) **Aquaculture**

Aquaculture land use activities extending over or below the normal high-water line or within the wetland located in the SPO-SP and the SPO-RP District shall require Planning Board approval in accordance with the SPO permit standards in Subsection 5.2.6.

(7) **Beach Construction**

Before beach construction is commenced, an applicant must obtain a permit from the Maine Department of Environmental Protection and Site Plan Approval by the Planning Board.

(8) **Timber Harvesting**

Timber harvesting in the SPO District is subject to and shall comply with the Maine Forest Service's Statewide Standards for Timber Harvesting Activities in Shoreland Areas (04-058 C.M.R. Ch. 21) and the Maine Bureau of Forestry's Forest Regeneration and Clearcutting Standards (01-669 C.M.R. Ch. 20).

(9) **Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal**

a. Hazard trees in the Shoreland Protection Overlay may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

i. Within the Shoreland Protection Overlay, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than 250 square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

ii. Outside of the Shoreland Protection Overlay, when the removal of hazard trees exceeds 40 percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding 25 percent of the lot area within the Shoreland Protection Overlay, or 10,000 square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

iii. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

iv. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the Shoreland Protection Overlay.

v. The Code Enforcement Officer may require more than a one–for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

b. Storm-damaged trees in the Shoreland Protection Overlay may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

i. Within the Shoreland Protection Overlay, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than 250 square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(A) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(B) Stumps from the storm-damaged trees may not be removed;

(C) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(D) If after one (1) growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every 80 square feet of lost canopy.

ii. Outside of the Shoreland Protection Overlay, if the removal of storm damaged trees exceeds 40 percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25 percent of the lot area within the Shoreland Protection Overlay or 10,000 square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

(10) **Exemptions to Clearing and Vegetation Removal Requirements**

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

a. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Subsection 15(P) apply;

b. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Subsection 15(B) are not applicable;

c. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

d. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Subsection 15(N) are complied with;

e. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site within the SPO and outside the SPO-RP and SPO-SP that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A Section 343-E, and that is located along:

i. A coastal wetland; or

ii. A river that does not flow to a great pond classified as GPA. (Class GPA shall be the sole classification of great ponds and lakes less than ten (10) acres in size [38 M.R.S.A Section 465-A(1)(B)].

f. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

i. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least 25 feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

ii. Removal of vegetation within 25 feet, horizontal distance, from the shoreline occurs via hand tools; and

iii. If applicable, clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

g. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

(11) **Revegetation Requirements**

When revegetation is required in response to violations of the vegetation standards set forth in Subsection 2.3.3.C(12), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements:

a. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

b. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

c. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

d. Revegetation activities must meet the following requirements for trees and saplings:

i. All trees and saplings removed must be replaced with native noninvasive species;

ii. Replacement vegetation must at a minimum consist of saplings;

iii. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

iv. No one species shall make up 50% or more of the number of trees and saplings planted;

v. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

vi. A survival rate of at least 80 percent of planted trees or saplings is required for a minimum five (5) years period.

e. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

i. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

ii. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

iii. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

iv. No one (1) species shall make up 50 percent or more of the number of planted woody vegetation plants; and

v. Survival of planted woody vegetation and vegetation under three (3) feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

f. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

i. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

ii. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

iii. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this Section for a minimum of five (5) years.

(12) **Clearing or Removal of Vegetation for Activities Other than Timber Harvesting**

a. **Preservation of Vegetated Buffers along Water Bodies and Wetlands**

i. Except to allow for development of permitted uses, a buffer of vegetation shall be preserved within a strip of land extending a minimum horizontal distance of 75 feet inland from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland.

ii. Selective cutting of trees within the vegetated buffer is allowed provided that a well-distributed stand of trees and other natural vegetation is retained.

iii. For purposes of the requirement in subsection ii above, a "well-distributed stand of trees" shall be defined as one (1) rating a score of 24 or more in any 25- foot-by-50-foot rectangular (1250 square feet) area as determined by the following rating system.

TABLE 2.3.3-1: Rating System for Well-Distributed Stand of Trees

Diameter of Tree at 4½ feet above Ground Level	Points
2 < 4 inches	1
4 < 8 inches	2
8 < 12 inches	4
12 inches or greater	8
Example: If a 25-foot-by-50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two (2) trees between 4 and 8 inches in diameter, three (3) trees between 8 and 12 inches in diameter, and two (2) trees over 12 inches in diameter, the rating score is: (4x1) + (2x2) + (3x4) + (2x8) = 36 points. Thus, the plot contains a well-distributed stand of trees. Trees totaling 12 points (36-24 = 12) may be removed from the plot provided that no cleared openings are created.	

iv. The following shall govern in applying this point system:

(A) The 25-foot-by-50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(B) Each successive plot must be adjacent to, but not overlap, a previous plot;

(C) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(D) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

(E) Where conditions permit, no more than 50 percent of the points on any 25-foot-by-50-foot rectangular plot may consist of trees greater than 12 inches in diameter.

v. For purposes of the requirement in Subsection ii above, retention of "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two (2) inches in diameter at four and one-half (4.5) feet above ground level for each 25-foot-by-50-foot rectangular area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.

vi. There shall be no cleared opening in the vegetated buffer's forested canopy (as measured from the outer limits of the tree or shrub crown)—or the canopy of other existing woody vegetation if a forested canopy is not present—that is greater than 250 square feet in area provided, however, that a single footpath no wider than six (6) feet (as measured between tree trunks and/or shrub stems) is allowed for the purpose of accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.

vii. Notwithstanding the requirements of this Subsection 2.3.3.C(12), stairways or similar structures may be permitted with a Building Permit approved by the Code Enforcement Officer, to provide shoreline access in areas of steep slope or unstable soils, provided that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., Section 480-C); and that the applicant demonstrates that no reasonable alternative for access exists on the property.

viii. To maintain a vegetated buffer, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species, in accordance with Subsection 2.3.3.C (11) unless existing new tree growth is present.

ix. In order to maintain the vegetated buffer, any clearing or removal of vegetation for allowed activities, including associated construction or related equipment operation, within or outside Shoreland Protection Overlay area, shall be in compliance with Subsection 2.3.3.C (12).

x. To protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for selective cutting or a foot path as allowed in Subsections ii and vi above.

xi. Pruning of tree branches on the bottom third of the tree is allowed.

xii. Notwithstanding the above provisions, no more than 40 percent of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4.5) feet above ground level may be removed in any ten (10) year period.

xiii. This Subsection 2.3.3.C(12)a. does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

b. **Limitation on Selective Cutting Beyond the 75 Foot Vegetated Buffer of Water Bodies and Wetlands**

i. At horizontal distances greater than 75 feet from the normal high-water line of any water body or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than 40 percent of the volume of trees four (4) inches or more in diameter, measured four and one-half (4.5) feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the four (4) percent calculation. For purposes of this requirement, volume may be considered to be equivalent to basal area.

ii. In no event shall the aggregate area of openings cleared for any purpose (including, but not limited to, principal and accessory structures, driveways,

lawns, and sewage disposal areas) exceed 25 percent of the lot area within the SPO District or 10,000 square feet, whichever is greater. Previously cleared land shall be included in calculating cleared openings.

c. **Clearing of Vegetation**

i. Legally existing cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance. This rule applies specifically to continued maintenance, but not enlargement, of lawns, gardens, and agricultural fields and pastures in existence on November 18, 2002.

ii. Fields and other cleared openings that have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated by Subsection 2.3.3.C(12)

iii. In the following areas, clearing of vegetation shall be limited to that which is necessary for permitted uses:

(A) Areas within a horizontal distance of 250 feet from the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, where such areas are rated as "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W or MDEP, and as shown on the Brunswick Official Zoning Map.

(B) Floodplains adjacent to tidal waters, rivers, artificially formed great ponds along rivers, as defined by the 100-year floodplain designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Boundary and Floodway Maps, as amended, or the flood of record.

(C) Areas of two (2) or more contiguous acres with sustained slopes of 20 percent or greater.

(D) Areas of two (2) or more contiguous acres of wetlands that are not part of a freshwater or coastal wetland and are not surficially connected to a river, tidal waters, or stream during the period of normal high water.

(E) Land along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.

(F) Land along the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map.

d. **Temporary Clearing of Vegetation**

i. The vegetation clearing standards of this Ordinance can be exceeded on a temporary basis with prior written approval of the Code Enforcement Officer under the following conditions:

(A) The work shall be completed by a qualified professional under the supervision of a public natural resource agency or municipal department exclusively for the purpose of controlling the spread of invasive species and restoring natural areas.

(B) Woody species removed that exceed the required stand scoring limits are non-native invasive species including: Norway Maple (*Acer platanoides*), Japanese barberry (*Berberis thunbergii*), Asiatic bittersweet (*Celastrus orbiculata*), glossy buckthorn (*Frangula alnus*), Morrow's honeysuckle (*Lonicera morrowii*), Japanese honeysuckle (*Lonicera japonica*), Tartarian honeysuckle (*Lonicera tatarica*), multiflora rose (*Rosa multiflora*), or other species identified as woody invasive plants by the Maine Natural Areas Program (MNAP). If removal of these species exceeds the required "well-distributed stand" scoring limits in Subsection a.ii above, native species will be planted to return the area to compliance with the "well distributed stand" requirement prior to the start of the next growing season.

(C) Non-native invasive woody species under three (3) feet in height and herbaceous invasive species—including Japanese knotweed (*Fallopia japonica*), purple loosestrife (*Lythrum salicaria*), and other species identified as invasive plants by the Maine Natural Areas Program (MNAP),can be removed if the area is replanted and monitored for the successful establishment of native species at an equal or greater density than the species removed.

(D) Temporary erosion control measures shall be installed prior to the start of the activity if the invasive species removal effort has the potential to result in erosion of soil into the resource.

(E) All disturbed areas shall be permanently stabilized.

(13)**Erosion and Sedimentation Control**

a. Activities requiring Development Review that involve filling, grading, excavation or other similar activities resulting in unstabilized soil conditions shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Review Authority for approval and shall include, where applicable, provisions for:

i. Mulching and revegetation of disturbed soil;

ii. Temporary runoff control features such as hay bales, silt fencing or diversion ditches; and

iii. Permanent stabilization such as retaining walls or rip rap.

b. To create the least potential for erosion, development shall be designed to fit with the site topography and soils. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

c. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

d. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked by use of riprap, sod, seed, mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

i. Where mulch is used, it shall be applied at a rate of at least one (1) bale per 500 square feet and shall be maintained until a catch of vegetation is established.

ii. Anchoring the mulch with netting, peg and twine, or other suitable method may be required to maintain the mulch cover.

iii. Additional measures shall be taken where necessary to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

e. Natural and artificial drainage ways and drainage outlets shall be protected from erosion caused by water flow. Drainage ways shall be designed and constructed to carry water from a 25-year storm or greater, and shall be stabilized with vegetation or rip-rap.

(14)**Mineral Exploration and Extraction**

a. All mineral exploration and extraction within the SPO District shall be subject to the following requirements in addition to the supplemental use standards applicable to mineral extraction in Subsection 3.4.1.T (Mineral Extraction). The Review Authority may impose such necessary conditions to a Site Plan Approval to minimize adverse impacts associated with mineral extraction operations on surrounding uses and resources.

b. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods that create minimal disturbance of less than 100 square feet of ground surface. A Special Permit shall be required for mineral exploration that exceeds the above limitation.

c. All excavations, including test pits and holes, shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

d. No new gravel pits may be developed within the SPO District unless it can be demonstrated that no reasonable alternative exists outside the zone. When gravel pits must be located within the zone, they shall be set back as far as practicable, and, at a minimum, in conformance with the following setback standards in Subsection e. below.

e. Any extraction operation, including drainage and runoff control features, shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

f. Gravel pits shall be screened from a stream, river, tidal waters, or wetland by vegetation.

g. Extraction operations shall be set back a minimum horizontal distance of 75 feet from any property line without written permission of the owner of the adjacent property.

h. Extraction operations at an extraction site shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12-month period. Within 12 months after that time, ground levels and grades shall be established in accordance with the following:

i. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on site. Only materials generated on-site may be buried or covered on-site.

ii. The final graded slope shall be 2.5:1 (horizontal to vertical) or flatter.

iii. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with native vegetation. Additional top soil or loam shall be obtained from off-site sources, if necessary, to complete the stabilization project.

i. The reclamation plan required by Subsection 3.4.1.T(5) (Reclamation Plan) shall include a detailed description of the procedures to be undertaken to fulfill the requirements of Subsection h above.

(15) **Structures and Other Activities Extending Over or Below a Water Body or Within a Wetland or Shoreline Stabilization Area**

The following requirements apply to piers, docks, wharves, bridges, and other structures and activities extending over or below the normal high-water line of a water body, or within a wetland or shoreline stabilization area. (Note: New permanent structures, and expansions thereof, projecting into or over water bodies require a permit from the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., § 480-C, as amended. Permits may also be required from the U.S. Army Corps of Engineers if located in navigable waters.)

a. No more than one (1) pier, dock, wharf, or similar structure extending over or located below the normal high-water line of a water body, or within a wetland or shoreline stabilization area is permitted on a single lot; excepting single lots having a lot width at least twice the required lot width of the base zoning district, a second structure may be permitted and may remain as long as the lot is not further divided.

b. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

c. The location shall not interfere with existing developed or natural beach areas.

d. The structure or activity shall be located so as to minimize adverse effects on fisheries.

e. The structure or activity shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock, or wharf shall not be wider than six (6) feet for noncommercial uses.

f. No new structure shall be built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland or shoreline stabilization area unless the structure requires direct access to the water body or wetland or shoreline stabilization area as an operational necessity.

g. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Code Enforcement Officer that a temporary pier or dock is not feasible, and a permit has been obtained from the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., § 480-C, as amended.

h. A structure constructed on a float is prohibited unless it is designed to function as a watercraft and is registered as such with the Maine Department of Inland Fisheries and Wildlife.

i. No existing structures built on, over, or abutting a pier, dock, wharf, or other structure extending beyond the normal high-water line of water body or within a wetland shall be converted to residential dwelling units.

j. Structures built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland or shoreline stabilization area shall not exceed 20 feet in height above the pier, wharf, dock, or other structure.

k. Commercial marine activities and piers, docks, wharves, breakwaters, causeways, marinas, bridges, and other structures projecting into water bodies shall conform to the supplementary use standards in Subsection 3.4.1.S (Marine Activity).

l. Vegetation may be removed in excess of the standards in Subsection 2.3.3.C.(12) in order to stabilize an eroding shoreline, provided that prior to such removal, the proposed activity is reviewed onsite and approved by the Code Enforcement Officer. Construction equipment shall access the shoreline by barge when feasible, as determined by the Code Enforcement Officer.

   i. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site by land shall be limited to no more than 12 feet in width. Upon completion of the stabilization activity, the area cleared for construction equipment access shall be restored with native trees and other vegetation.

   ii. Revegetation shall be completed in accordance with Subsection 2.3.3.C (11).

m. A deck over a river may be exempt from the 125 foot shoreland setback requirement for new construction if the new construction is part of a downtown revitalization project, defined in a project plan and approved by Town Council. This may include the revitalization of structures formerly used as mills that do not currently meet the structure setback requirements, if the proposed deck complies with the following:

   i. The total deck area attached to the structure does not exceed 700 square feet;

   ii. The deck is cantilevered over a river segment that is located within the boundaries of the downtown revitalization project area;

   iii. The deck is attached or accessory to a permitted commercial use in a structure constructed prior to 1971 and is located within the boundaries of the downtown revitalization project area;

   iv. The deck construction complies with all other applicable standards, with the exception of shoreland setback requirements contained in Subsection 2.3.3.(C); and

   v. The deck construction complies with all other local, State and Federal laws and regulations.

(16)**Roads and Driveways**

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts, and other related features.

a. Unless the Review Authority determines that no reasonable alternative exists, roads and driveways shall be set back a minimum horizontal distance of:

   i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of any coastal or freshwater wetland.

b. On determining that no reasonable alternative exists to compliance with a minimum road/driveway setback requirement in Subsection a above, the Review Authority may reduce the minimum setback to no less than 50 feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the protected resource(s). Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the protected resource(s).

c. On slopes of greater than 20 percent, the minimum road/driveway setbacks required in subsection a above shall be increased by ten (10) feet for each five (5) percent increase in slope above 20 percent.

d. The minimum road/driveway setbacks required in subsection a above do not apply to approaches to water crossings to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or stream due to an operational necessity excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Subsection a above except for that portion of the road or driveway necessary for direct access to the structure.

e. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body or wetland.

f. New roads and driveways are prohibited in the areas described in Subsection 2.3.3.C(2) (Prohibited Locations of New Structures), except that the Review Authority may grant a permit to construct a road or driveway to provide access to permitted uses within those areas on finding that no reasonable alternative route or location is available outside of those areas in which case the road and/or driveway shall be set back as far as practicable from the protected resource.

g. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than 200 feet.

h. Road and driveway banks shall be no steeper than a slope of 2:1 horizontal to vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Subsection 2.3.3.C(13) (Erosion and Sedimentation Control).

i. To prevent road and driveway surface drainage from directly entering a protected resource, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip along a stream, river, tidal waters, or wetlands.

i. The minimum horizontal width of an unscarified buffer strip along the normal high water line of a stream shall be 25 feet.

ii. The minimum width of an unscarified buffer strip along the normal high water line of a river or tidal waters, or upland edge of a coastal or freshwater wetland, shall equal 50 feet plus two (2) times the average slope between the outflow point of the ditch or culvert and the river, tidal waters, or wetland.

j. Surface drainage directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

k. Ditch relief (cross drainage) culverts, drainage dips, and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

i. Ditch relief culverts, drainage dips. and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Table 2.3.3-2: Spacing of Culverts, Drainage Dips, and Water Turnouts

Grade	Spacing
0 – 2%	250 feet
3 – 5%	200 – 135 feet
6 – 10%	100 – 80 feet
11 – 15%	80 – 60 feet
16 – 20%	60 – 45 feet
21%+	40 feet

ii. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

iii. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a 30 degree angle downslope from a line perpendicular to the centerline of the road or driveway.

iv. Ditch relief shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

l. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

(17)**Campgrounds**

Campgrounds shall conform to the minimum requirements imposed under State licensing and permitting procedures and the following:

a. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum horizontal distance of:

i. 75 feet from the normal high water line of a stream;

ii. 125 feet from the normal high water line of a river or tidal waters; and

iii. 125 feet from the upland edge of a coastal or freshwater wetland.

b. Campgrounds shall contain a minimum of 5,000 square feet of land for each camp site. Land containing roads and driveways, lands containing supporting wetland vegetation, and land below the normal high water line of a water body shall not be included in calculating land area per camp site.

c. All campgrounds are subject to Site Plan Approval by the Planning Board and approval by the Maine Department of Human Services.

(18)**Individual Private Campsites**

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

a. One (1) campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the SPO District, whichever is less, may be permitted.

b. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back a minimum horizontal distance of:

   i. 75 feet from the normal high water line of a stream;

   ii. 125 feet from the normal high water line of a river or tidal waters; and

   iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. Only one (1) recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation and no structure(s) except canopies shall be attached to the recreation vehicle.

d. The clearing of vegetation for the sitting of the recreational vehicle, tent, or similar shelter shall be limited to an area of 1,000 square feet.

e. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

f. No recreational vehicles, tent, or similar shelter shall be placed on-site for more than 120 days per year.

(19)**Sanitary Standards**

As well as meeting all requirements of the State of Maine Subsurface Wastewater Disposal Rules, all on-site septic systems located within the SPO District shall meet the following additional standards:

a. All parts of all types of subsurface wastewater disposal systems shall be set back a minimum horizontal distance of:

   i. 75 feet from the normal high water line of a stream;

   ii. 125 feet from the normal high water line of a river or tidal waters; and

   iii. 125 feet from the upland edge of a coastal or freshwater wetland.

b. No clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall occur within a minimum horizontal distance of:

   i. 75 feet from the normal high water line of a stream

   ii. 125 feet from the normal high water line of a river or tidal waters;

   iii. 125 feet from the upland edge of a coastal or freshwater wetland.

c. A holding tank is not allowed for a first-time residential use.

d. The Local Plumbing Inspector may consider and grant a request to reduce this setback for a replacement subsurface wastewater disposal system if a report prepared by a soils scientist or site evaluator registered in the State of Maine is submitted and accepted, and the report states that:

   i. The existing system is failing;

ii. No suitable location exists outside the setback; and

iii. The proposed location meets the required setbacks to the greatest extent practicable.

e. Setbacks for new subsurface wastewater disposal facilities cannot be reduced by Variance.

(20)**Overboard Discharge Systems**

Overboard discharge from a sewage disposal system, in which sewage (chlorinated or otherwise) flows into a protected resource, is prohibited. Systems licensed prior to June 6, 1994, may continue as long as they are in compliance with all appropriate State laws and do not involve expansion of the existing system.

(21)**Water Quality**

No activity shall deposit on or into the ground, or discharge to the waters of the State, any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body or wetland.

(22)**Soils**

a. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction.

b. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and prepared by a State-certified professional. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevations, presence of ledge, drainage conditions, and other pertinent data that the evaluator deems appropriate. The soils report shall include recommendations for the proposed use to counteract soil limitations where they exist.

(23)**Archaeological Sites**

a. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places (as determined by the Maine Historic Preservation Commission) shall be submitted to that Commission for review and comment at least 20 days prior to action being taken by the Review Authority. The Review Authority shall consider comments received from the Commission prior to rendering a decision on the application. A list of Historic Places compiled by the Commission shall be kept on file in the Planning and Development Department.

b. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's Level 1 or Level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(24)**Parking Areas**

a. Parking areas shall meet the minimum water body and wetland setback requirements for principal and accessory structures in Subsection 2.3.3.C(1) (Setbacks of Structures from Water Bodies and Wetlands). On finding that no reasonable alternative to compliance with a required minimum setback exists, the Review Authority may reduce the minimum setback for parking areas serving a public or private boat launching facility to no less than 50 feet from the normal high water line of a stream, river, or tidal waters, and the upland edge of a coastal or freshwater wetland.

b. Parking areas shall be designed to prevent stormwater runoff from flowing directly into a protected resource, and where feasible, to retain all runoff on-site.

c. Parking areas shall conform to the design standards in Section 4.9 (Parking and Loading). In addition parking spaces for vehicles with boat trailers shall be at least 40 feet in length.

(25)**Stormwater Runoff**

a. All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features such as berms, swales, terraces, and wooded areas shall be retained to reduce runoff and encourage infiltration of stormwater.

b. Direct discharge of stormwater into any water body shall be avoided.

c. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

(26)**Essential Services**

a. Where feasible, the installation of essential services shall be limited to existing public rights-of-way and existing service corridors.

b. The installation of essential services, other than roadside distribution lines, is not allowed in a Resource Protection (SPO-RP) or a Stream Protection (SPO-SP) Sub-District, except to provide services to a permitted use within said District, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including, but not limited to, visual impacts.

c. Damaged or destroyed utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a Shoreland Protection Permit.

(27)**Minor Utilities**

a. Where feasible, the installation of minor utilities shall be limited to existing public ways and existing service corridors.

b. The installation of minor utilities other than road-side distribution lines is not allowed in the SPO District except to provide services to a permitted use within the Overlay District, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

c. Damaged or destroyed public utility transmission and distribution lines, towers, and related equipment may be replaced or reconstructed without a Shoreland Protection Permit.

2.3.4. Flood Protection Overlay (FPO) District

A. Purpose

The purpose of the FPO District standards is to:

(1) Protect human life, health, and welfare;

(2) Encourage the use of construction practices that will prevent or minimize flood damage in the future;

(3) Reduce financial burdens on the Town and its residents by discouraging unwise design and construction in areas subject to flooding;

(4) Minimize the need for and cost of rescue and relief efforts associated with flooding;

(5) Minimize prolonged business interruptions;

(6) Minimize damage to public facilities and utilities such as streets and bridges; water and sewer lines; gas lines; electric, telecommunications, and telephone lines;

(7) Minimize flooding of water supply and sanitary sewage disposal systems and the public health risks related to interruptions of these important public services;

(8) Minimize interference with floodwater storage and conveyance facilities;

(9) Maintain natural drainage and minimize the impact of development on the natural and beneficial functions of floodplains; and

(10) Meet the requirements of the National Flood Insurance Program and all related requirements of Maine law.

B. Definition and Delineation of FPO District

(1) The FPO District consists of any land in the floodplain lying within the 100-year flood boundary (Special Flood Hazard Area) as delineated on the Flood Insurance Rate Map of the Town as part of the National Flood Insurance Program.

(2) The FPO District is comprised of Zones A, A1-A30, and V1-V30, as identified by the Federal Emergency Management Agency in the report "Flood Insurance Study - Town of Brunswick, Maine, Cumberland County" dated January 3, 1986, as amended, with the accompanying "Flood Insurance Rate Map" (FIRM) and "Flood Boundary and Floodway Map" which are incorporated by reference into this Ordinance.

(3) In a case where the boundary of the FPO District or one (1) of its zones is believed to be incorrectly delineated, the property owner may apply to the Federal Emergency Management Agency for a Letter of Map Correction as outlined in the National Flood Insurance Program Regulations 44 CFR Part 65.

C. Permit Requirements for the FPO District

(1) Flood Hazard Development Permit Required

All development within the FPO District shall require a Flood Hazard Development Permit obtained in accordance with Section 5.2.4 (Special Permits for Nonconforming Building Footprint Expansions). (Certificate of Compliance)

(2) No land in the FPO District shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Codes Enforcement Officer subject to the following provisions:

a. The applicant shall submit to the Codes Enforcement Officer written notification that the development is complete and complies with this Ordinance, along with an Elevation Certificate completed by:

i. A Professional Land Surveyor for compliance with Subsection 2.3.4.D(2) (Residential Structures), Subsection 2.3.4.D(3) (Nonresidential Structures), Subsection 2.3.4.D(4) (Mobile Homes), and Subsection 2.3.4.D(12) (Coastal Floodplains); and,

ii. A registered professional engineer or architect for compliance of floodproofed nonresidential structures with Subsection 2.3.4.D(3) (Nonresidential Structures) and compliance of structures constructed in the coastal floodplains with Subsection 2.3.4.D(12) (Coastal Floodplains).

b. The Codes Enforcement Officer shall review the Elevation Certificate and shall issue a Certificate of Compliance if the building conforms to the provisions of this Ordinance.

D. **Additional Requirements for the FPO District**

The requirements in this Subsection shall apply to all development within the FPO District.

(1) **General**

a. All development shall be designed or modified and anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement resulting from the hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. Construction material and utility equipment shall be resistant to flood damage.

c. Construction methods and practices shall be used to minimize flood damage.

d. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

e. All new and replacement sanitary sewage systems including on-site waste disposal systems, shall be designed, located, and constructed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters.

f. All electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

g. All development associated with altered or relocated portions of a water course shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the water course.

(2) **Residential Structures**

a. New construction or the substantial improvement of any residential structures located within Zones A1-A30 shall have the lowest floor (including the basement) elevated at least one (1) foot above the base flood elevation.

b. New construction or the substantial improvement of any residential structures located within Zone A shall have the lowest floor (including basement) elevated to

at least one foot above the base flood elevation utilizing elevation information available from federal, State, and other sources.

c. New construction or the substantial improvement of any residential structures located within Zones V1-30 shall meet the requirements of Subsection 2.3.4.D(12) (Coastal Floodplains).

(3) **Nonresidential Structures**

a. New construction or substantial improvement of any nonresidential structures located within Zones A1-30 shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation, or together with attendant utility and sanitary facilities, shall:

i. Be floodproofed to at least one (1) foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be part of the application for a Flood Hazard Development Permit, and shall include a record of the elevation above mean sea level to which the structure is flood proofed.

b. New construction or substantial improvement of any nonresidential structures located within Zone A shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation by utilizing elevation information elevation available from federal, State, or other sources or together with attendant utility and sanitary facilities meet the floodproofing standards of Subsection 2.3.4.D(3) (Nonresidential Structures).

c. New construction or substantial improvement of any nonresidential structures located within Zones V1-30 shall meet the requirements of Subsection 2.3.4.D(12) (Coastal Floodplains).

(4) **Mobile Homes**

a. New or substantially improved mobile homes located within Zones A1-30 shall:

i. Be elevated on a permanent foundation such that the lowest floor is at least one (1) foot above the base flood elevation; and,

ii. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(A) Over-the-top ties anchored to the ground at the four (4) corners of the manufactured home, plus two (2) additional ties per side at intermediate points (modular housing less than 50 feet long requires one (1) additional tie per side); or by,

(B) Frame ties at each corner of the home, plus five (5) additional ties along each side at intermediate points (modular housing less than 50 feet long requires four (4) additional ties per side).

iii. All components of the anchoring system described above shall be capable of carrying a force of 4,800 pounds.

b. New or substantially improved mobile homes located within Zone A shall be elevated on a permanent foundation such that the lowest floor is elevated to at least one (1) foot above the base flood elevation as determined by utilizing information on the base flood elevation available from federal, State, and other sources.

c. New or substantially improved mobile homes located within Zones V1-30 shall meet the requirements of Subsection 2.3.4.D(12) (Coastal Floodplains).

(5) **Recreational Vehicles**

a. Recreation vehicles located within Zones A1-30 shall either:

i. Be on the site for fewer than 180 consecutive days;

ii. Be fully licensed and ready for highway use (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions.); or

iii. Be permitted in accordance with the elevation and anchoring requirements for "modular housing" in Subsection 2.3.4.D(3)a above.

b. Recreation vehicles located within Zones V1-30 shall meet the requirements of either Subsection 2.3.4.D(5)a.i or Subsection 2.3.4.D(5)a.ii or Subsection 2.3.4.D(12) (Coastal Floodplains).

(6) **Accessory Structures**

a. Accessory structures located within Zones A1-30 and A shall be exempt from the elevation criteria required in Section 2.3.4.D(2) (Residential Structures) and Section 2.3.4.D(3) (Nonresidential Structures) if all other requirements of Section 2.3.4.D (Additional Requirements for the FPO District) and all the following requirements are met.

b. Accessory structures shall:

i. Have an area of 500 square feet or less and have a value less than $3,000;

ii. Have unfinished interiors and not be used for human habitation;

iii. Have hydraulic openings as specified in Subsection 2.3.4.D(8)a.ii(C) in at least two (2) different walls of the accessory structure;

iv. Be located outside the floodway;

v. When possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwater and be placed further from the source of flooding than is the primary structure; and

vi. Have only ground fault interrupt electrical outlets and have electric service disconnects located above the base flood elevation and, when possible, outside the Special Flood Hazard Area.

(7) **Floodway Encroachments**

a. In those riverine areas within Zones A1-30 for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map,"

encroachments including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway unless the encroachment is a necessity and a technical evaluation certified by a registered professional engineer is provided demonstrating that the encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b. In those riverine areas within Zones A1-30 and Zone A for which no regulatory floodway is designated, encroachments including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway (as determined in accordance with subsection c below) unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

i. Will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community; and

ii. Is consistent with the technical criteria contained in Chapter 5 ("Hydraulic Analyses") of the Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/January 1995, as amended).

c. In riverine areas within Zones A and A1-30 for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

(8) **Enclosed Areas Below the Lowest Floor**

a. New construction or substantial improvement of any structure in Zones A1-30 and Zone A that meets the standards in Subsection 2.3.4.D (Additional Requirements for the FPO District), including the elevation requirements of Subsection 2.3.4.D(2) (Residential Structures), Subsection 2.3.4.D(3) (Nonresidential Structures), Subsection 2.3.4.D(4) (Mobile Homes), and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation provided all the following standards are met:

i. Enclosed areas shall not be "basements" as defined in Subsection 1.7.2 (Definitions).

ii. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either Be engineered and certified by a registered professional engineer or architect or meet the following standards:

(A) A minimum of two (2) openings having a total net area of not less than one (1) square inch shall be provided for every square foot of the enclosed area;

(B) The bottom of all openings shall be no higher than one (1) foot above the lowest grade; and,

(C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as

human intervention, including the use of electrical and other non-automatic mechanical means.

iii. The enclosed area shall not be used for human habitation.

iv. The enclosed areas shall be usable solely for building access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

(9) **Bridges**

New construction or substantial improvement of any bridge located within Zones A1-30 and Zones V1-30 shall:

a. When possible, be designed so that the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one (1) foot above the base flood elevation; and

b. Be certified by a registered professional engineer that:

i. The structural design and methods of construction meet the elevation requirements of this section and the floodway standards in Subsection 2.3.4.D(7) (Floodway Encroachments); and

ii. The foundation and superstructure attached to the bridge are anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

(10) **Containment Walls**

a. New construction or substantial improvement of any containment wall located within Zones A1-30 and Zones V1-30 shall:

i. Have the containment wall elevated to at least one (1) foot above the base flood elevation;

ii. Have structural components capable to resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Subsection.

b. New construction or substantial improvement of any containment wall located within Zone A shall have the containment wall elevated to at least one (1) foot above the base flood elevation.

(11) **Wharves, Piers, and Docks**

New construction or substantial improvement of wharves, piers, and docks are permitted in Zone A, Zones A1-30, and Zones V1-30 in and over water and seaward of the mean high tide if the following requirements are met:

a. The wharf, pier, or dock shall comply with all applicable local, State, and federal regulations; and

b. Any commercial wharf, pier, or docks involving fill shall adhere to the design and construction standards contained in the U.S. Army Corps of Engineers' "Shore Protection Manual."

(12)**Coastal Floodplains**

a. All new construction located within Zone A, Zones A1-30, and Zones V1-30 shall be located landward of the reach of the mean high tide except as provided in Subsection b.vii below.

b. New construction or substantial improvement of any structure located within Zones V1-30 shall meet the following standards:

i. The structure shall be elevated on posts or columns such that:

(A) The bottom of the lowest structural member of the lowest floor (excluding the pilings or columns) is elevated to one (1) foot above the base flood elevation; and

(B) The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

ii. The structure shall have the space below the lowest floor:

(A) Free of obstructions;

(B) Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or

(C) Constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than ten (10), nor more than 20, pounds per square foot.

iii. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the structure and certify that they:

(A) Meet or exceed the technical criteria contained in the current edition of the Coastal Construction Manual, and

(B) Are in accordance with accepted standards of practice for meeting the standards in this Subsection b.

iv. The use of fill for structural support is prohibited.

v. Human alteration of sand dunes is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

vi. The enclosed areas may be used solely for parking vehicles, building access, and storage.

vii. Lobster sheds and fishing sheds located seaward of mean high tide shall be exempt from the elevation requirement in Subsection 2.3.4.D(2) (Residential Structures) and are permitted in accordance with the requirements of Subsection 2.3.4.D(7) (Floodway Encroachments) and Subsection 2.3.4.D(8) (Enclosed Areas Below the Lowest Floor) and all of the following standards:

(A) The sheds shall be limited to low value structures, such as metal or wood sheds, that have a floor area of 200 square feet or less and do not exceed more than one story.

(B) The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

(C) The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

(D) The structure shall have unfinished interiors and shall not be used for human habitation.

(E) Any mechanical, utility equipment, and fuel storage tanks shall be anchored and either elevated or floodproofed to one foot above the base flood elevation.

(F) All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located onshore, above the base flood elevation, and when possible, outside the Special Flood Hazard Area.

(13)**Statement of FPO District Regulations Applicability**

A statement that construction and other development in the FPO District must meet the requirements of this Subsection shall be included in any deed, lease, purchase and sales agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure including, but not limited to, a time- share interest. The statement shall clearly articulate that the Town may enforce any violation of these requirements. The statement shall also be included on any map, plat, or plan to be signed by the Review Authority as part of the approval process.

(14)**Warning and Disclaimer of Liability**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted with such areas will be free from flooding of flood damages. This Ordinance shall not create liability on the part of the Town of Brunswick or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

2.3.5. Wildlife Protection Overlay (WPO) District

A. **Purpose**

(1) The purpose of the Wildlife Protection Overlay (WPO) District is to reduce the continuing loss of habitat for native species in rural zoning districts, while simultaneously accommodating development within those districts.

(2) The intent of the requirements of this Subsection 2.3.5 is to minimize the removal of woody vegetation that breaks large unfragmented forest blocks into smaller patches of forest; and to minimize activities that block or limit species movement between unfragmented forest blocks. These activities are hereafter referred to as “fragmentation”.

B. **Delineation**

(1) The WPO District comprises two parts:

a. Wildlife Habitat Blocks consist of the rural portions of large (greater than 150 acres) continuous blocks of naturally occurring stands dominated by woody vegetation.

b. Wildlife Corridors consist of the overland connections between Wildlife Habitat Blocks that provide naturally vegetated linkages supporting daily and seasonal species movement between Wildlife Habitat Blocks.

(2) WPO District boundaries and the boundaries of Wildlife Habitat Blocks and Wildlife Corridors are delineated on the Brunswick Zoning Map and are based on aerial photo imagery that depict land-use changes known to have occurred through December 2015. Those boundaries will be adjusted as approved development within the WPO District occurs.

C. **Requirements**

(1) **Applicability and Exempt Activities**

a. The requirements in this Subsection C shall apply to the following activities:

i. Disturbance, as defined in Subsection 1.7.2 (Definitions);

ii. New development;

iii. Construction, enlargement or placement of a new building or structure;

iv. Construction of a road, driveway, or parking lot;

v. Creation or expansion of commercial utility corridors;

vi. Installation of a fence within the Wildlife Corridors except:

(A) Fences used as lawn accessories; or

(B) Fences that enclose existing cleared areas; or

(C) Fences erected for standard agricultural purposes; or

(D) Fences lower than four and one-half (4½) feet and that have at least 16 inches of clearance between the lowest horizontal part of the fence and the ground.

b. The following activities do not pose a significant adverse impact on the environmental value of unfragmented blocks and corridors, and therefore are exempt from the standards of this Subsection C. (The standards of the underlying base zoning district and other overlay districts continue to govern these activities where applicable):

i. Maintenance of existing hayfields and pastures.

ii. Standard farming activities at an existing establishment practicing agriculture including, but not limited to:

(A) The construction of traditional walls and fences for the purpose of enclosing existing livestock areas or delineating existing fields, pastures, crops, and garden plots;

(B) Construction or improvement of structures used for an agricultural use;

(C) Bush-hogging existing regenerating fields for agricultural purposes;

(D) Creation of utility lines and corridors directly associated with farm operations; and

(E) Creation of impervious surfaces for the purposes of equipment and product storage, and access to existing agricultural facilities, fields, and pastures.

iii. Forest management activities, including: commercial woodlot management completed in accordance with Maine Forest Practices Act; harvesting of wood products for personal use (but not permanent clearing as defined in Subsection 1.7.2 (Definitions); and removal of dead, dying, and diseased trees (The removal of stumps, and grading conducted to limit natural regeneration of trees is not considered a forest management activity).

iv. Structures constructed or placed on existing maintained lawns or impervious surfaces.

v. Permanent clearings within Wildlife Corridors less than 10,000 square feet in size.

vi. The construction of one (1) single family dwelling and accessory structures on a lot that is created by a single division of an existing parcel and has frontage on a public road, where the total area of disturbance within the WPO District does not exceed one (1) acre.

vii. The maintenance of existing agricultural clearings (including pastures).

D. **General Standards**

(1) Activities in the Wildlife Protection Overlay District shall minimize disturbances to the extent feasible.

(2) Activities are subject to habitat mitigation, or eligible for density bonuses, based on the provisions in Subsection 2.3.5.E (Habitat Mitigation Requirements and Density Bonus Eligibility).

(3) The Review Authority may reduce applicable front, side, and rear setback requirements to minimize disturbances within the Wildlife Protection Overlay District provided that:

a. No other reasonable alternative exists; and

b. The setback reduction(s) will not cause unreasonable adverse impacts to the adjacent property.

E. **Habitat Mitigation Requirements and Density Bonus Eligibility**

(1) **Wildlife Habitat Blocks**

a. Habitat mitigation requirements within a Wildlife Habitat Block are set forth in the following table, as determined separately for each percentage category of disturbance.

Table 2.3.5.E: Habitat Mitigation Requirement/Density Bonus Eligibility			
Percentage of Wildlife Habitat Block Area within Original Parcel that is Disturbed [1,2]	Percentage of Original Parcel Area Covered by Wildlife Habitat Block		
	0 – 50%	51 – 75%	76 – 100%
0%	No mitigation	Density bonus: See Table 4.2.5.E	Density bonus: See Table 4.2.5.E
1 - 15%	No mitigation	No mitigation	Density bonus: See Table 4.2.5.E
16 – 25%	1:1 mitigation	No mitigation	Density bonus: See Table 4.2.5.E
26 – 50%	2:1 mitigation	1:1 mitigation	1:1 mitigation
51 – 100%	3:1 mitigation	2:1 mitigation	2:1 mitigation

NOTES:
1. The amount of the Disturbance is the cumulative amount on parcels that exist as of record on April 5, 2006 ("original parcels"). The subsequent division of the original parcel does not change the measurement of cumulative Disturbance on the original parcel. The burden of documenting and calculating all disturbance to the original parcel since April 5, 2006, is on the applicant.
2. In the case of subdivisions, disturbance includes those portions of residential lots that are not encumbered by conservation easement, deed restriction, or similar mechanism that limits future disturbances to those meeting the purposes of the WPO District.

b. Land for Wildlife Habitat Block mitigation required in accordance with the Table 2.3.5.E in Subsection a above shall be permanently protected through a conservation easement, deed restriction, or similar mechanism that limits future disturbance, in accordance with Subsection 4.2.5.C (Open Space Developments). Such a mechanism can be utilized on portions of newly created lots to meet the mitigation requirement.

c. Mitigation land should be within the same continuous block as the disturbed area. If the Review Authority determines that no land is available in the same Wildlife Habitat Block, then land in another Wildlife Habitat Block or in a Wildlife Corridor may be used to satisfy this requirement.

d. Habitat Block protection that complies with the requirements of subsections a, b, and c. above shall receive a density bonus as shown in Table 4.2.5.E (Density Bonuses Available).

(2) **Wildlife Corridors**

a. New developments that avoid disturbance in the Wildlife Corridor and place structures so as to avoid blocking wildlife travel ways are eligible for the bonus shown in Subsection 4.2.5.E (Density Bonuses Available).

b. Land for Wildlife Corridor mitigation required in accordance with Subsection a above shall be permanently protected through a conservation easement, deed restriction, or similar mechanism that limits future disturbance, in accordance with Subsection 4.2.5.C (Open Space Developments). Mitigation land must be located within the same corridor as the disturbed area.

c. If the requirements in b above cannot be met, then the applicant can satisfy mitigation requirements by restoring or enhancing woody vegetation cover in portions of the Wildlife Corridor that have been previously disturbed by clearing or

similar disturbance. Restoration and enhancement proposals must be reviewed and approved by the Director, and the restored and/or enhanced acreage must be placed under permanent protection through a conservation easement, deed restriction, or similar mechanism, in accordance with Subsection 4.2.5.C (Open Space Developments).

F. **Density Bonus for Permanent Habitat Protection**

A density bonus shall be granted in accordance with the eligibility provisions in subsection E above only if undisturbed land in the WPO on the parcel is permanently protected in accordance with the criteria and procedures contained in Subsection 4.2.5.C

2.3.6. Mobile Home Park Overlay (MHO) District

A. **Purpose**

The Mobile Home Park Overlay (MPO) District is intended to recognize and provide for the development of mobile home parks in a manner that allows the Town to address their potential impacts on adjacent neighborhoods through special review and the application of specific standards, and subject to site plan and/or subdivision approval.

B. **Mobile Home Park Standards**

(1) Review Requirements

All new and expansions of mobile home parks are subject to subdivision approval.

(2) Underlying Base Zoning District Standards

(3) All use and development regulations applicable in the underlying base zoning district shall continue to apply in the MHO District unless expressly provided otherwise in this subsection.

C. **Public Water and Public Sewer**

Sufficiently sized public water and public sewer facilities are required for all mobile home parks, unless it can be demonstrated that adequate on-site water supply and septic disposal systems are available.

(1) **Minimum Lot Size and Density**

The following minimum standards do not apply for land within the Shoreland Protection Overlay (SPO). Minimum lot standards for lands located within the SPO are provided in Subsection 4.2.5.F.

a. With public sewer, the minimum individual lot size shall be 4,000 square feet.

b. With on-site sewage disposal within a community septic system for the park approved by the Maine Department of Health and Human Services, the minimum individual lot size shall be 13,000 square feet, provided that the maximum residential density in the park does not exceed one (1) dwelling unit per 20,000 square feet of net site area.

c. Where on-site sewage disposal is located on each lot, the minimum individual lot size shall be 20,000 square feet.

d. Mobile home parks shall not be additionally subject to the underlying district dimensional and density requirements.

(2) **Lot Dimensions**

Dimensions for individual mobile home sites are as follows:

a. Minimum Site Width: 50 feet

b. Minimum Setback Distance of Each Mobile Home from its Individual Site Lines:

i. Front: 10 feet

ii. Rear: 15 feet

iii. Side: 10 feet

(3) **Open Space and Recreation**

An area equal to at least ten (10) percent of the combined area of all individual lots shall be reserved for playgrounds and other recreational facilities and open space.

(4) **Park Setbacks**

a. Structures within a mobile home park shall maintain a minimum setback of 25 feet from all exterior property lines, except where the mobile home park abuts a residential use or development, where the minimum setback shall be 50 feet.

b. The minimum setback area may be included as part of the required open space.

c. The minimum setback area shall be sufficiently landscaped or fenced to effectively screen the park from surrounding properties, in accordance with Subsection 4.6.2.

(5) **Landscape Plan**

A mobile home park shall have a landscape plan that takes into consideration the relationship of individual sites to one another, the proposed use of open space, the relationship of the park to surrounding property, and a specific planting scheme, in accordance with Subsection 4.6.2. The plan shall include a permanent landscape maintenance program, in accordance with Subsection 4.15.2.

(6) **Placement on Pad**

In a mobile home park, each individual unit shall be placed upon a dwelling unit pad and shall have skirting placed around its base to screen the base from view.

2.3.7. Airport Approach Overlay (AAO) District

A. **Purpose**

The purpose of the Airport Approach Overlay (AAO) District is to prevent development that is incompatible with safe flight operations at the Brunswick Executive Airport.

B. **Definition and Delineation**

(1) The AAO District is comprised of two zones:

a. The Runway Protection Zone (RPZ), which includes those areas beyond the ends of airport runways where certain structures and other development could potentially obstruct or interfere with safe aircraft operations and/or are particularly vulnerable to aircraft landing and take-off accidents. There are two (2) RPZ areas, one (1) to the north and one (1) to the south of the runway.

b. The Airport Approach Zone (AAZ), which includes those areas adjacent to the airport where development is particularly vulnerable to the adverse impacts of aircraft noise.

(2) AAO District boundaries and the boundaries of the Runway Protection Zone and Airport Approach Zone are delineated on the Brunswick Zoning Map and are based on the Airport Layout Plan, Brunswick Executive Airport, 2010, revised 2013 (available in the Brunswick Department of Planning and Development).

C. Consideration of Safety and Noise

Issues of safety and noise will be carefully reviewed by the Planning Board as it considers any and all Special Permit or Conditional Use Permit applications within the AAO District.

D. Modified Use Standards

In addition to the Permitted Use and Conditional Use provisions in Subsections 3.2 and 3.3 (Permitted Use Tables), the table below lists uses that are permitted, expressly prohibited, or allowed only with a Conditional Use in the Runway Protection Zone and Airport Approach Zone. Where a use designation in this table conflicts with the use designation relating to any applicable base district or other applicable overlay district, the most restrictive designation shall apply.

Table 2.3.7: Use Table for AAO District Zones
P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited

Use	RPZ	AAZ
Principal Uses		
Residential Uses		
Household Living		
Dwelling, 1-family	X	C
Dwelling, 2-family	X	C
Dwelling, multifamily	X	X
Mobile home	X	X
Group Living		
Assisted/Congregate Living Facility	X	X
Boarding house	X	X
Nursing home	X	X
Residence hall	X	X
Public, Institutional, and Civic Uses		
Community, Cultural, and Educational Uses		
Club or lodge	X	X
College	X	C
Community center	X	X
Day care facility, small	X	X
Day care facility, large	X	X
Hospital	X	X
Library, museum, or art gallery	X	C
Municipal facility	X	C
Park or conservation area	X	P
Religious institution	X	X
School	X	X
Communication Uses		
Small-scale telecommunications tower	X	C
Telecommunications tower	X	C
Commercial Uses		
Agriculture and Animal Care Uses		
Aquaculture	X	C

Table 2.3.7: Use Table for AAO District Zones

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited

Use	RPZ	AAZ
Equestrian facility	X	C
Farm	P	C
Kennel	X	P
Plant nursery	X	P
Urban agriculture	X	P
Veterinary office	X	C
Food, Beverage, and Entertainment		
Adult entertainment establishment	X	X
Golf course	X	C
Recreation facility, as a principal use	X	C
Restaurant or dining facility	X	X
Theater	X	X
Lodging		
Campground	X	X
Hotel	X	X
Retail Sales and Services		
Financial Institution	X	C
Neighborhood store	X	C
Office	X	C
Retail, Class I	X	C
Retail, Class II	X	C
Service business, Class I	X	C
Service business, Class II	X	C
Studio	X	C
Transportation and Vehicle-Related Uses		
Aviation operations	P	P
Aviation-related business	X	P
Bus or rail station	X	C
Car wash	X	P
Marina or boat storage	X	P
Motor vehicle fueling station	X	X
Motor vehicle service or repair	X	P
Parking facility, as a principal use	X	C
Ultra-light airpark	X	X
Vehicle sales, rental, or storage	X	P
Industrial Uses		
Contractor's space	X	C
Industry, Artisan	X	C
Industry, Class I	X	C
Industry, Class II	X	C
Junkyard or automobile graveyard	X	P
Marine activity	X	P
Mineral extraction	X	X
Recycling collection facility, as a principal use	X	P
Renewable energy generating facility, as a principal use	X	C
Utility facility, major	X	C
Utility facility, minor	C	C
Warehousing and storage	X	C
Accessory Uses		
Accessory apartment	X	C
Bed and breakfast	X	X

Table 2.3.7: Use Table for AAO District Zones P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited		
Use	**RPZ**	**AAZ**
Day care facility, small	X	X
Day care facility, large	X	X
Drive-through service	X	C
Home occupation	X	C
Parking facility, as an accessory use	C	P
Recreation facility, as an accessory use	C	C
Renewable energy generating facility, as an accessory use	X	C
Temporary Uses		
Garage or yard sale	X	P
Outdoor sales	X	P
Temporary construction office or yard	X	C
Temporary movable storage container	X	P
Temporary real estate sales office	X	C

E. **Additional Requirements for the AAO District**

(1) Residential density shall not exceed one (1) unit per two (2) acres.

(2) The maximum building height is 35 feet.

(3) Additional sound insulation measures are recommended for habitable spaces.

2.3.8. Telecommunications Overlay (TCO) Districts

A. **Purpose**

The Telecommunications Overlay (TCO) District is intended to provide for the development of wireless telecommunication towers in a manner that allows the Town to address their potential impacts on adjacent neighborhoods through special review and the application of specific standards. Wireless communication equipment that is attached as accessory structures onto or within existing buildings (other than telecommunications towers) are not regulated by these provisions, except that the provisions of Subsection 2.3.8.D(2)a.i shall apply.

B. **Definition and Delineation**

(1) The Telecommunications Overlay (TCO) Districts have been identified as suitable locations for telecommunication towers, which shall be permitted by right in the TCO Districts, subject to Site Plan approval.

(2) There are two (2) Telecommunications Overlay zones:

a. The Telecommunications Overlay 1 (TCO1) District accommodates telecommunication towers from 200 to 400 feet tall.

b. The Telecommunications Overlay 2 (TCO2) District accommodates telecommunication towers from 120 to 200 feet tall.

(3) TCO District boundaries are delineated on the Brunswick Zoning Map.

C. **Permits**

(1) To erect a telecommunication tower, the applicant must first obtain a permit from the Federal Aviation Administration (FAA). As part of the application for a Building Permit, the applicant shall file with the Codes Enforcement Officer a copy of the application to, and the permit issued by, the FAA.

(2) Upon compliance with all the requirements of this Subsection 2.3.8, the Codes Enforcement Officer shall issue a Building Permit to the applicant without the necessity of site plan review.

D. **Standards for Telecommunication Towers in the TCO Districts**

(1) **Dimensional Standards**

The standards in the table below shall apply to the TCO Zones.

Table 2.3.8: Dimensional Standards for TCO Districts

Dimensional Standard	TCO1	TCO2
Minimum lot area (square feet) [1]	80,000	30,000
Minimum lot width (feet) [1]	200	60
Minimum front setback (feet)	30	30
Minimum rear setback (feet)	30	30
Minimum side setback (feet)	30	30
Maximum impervious surface coverage (% of lot area) [1]	50	50
Maximum tower height (feet)	400	199
NOTES: 1. For purposes of this subsection, leased land shall be treated as a lot.		

(2) **Federal Aviation Administration and Federal Communications Commission Compliance**

a. The installation and operation of all towers and equipment shall be in accordance with Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) regulations, including without limitation those provisions generally requiring that:

i. Applications for new equipment attached to existing buildings or existing tower structures (collocation) be processed within 90 days of receipt of a complete application, unless exceptional circumstances apply or the applicant consents to an extension; and

ii. Applications for collocation of "eligible facilities" as defined in the federal Telecommunications Act and Middle Class Tax Relief and Job Creation Act (2012) (as amended and interpreted by the federal courts) shall be processed in 60 days if the application meets the requirements of that Act, and within 90 days if it does not meet the requirements of that Act; and

iii. Applications for new freestanding structures shall be processed within 150 days of receipt of a complete application, unless exceptional circumstances apply or the applicant consents to an extension.

b. Upon request by the Town, the applicant shall certify compliance with all applicable FCC radio frequency exposure guidelines.

(3) **Evidence of Need**

a. The applicant of a telecommunication tower shall submit evidence, satisfactory to the Codes Enforcement Officer, that no existing tower can serve the purpose and accommodate the equipment proposed for deployment on the proposed tower. This evidence may include the contract stipulated in Subsection (13)b.i below, drive test data and other correspondence from prospective users of the tower.

b. The Codes Enforcement Officer may require an independent analysis of this evidence prior to issuance of a Building Permit. If an independent analysis is

required, the applicant shall deposit funds in a dedicated Town account to cover the cost of the independent analysis.

(4) **Collocation**

Existing Telecommunications Facilities

a. Requests for collocation, removal, or replacement, or "eligible facilities requests", as defined in Subsection 1.7.2 and under federal law, for a modification of an existing wireless telecommunications facility that does not substantially change the physical dimension of the facility shall be granted.

b. An applicant shall file an eligible facilities request with the Codes Enforcement Officer demonstrating that the proposed modification will not substantially change the physical dimensions of the facility, as the term "substantial change" is defined in federal laws and regulations.

c. The Codes Enforcement Officer shall determine whether the application constitutes an eligible facilities request, and grant the request within 60 days. Applications for collocations that do not qualify as eligible facilities requests shall be granted within 90 days. These review periods include the review for determining whether the application is complete. This timeframe may be extended by mutual agreement or if the Town informs the applicant in timely manner that the application is incomplete.

(5) **Tower Structure**

a. In the TCO1 District, if guy wires and anchors are to be located on adjoining property, permanent easements shall be obtained by the applicant and presented to the Codes Enforcement Officer as part of the application for a Building Permit.

b. In the TCO2 District, only AM radio towers/antennae or similar installations may be installed with guy wire support and transmission wiring. All other new telecommunication tower must be a freestanding monopole structure with a round base and sectioned throughout its length.

c. Guy wired towers/antennae shall include techniques to mitigate bird and bat injuries.

(6) **Fall Zone**

Any telecommunication tower constructed in the TCO2 District shall be designed to collapse upon itself and no habitable structure shall be located within 100 feet of the tower. The tower owner shall own or otherwise have control of the land within this 100-foot-radius "fall zone" in order to assure compliance with this requirement.

(7) **Accessory Facilities**

Accessory facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcasting studios, except for emergency purposes, or other uses that are not needed to send or receive transmission signals.

(8) **Screening, Materials and Color**

a. A new telecommunication tower and related equipment shall be buffered from view by abutting properties to the greatest extent practicable, in accordance with Subsection 4.6.2.

b. Provided there are no FAA color requirements to the contrary, a new telecommunication tower and related equipment must be constructed with

material and colors that match or blend with the surrounding natural or built environment, to the maximum practical extent. Galvanized metal shall be considered to satisfy this provision.

(9) **Preservation of Vegetation and Landforms**

Existing plants and natural landforms on the site shall be preserved to the greatest extent practicable. The cutting of trees or other vegetation within the "fall zone" described in Subsection (6) above shall be limited to the minimum necessary for:

a. Construction of the tower, accessory structures, fencing, and vehicular access to the facility;

b. Removal of trees that are dead or diseased, and/or create a hazard; and

c. A footpath through the area not to exceed six (6) feet in width.

(10) **Parking**

Parking shall be provided for each telecommunication tower, along with circulation and vehicle access, in accordance with Sections 4.9 and 4.8, respectively.

(11) **Lighting**

In any case where a tower is determined by the FAA to need obstruction marking or lighting, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in FAA applications. Security lighting must comply with the lighting standards in Section 4.10 (Lighting).

(12) **Fencing**

A new telecommunication tower and related equipment shall be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers. Fencing shall be a minimum of six (6) feet in height and be topped with barbed wire.

(13) **Building Code Compliance**

a. All towers must be constructed so as to meet or exceed the manufacturer's specifications and the current building code of the Town. The Codes Enforcement Officer can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the Building Permit.

b. Prior to issuance of a Building Permit for a new tower, the applicant shall provide to the Codes Enforcement Officer:

   i. A copy of an executed contract between the applicant and an FCC licensed carrier to provide space on the tower for a minimum of five (5) years.

   ii. Copies of all necessary permits and approvals from the FCC, FAA and any other agency having jurisdiction over the tower and the carrier's telecommunications facilities.

   iii. A financial guarantee, satisfactory to the Codes Enforcement Officer, that shall cover the cost of removal of the tower and related equipment in accordance with Subsection (14) below.

(14) **Abandonment of Tower**

a. A telecommunications tower that is not operated for a continuous period of 12 months shall be considered abandoned.

b. The Codes Enforcement Officer shall notify the owner of an abandoned tower in writing and order the removal of the tower within 90 days of receipt of the written notice.

c. The owner of the facility shall have 30 days from the receipt of the notice to demonstrate to the Codes Enforcement Officer that the tower has not been abandoned.

d. If the Owner fails to show that the tower is in active operation, the owner shall have 60 days to remove the tower.

e. If the tower is not removed within this time period, the Town may remove the tower in accordance with the financial guarantee provided for this purpose at the time of issuance of the Building Permit in accordance with Subsection (13)b.iii above.

f. The owner may apply to the Codes Enforcement Officer for release of the financial guarantee when the tower is removed to the satisfaction of the Codes Enforcement Officer.

2.3.9. Village Review Overlay (VRO) District

A. Purpose

The purpose of the Village Review Overlay (VRO) District is to protect and preserve the architectural context and historical integrity of downtown neighborhoods in the Town of Brunswick by:

(1) Applying Ordinance standards and design guidelines in a reasonable and flexible manner to maintain Brunswick's traditional character and to ensure compatible construction and rehabilitation of existing structures in the Village Review Overlay District without stifling change or forcing modern recreations of historic styles.

(2) Developing administrative processes and objective standards that identify and encourage the preservation and enhancement of neighborhood character, sites, and structures having historic or architectural significance.

(3) Promoting economic development by enhancing the attractiveness of the Town to businesses and their patrons, residents, and visitors to Brunswick.

(4) Fostering civic pride in the Town's history and development patterns as represented in distinctive sites, structures, and objects.

(5) Promoting and protecting significant features of the historic patterns of development, including traditional landscaping, densities, structural mass and scale.

B. Definition and Delineation

The Village Review Overlay (VRO) District applies to specific areas of Brunswick as delineated on the Brunswick Zoning Map.

C. Classification of Architectural and Historic Resources

Architectural and historic resources subject to VRO District review procedures consist of:

(1) Contributing resources which shall include:

a. Properties listed on the National Register of Historic Places.

b. Properties eligible for listing on the National Register of Historic Places, as determined by the Maine Historic Preservation Commission.

c. Properties located within a National Register Historic District, deemed to be contributing resources by the Maine Historic Preservation Commission.

d. Properties considered to be contributing resources of local and regional significance by the Town of Brunswick.

(2) Noncontributing resources, which are all remaining architectural and historic resources not considered to be contributing.

D. **Certificate of Appropriateness Required**

A Certificate of Appropriateness is required for activities in the VRO District involving contributing resources or noncontributing resources visible from a public right-of-way, and in accordance with the review procedures in Subsection 5.2.8 (Village Review Overlay Design Review).

Chapter 3 - Property Use Standards

3.1 General

3.1.1. Abbreviations Used in the Permitted Use Table

The Permitted Uses, Conditional Uses, Prohibited Uses, Accessory Uses and Temporary Uses in each zoning district are indicated in Tables 3.2 and 3.3. Additional overlay standards regulating property use contained in Section 2.3 (Overlay Zoning Districts) may apply.

A. A "P" in a cell of Tables 3.2 or 3.3 indicates that the use is permitted by-right in that zoning district, subject to compliance with the Supplemental Use Standards in the right-hand column of that line of the table.

B. A "C" in a cell of Tables 3.2 or 3.3 indicates that the use is permitted only after the applicant obtains a Conditional Use approval pursuant to Subsection 5.2.2, and subject to the Supplemental Use Standards in the right-hand column of that line of the table.

C. An "X" in a cell of Tables 3.2 or 3.3 indicates that the use is prohibited in that zoning district.

D. An "A" in a cell of Tables 3.2 or 3.3 indicates that the use is only permitted accessory to a Permitted or Conditional Use subject to compliance with applicable Supplemental Use Standards noted for that use.

E. A "T" in a cell of Tables 3.2 or 3.3 indicates that the use is only permitted on a temporary basis subject to compliance with the Supplemental Use Standards in the right-hand column of that line of the table.

3.1.2. Other Restrictions on Permitted Uses

A. A development may include multiple principal uses listed in Tables 3.2 and 3.3, including a combination of residential and nonresidential uses, provided that each use is either a Permitted Use or a Conditional Use in that zoning district, that a Conditional Use Permit is obtained for any Conditional Use, all Supplementary Use Standards applicable to each use are met, the development complies with all applicable density and dimensional standards, and all required approvals are obtained.

B. The Codes Enforcement Officer has the authority to interpret whether a proposed land use is included within the listed land use shown in Tables 3.2 or 3.3, based on its scale, character, traffic impacts, and potential impacts on surrounding properties.

C. If the Codes Enforcement Officer determines that the proposed land use is not included as a Permitted, Prohibited, or Conditional Use in Tables 3.2 or 3.3, the applicant may file an application for a Special Permit approval of that use, pursuant to Subsection 5.2.3.

D. In addition to the use restrictions contained in the Permitted Use Table and related Supplemental Use Standards, development of former Brunswick Naval Air Station (BNAS) lands shown in Appendix G shall comply with all existing covenants and deed restrictions as contained in conveyance documents issued by the US Navy at the time of transfer and subsequently recorded. Such covenants and deed restrictions may include, but shall not be limited to, groundwater extraction, soil disturbance, and the ongoing maintenance of hazardous material remediation monitoring facilities as needed. Development of transferred former BNAS lands identified by the US Navy as being within Soils and Groundwater Management Zones shall comply with Land Use Controls established for specific sites with mapping and land use controls, as amended, provided as referenced within Appendix F.

3.2 Growth Area Permitted Use Table

Table 3.2: Permitted Use Table for Growth Area Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed only as Temporary Use

Land Use	NEW ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN	Supple-mentary Use Standards
	CURRENT ZONE	RR	R1&8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN	
Principal Uses																											
Residential Uses																											
Household Living																											
Dwelling, 1- or 2-family		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X		P	P	P	P	X	X	X	X	3.4.1.A
Dwelling, multifamily		P	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	3.4.1.B 4.8.1.D(2)
Mobile home		Permitted Only in Mobile Home Park Overlay District																									
Group Living																											
Assisted/Congregate Living Facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	X	X	
Boarding house		X	X	X	C	P	C	X	C	C	P	P	P	C	C	C	P	P	X	X	X	X	X	X	X	X	
Nursing home		X	X	X	X	X	X	X	X	X	X	X	P	C	C	C	P	P	X	X	X	X	X	X	X	X	
Residence hall		X	X	X	X	X	X	X	X	P	X	P	C	C	X	C	P	X	P	C	P	P	X	C	X	X	3.4.1.C 4.8.1.D(2)
Public, Institutional, and Civic Uses																											
Community, Cultural, and Educational Uses																											
Club or lodge		X	X	X	X	X	C	X	C	C	P	C	C	C	C	P	P	P	X	X	X	X	X	C	X	X	
College		X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	P	X	P	C	C	P	X	X	X	X	4.8.1.D(2)
Community center		A	X	X	C	C	C	X	C	C	P	P	C	P	P	P	P	P	P	X	P	P	X	C	X	X	
Day care facility, small		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Day care facility, large		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Hospital		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	
Library, museum, or art gallery		X	X	X	C	C	C	X	X	C	P	C	C	P	P	P	P	C	P	P	P	P	X	C	X	X	4.8.1.D(2)
Municipal facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Park or conservation area		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious institution		X	X	X	C	C	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	X	X	
School		P	X	P	C	P	P	P	P	P	P	C	P	P	P	P	P	P	P	C	P	P	P	P	P	X	
Communication Uses																											
Telecommunication tower		Permitted only in Telecommunications Overlay District																									
Telecommunication tower, small-scale		X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	X	X	X	X	X	C	X	X	3.4.1.D
Commercial Uses																											
Agriculture and Animal Care Uses																											
Aquaculture		X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Equestrian facility		X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	P	P	X	X	P	X	

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Land Use	NEW ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN	Supple-mentary Use Standards
	CURRENT ZONE	RR	R1& 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN	
Farm		X	X	X	P	X	X	X	X	X	C	C	C	C	C	X	C	C	X	X	X	P	X	C	P	X	
Kennel		X	X	X	X	X	X	X	X	X	C	X	X	X	C	X	X	X	X	X	X	X	X	C	X	X	
Plant nursery		X	X	C	P	P	P	C	X	X	P	P	C	P	P	X	C	C	P	X	P	P	X	P	P	X	
Urban Agriculture		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.1.F
Veterinary office		X	X	X	X	X	X	X	X	X	P	C	P	P	P	P	P	P	X	X	X	X	X	P	X	X	
Food, Beverage, and Entertainment																											
Adult entertainment establishment		X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	3.4.1.G
Golf course		X	X	X	P	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X	P	X	
Recreation facility, as a principal use		X	X	X	C	C	C	X	X	X	P	P	P	P	P	P	P	C	P	X	X	P	X	P	P	P[1]	
Restaurant or dining facility		X	X	X	X	X	C	X	X	X	P	P	C	P	P	P	P	A	P	X	P	P	P	C	X	X	3.4.1.H
Theater		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	X	P	X	P	P	X	P	X	X	
Lodging																											
Campground		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X	X	X	X	X	X	X	X	P	X	
Hotel		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	X	X	X	X	X	X	P	X	X	3.4.1.I
Retail Sales and Services																											
Farmer's market		X	X	X	X	X	C	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	X	P	X	X	
Financial Institution		X	X	X	X	X	C	X	X	X	P	C	C	P	P	P	P	A	X	X	X	X	P	C	X	X	
Neighborhood store		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	X	X	3.4.1.J
Office		X	X	X	X	C	C	X	X	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	X	
Retail, Class I		X	X	X	X	X	C	X	X	X	P	C	P	P	P	P	P	A	X	X	X	P	P	P	X	X	3.4.1.K
Retail, Class II		X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P	X	X	X	X	X	X	P	X	X	3.4.1.K
Service business, Class I		X	X	X	X	C	C	X	X	X	P	C	C	P	P	P	P	A	X	X	X	P	P	P	X	X	3.4.1.L
Service business, Class II		X	X	X	X	X	X	X	X	X	P	C	C	P	P	P	P	X	X	X	X	X	P	P	X	X	3.4.1.L
Studio		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	X	P	P	X	P	X	X	
Transportation and Vehicle-Related Uses																											
Aviation operations		X	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	X	X	X	X	X	P	P	X	X	
Aviation-related business		X	X	X	X	X	X	X	X	X	X	X	C	C	C	C	X	X	X	X	X	X	P	P	X	X	
Bus or rail station		X	X	X	X	X	X	X	X	X	X	X	X	P	X	P	P	X	P	X	X	X	X	X	X	X	
Car wash		X	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	X	X	X	X	X	X	X	
Marina or boat storage		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	X	C	C	C	C	X	C	X	X	
Motor vehicle fueling station		X	X	X	X	X	X	X	X	X	C	X	X	C	P	X	P	X	X	X	X	X	P	P	X	X	3.4.1.M
Motor vehicle service or repair		X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	P	X	X	X	X	P	X	P	X	X	
Parking facility as a principal use		X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	C	P	P	P	P	X	X	

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Ultra-light airpark		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	X	X	X	X	X	C	C	X	X	
Vehicle sales, rental, or storage		X	X	X	X	X	X	X	X	X	P	X	X	P	P	X	X	X	X	X	X	X	X	C	X	X	3.4.1.N
Industrial Uses																											
Contractor's space		X	X	X	X	X	X	X	X	X	C	C	C	C	C	P	P	X	X	X	C	X	A	P	X	X	3.4.1.O
Industry, Artisan		X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	X	X	P	P	X	X	
Industry, Class I		X	X	X	X	X	X	X	X	X	P	C	C	C	C	X	P	X	X	X	X	X	P	P	X	X	3.4.1.P
Industry, Class II		X	X	X	X	X	X	X	X	X	C	C	C	C	X	X	P	X	X	X	X	X	P	P	X	X	3.4.1.Q
Junkyard or automobile graveyard		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	3.4.1.R
Marine activity		X	X	X	X	X	X	X	P	X	P	P	P	P	P	P	P	X	X	X	X	X	P	P	P	X	3.4.1.S
Mineral extraction		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	3.4.1.T
Recycling collection facility, as a principal use		X	X	X	X	X	X	X	X	X	P	C	C	C	C	P	P	X	X	X	X	X	P	P	X	X	
Renewable energy generating facility, as a principal use		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	C	X	3.4.1.U
Utility facility, major		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	X	
Utility facility, minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Warehousing and storage		X	X	X	X	X	X	X	X	X	P	C	P	P	C	X	P	C	P	A	A	P	P	P	X	X	
Accessory Uses																											
Accessory apartment		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	X	X	3.4.2.A
Bed and breakfast		X	X	X	P	P	P	C	C	C	P	P	P	P	P	P	P	P	C	C	C	P	X	P	X	X	
Canopy																											3.4.1.M
Day care facility, small		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Day care facility, large		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	X	
Drive-through service		X	X	X	X	X	X	X	X	X	P	X	P	P	P	C	C	P	X	X	X	X	X	X	X	X	3.4.2.B
Helipad		X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	C	X	X	X	X	X	C	X	X	
Home occupation		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.2.C
Parking facility, as an accessory use		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreation facility, as an accessory use		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	X	P[1]	
Renewable energy generating facility, as an accessory use		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.1.U
Temporary Uses																											
Outdoor sales		X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	3.4.2.D
Special event		X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C		X	
Temporary construction office or yard		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.2.E
Temporary movable storage container		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.2.F

Table 3.2: Permitted Use Table for Growth Area Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed only as Temporary Use

Land Use	NEW ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN	Supple-mentary Use Standards
	CURRENT ZONE	RR	R1& 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2, I3, RBTI	R-R&OS	BCN	
Temporary real estate sales office		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	3.4.2.G

Notes: [1] Limited to passive recreation uses.

3.3 Rural Area Permitted Use Table

Table 3.3: Permitted Use Table for Rural Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use

Land Use	NEW ZONE	RN	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5	
Principal Uses								
Residential Uses								
Household Living								
Dwelling, 1- or 2-family		X	P	P	P	P	P	3.4.1.A
Dwelling, multifamily		X	P	P	X	P	P	3.4.1.B
Mobile home		X	P	P	P	P	P	
Group Living								
Assisted/Congregate Living Facility		X	P	P	P	P	P	
Boarding house		X	C	C	X	C	C	
Nursing home		X	X	X	X	X	X	
Residence hall		X	X	X	X	X	X	
Public, Institutional, and Civic Uses								
Community, Cultural, and Educational Uses								
Club or lodge		X	C	C	P	C	P	
College		X	C	C	C	C	C	
Community center		X	C	C	X	C	P	
Day care facility, small		X	P	P	P	P	P	
Day care facility, large		X	C	P	C	C	C	
Hospital		X	X	X	X	X	X	
Library or museum, or art gallery		X	C	P	P	C	P	
Municipal facility		X	P	P	P	P	P	
Park or conservation area		P	P	P	P	P	P	

Table 3.3: Permitted Use Table for Rural Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use

Land Use	NEW ZONE	RN	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5	
Religious institution		X	C	C	C	C	C	
School		X	P	P	P	P	P	
Communication Uses								
Telecommunication tower		Permitted only in Telecommunications Overlay District						
Telecommunication tower, Small-scale		X	X	X	X	X	P	3.4.1.D
Commercial Uses								
Agriculture, Aquaculture, and Animal Care Uses								
Aquaculture		X	P	P	P	P	P	3.4.1.E
Equestrian facility		X	P	P	P	P	P	3.4.1.E
Farm		X	P	P	P	P	P	3.4.1.E
Kennel		X	C	C	X	C	C	
Plant nursery		X	P	P	P	P	P	
Veterinary office		X	P	P	X	P	P	
Food, Beverage, and Entertainment								
Adult entertainment establishment		X	X	X	X	X	X	
Golf course		X	C	C	X	C	C	
Recreation facility, as a principal use		P[1]	C	C	C	C	C	
Restaurant or dining facility		X	X	X	X	X	X	
Theater		X	X	X	X	X	X	
Lodging								
Campground		X	C	C	C	C	C	
Hotel		X	X	X	X	X	X	
Retail Sales and Services								
Farmer's market		X	C	C	P	P	P	
Financial Institution		X	X	X	X	X	C	
Neighborhood store		X	P	P	P	P	P	3.4.1.J
Office		X	X	X	C	X	P	
Retail, Class I		X	X	P	X	X	P	
Retail, Class II		X	X	X	X	X	X	
Service business, Class I		X	C	X	C	C	P	
Service business, Class II		X	C	X	X	C	P	
Studio		X	P	P	C	P	P	
Transportation and Vehicle-Related Uses								
Aviation operations		X	X	X	X	X	C	
Aviation-related business		X	X	X	X	X	X	
Bus or rail station		X	X	X	X	X	X	

Table 3.3: Permitted Use Table for Rural Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use

Land Use	NEW ZONE	RN	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5	
Car wash		X	X	X	X	X	X	
Marina or boat storage		X	C	C	C	C	C	
Motor vehicle fueling station		X	X	X	X	X	X	
Motor vehicle service or repair		X	X	X	X	X	C	
Parking facility, as a principal use		X	X	X	X	X	C	
Ultra-light airpark		X	X	X	X	X	C	
Vehicle sales, rental, or storage		X	X	X	X	X	C	
Industrial Uses								
Contractor's space		X	C	C	X	C	C	
Industry, Artisan		X	X	X	X	X	P	
Industry, Class I		X	X	X	X	X	P	
Industry, Class II		X	X	X	X	X	X	
Junkyard or automobile graveyard		X	X	X	X	X	X	
Marine activity		P	P	P	P	P	P	3.4.1.S
Mineral extraction		X	P	P	P	P	P	3.4.1.T
Recycling collection facility, as a principal use		X	X	X	X	X	C	
Renewable energy generating facility, as a principal use		X	C	C	C	C	C	3.4.1.U
Utility facility, major		X	C	C	C	C	C	
Utility facility, minor		P	P	P	P	P	P	
Warehousing and storage		X	X	X	X	C	P	
Accessory Uses								
Accessory apartment		X	P	P	P	P	P	3.4.2.A
Bed and breakfast (as accessory to a dwelling)		X	P	P	P	P	P	
Canopy		X	P	P	P	P	P	3.4.1.M
Day care facility, small, as an accessory use		X	P	P	P	P	P	
Day care facility, large, as an accessory use		X	C	C	C	C	C	
Drive-through service		X	X	X	X	X	X	
Home occupation		X	P	P	P	P	P	3.4.2.C
Parking facility, as an accessory use		P	P	P	P	P	P	
Recreation facility, as an accessory use		P[1]	P	P	P	P	P	
Renewable energy generating facility, as an accessory use		X	P	P	P	P	P	3.4.1.U
Temporary Uses								
Outdoor sales		X	P	P	P	P	P	3.4.2.D
Special event		C	C	C	C	C	C	
Temporary construction office or yard		X	P	P	P	P	P	3.4.2.E
Temporary movable storage container		X	P	P	P	P	P	3.4.2.F

Table 3.3: Permitted Use Table for Rural Zoning Districts

P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited
A = Allowed Only as an Accessory Use T = Allowed Only as a Temporary Use

Land Use	NEW ZONE	RN	RF	RR	RP1	RP2	RM	Supplementary Use Standards
	CURRENT ZONE	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5	
Temporary real estate sales office		X	P	P	P	P	P	3.4.2.G

Notes:

[1] Limited to passive recreation uses.

3.4 Supplementary Use Standards

The following standards apply to each of the uses indicated, regardless of whether that use is listed as a Permitted Use or a Conditional Use in Tables 3.2 and 3.3.

3.4.1. Principal Uses

A. **Single or Two Family Dwelling**

(1) One or two-family dwellings shall be permitted without Site Plan approval on individual lots, or as part of an Open Space Development, provided that all density requirements are satisfied.

(2) A lot may contain more than one principal residential structure, provided that each dwelling unit has sufficient area and setbacks to comply with the applicable dimensional and density requirements.

B. **Multifamily Dwelling**

(1) Multifamily dwellings shall require Site Plan approval in accordance with review thresholds contained in Table 5.2.9.B herein. This includes the adding of units to any unit that contains two (2) or more dwelling units.

(2) In the GC1 district, this is a Permitted Use north of Longfellow Avenue and a Conditional Use to its south.

C. **Residence Hall**

(1) In the GR9 district, Residence Halls are limited to properties owned and operated as Residence Halls or offices as of **(Ordinance Adoption Date)**. The conversion from office to residence hall shall require a Change of Use Permit in accordance with Subsection 5.2.1.B, in addition to approval of plans, drawings, photographs and other information deemed necessary by the Director of Planning and Development in order to establish the existing features of the exterior of the building and site, as well as the interior layout and bed capacity at time of conversion. Subsequent to the issuance of the Change of Use Permit, the approved site information shall be deemed to constitute an approved site plan.

(2) In the GC1 district, Residence Halls are a Permitted Use north of Longfellow Avenue and a Conditional Use to its south.

(3) In the GC2 district, Residence Halls shall be configured with individual kitchens, bathrooms, and living rooms. For the purposes of calculating density, each individual apartment shall constitute one (1) dwelling unit.

(4) In the GC3 district, Residence Halls are limited to properties in use as a hotel, boarding house or restaurant as of October 15, 2001.

D. **Small Scale Telecommunications Tower**

Small Scale Telecommunication Towers (not including amateur radio installations) shall comply with the following standards:

(1) All standards in Subsection 2.3.8.D (Standards for Telecommunication Towers in the TCO Districts) shall apply except that:

a. Subsection 2.3.8.D(5)a does not apply; and

b. In Subsection 2.3.8.D(5)b , the "fall zone" shall be 50 percent of the tower height instead of 100 feet.

(2) The maximum height of any tower shall not exceed 120 feet, including antenna arrays and other attachments.

(3) New towers shall be configured to minimize the adverse visual impact of the tower and antennas through careful design, siting, landscape screening and innovative camouflaging techniques. Innovative camouflaging techniques like stealth flagpoles, monopines (tree poles) and alternative mounting techniques like flush mounted antennas shall be used whenever possible.

(4) A latticed or monopole tower or a tower stylistically similar to a latticed or monopole tower shall be used. Guy wires shall not be permitted.

(5) New accessory facilities shall comply with Subsection 2.3.8.D(7) (Accessory Facilities) and shall be no taller than one (1) story in height. Accessory facilities shall be adjacent to the tower base unless an alternative location will be less visually obtrusive or topographic considerations require an alternative location.

(6) Advertising and commercial signs shall not be allowed on the tower or its accessory facilities.

(7) Signals, lights or illumination shall not be allowed on the tower unless required by the Federal Aviation Administration, Federal Communication Commission or another federal agency.

(8) Lighting may be allowed as part of a stealth flagpole installation to properly illuminate the flag as required by the United State Code (Title 4, Chapter 1, Section 6a).

E. **Reuse of Agricultural Structures in Rural Districts**

The purpose of this provision is to provide guidance to applicants and the Reviewing Authority whenever a Development Review, Conditional Use Permit, or Special Permit application involves the reuse of an agricultural structure in a Rural district. These standards are to ensure that such applications result in the preservation of the appearance of the structure as agricultural, and to ensure that the proposed development is compatible with the structure. Any agricultural structure, or portion of a structure, last legally used for the purpose of conducting agriculture, or legally converted to other uses, may be converted to another use with a Conditional Use Permit, pursuant to Subsection 5.2.2 (Conditional Use Permit) and the requirements of this Subsection. If the applicant proposes to reuse the structure for one that is permitted in the zoning district, these standards shall be applied only when the project requires Development Review. In cases where a Conditional Use Permit is necessary for the use, the Planning Board shall find that the proposed use complies

with these standards in addition to the Conditional Use Permit requirements of Subsection 5.2.2:

(1) The subject structure must be at least 1,000 square feet in size.

(2) The proposed use may not result in an increase in vehicular traffic flow beyond that of an agricultural activity that might typically occupy a similarly sized agricultural structure.

(3) The structure shall retain its general appearance as an agricultural structure. The structure's facade, silhouette, configuration, roof line, and exterior treatment shall render it to be readily identifiable as a former agricultural structure.

(4) Parking areas, loading areas and drives shall be situated first on areas that are currently impervious. If the site contains preexisting parking areas, loading areas and drives, those areas shall be utilized first for those purposes. Additional parking areas, loading areas and drives shall be incorporated into existing areas.

(5) Any application submitted under this subsection must include disclosure of any storage, handling, use or disposal of hazardous matter. The handling, storage, disposal or use of hazardous materials shall comply with all Federal, State and local laws, Ordinances, rules and regulations.

F. **Urban Agriculture**

This primary use is subject to the following standards:

(1) The keeping of farm animals, poultry and bees shall be in accordance with Chapter 3, Animals, of the Brunswick, Maine Code of Ordinances, as amended.

(2) Structures used for the sheltering of animals and poultry, or beekeeping shall comply with applicable zoning district dimensional standards and with standards set forth in Chapter 3, Animals, of the Brunswick, Maine Code of Ordinances, as amended.

(3) The sale of products grown on the site is permitted on the site, provided that the structure used for sales is no larger than 150 square feet and is not located in a required setback.

G. **Adult Entertainment Establishment**

No Adult Entertainment Establishment may be located closer than 1,000 feet from any school, religious institution, library, dwelling unit or other Adult Entertainment Establishment. The distance of 1,000 feet shall be measured in a straight line without regard to intervening structures or objects, from the customer entrance of the adult entertainment establishment to the nearest point on the boundary of the property occupied by the school, religious institution, library, dwelling unit or other Adult Entertainment Establishment.

H. **Restaurant or Dining Facility**

(1) In the GC1 district, a restaurant or dining facility is a permitted use north of Longfellow Avenue and a Conditional Use to its south side.

(2) In the GC3 district, restaurants or dining facilities are limited to properties in use as a hotel, boarding house, restaurant or dining facility as of October 15, 2001.

(3) In the GC3 district, a dining facility is permitted as an accessory use within the Bowdoin College Edwards Center for Art and Dance building.

(4) In the GA district, restaurants are only permitted in conjunction with aviation-related activities or uses.

I. **Hotel**

In the GC3 district, hotels are limited to properties in use as a hotel, boarding house or restaurant as of October 15, 2001.

J. **Neighborhood Store**

The establishment or expansion of a Neighborhood Store is subject to Minor Development Review in accordance with Subsection 5.2.9.

K. **Retail, Class I and Class II**

In the GA district, Class I retail uses are only permitted in conjunction with aviation related activities or uses.

L. **Service Business, Class I and Class II**

In the GA district Class I and Class II service business uses are only permitted in conjunction with aviation related activities or uses.

M. **Canopies for Motor Vehicle Fueling Station and Other Drive-Through Uses**

Canopies for Motor Vehicle Fueling Stations and all other canopies permitted as accessory structures to any Permitted or approved Conditional or Special Permit Use shall comply with the following requirements:

(1) In all districts except the GM4 and GM5 districts, canopies shall be a single color. Corporate colors and patterns shall not be permitted on canopies, except for signs located on the canopy.

(2) In the GM6 zoning district, canopies shall not exceed 500 square feet in size. No portion of the lighting fixture shall extend beyond the lower horizontal surface of the canopy.

N. **Vehicle Sales, Rental or Storage**

The sale or display of automobiles for sale or display shall not occur within any required setback.

O. **Contractor's Space**

In the GA district contractor's space uses are only permitted in conjunction with aviation related activities or uses.

P. **Industry, Class I**

In the GM3 district, this use is permitted by right for properties accessed by Cressey Road or Columbus Drive, south of the limited access portion of Route 1.

Q. **Industry, Class II**

In the GM3 district, this use is permitted by right for properties accessed by Cressey Road or Columbus Drive, south of the limited access portion of Route 1.

R. **Junkyard or Automobile Graveyard**

Junkyards and automobile graveyards existing on or before **(Ordinance Adoption Date)** shall comply with the requirements of 30-A M.R.S.A. 3751-3760, as amended. Expansion of an existing junkyard is subject to approval of a Conditional Use Permit in accordance with Subsection 5.2.2.

S. Marine Activity

Marine Activity uses shall comply with the following standards:

(1) All applications for docks and wharves shall be provided to the Harbor Master for review and written comment by the Brunswick Rivers and Coastal Waters Commission prior to action taken by the Review Authority.

(2) Proposed access from the shoreline will not cause erosion, sedimentation and/or siltation.

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

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

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

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

a. Maximum impervious surface coverage shall not exceed 30 percent or the applicable zoning district standard, whichever is greater.

b. There shall be no subsurface wastewater disposal systems within the required 125 foot setback from the upland edge of the applicable water body.

c. There shall be no moorings, slips or fuel storage facilities.

T. Mineral Extraction

Major Development Plan approval shall be required for mineral extraction activities, in accordance with the following requirements. For mineral extraction operations existing on [Date of original adoption of this provision] Major Development Plan approval shall be required if the operation expands beyond the limits of excavation at the time of Ordinance adoption.

(1) Water Quality Impact Assessment

The applicant shall provide appropriate information such as soil borings or test pit data, collected and researched by a qualified and licensed engineer. With this information, the applicant shall demonstrate that the excavation will have no adverse impact on area water quality or supply.

(2) Excavation Schedule

The applicant shall submit an excavation schedule and the anticipated annual yield of the operation for the duration of the scheduled operation. Phasing plans shall also be required if phasing is a part of the excavation operation. If a development permit is granted, it shall cover a specified time period. Any further operation or expansion beyond the specified date shall require a new Major Development Plan approval.

(3) **Soil Protection and Erosion Control Techniques**

The applicant shall include soil profiles of the land as mapped by the USDA Soils Conservation Service. This information shall be provided by a qualified soils specialist or licensed engineer.

(4) **Traffic Impact Analysis**

The applicant shall submit a traffic plan and analysis for truck traffic. The plans shall include:

a. Routes to major highways.

b. Anticipated trips per day per truck.

c. Weight impacts on roads.

d. Signage at ingress/egress of property.

(5) **Reclamation Plan**

The applicant shall submit a reclamation plan prepared by a qualified professional, licensed soils engineer, licensed landscape architect, and/or mining reclamation specialist or scientist. The plan must include the following:

a. A photographic display constituting a 360-degree wide-angle view of planned mining areas. The photographs shall show the horizon with ground levels in the forefront as the land naturally exists before mining.

b. Location of boundary lines, rights-of-ways, names of abutting property owners, area of expected operation, contour levels before and after excavation, and phasing plans if applicable.

c. Amount of overburden to be removed, the area it is to be removed from, where it is to be stored during the excavation process, and the method of covering overburden. The overburden shall be covered if it is to be exposed to weather elements for more than 60 days.

d. The photographic display shall provide the profile information after reclamation. The reclamation plan shall indicate the proposed uses for reclaimed land.

e. Landscaping plans shall outline all replanting and final stabilization of the mined area. The plans shall include a list of native plants, shrubs, and trees to be planted as well as assurances that these plantings will survive in a reclamation area.

f. Preliminary sketch of proposed use of reclaimed land after the operation closes.

g. Long-term impacts, if any, provided by a qualified professional.

U. **Renewable Energy Generating Facility**

(1) **Wind Energy Collection Facility**

a. **Small Wind Energy System (SWES) Application (Accessory Use)**

A Building Permit is required for the installation of a Small Wind Energy System (SWES) as an accessory use in Growth or Rural districts. The Building Permit application shall contain the following:

i. Description of the project including specific information on the type, size, tower type and height, rotor material and diameter, rated power output, performance, safety and noise, manufacturer and model of SWES.

ii. Evidence that the proposed height of the SWES does not exceed the height recommended by the manufacturer of the system.

iii. Structural drawings of the wind tower, base or foundation, prepared by the manufacturer or a professional engineer. If attachment to an existing structure is proposed, a description or drawing acceptable to the Codes Enforcement Officer shall be submitted.

iv. If connection to the publicly regulated utility grid is proposed, evidence making clear that the utility is aware of the proposed connection and finds it acceptable.

v. Photographs of the proposed site.

vi. A Site Plan depicting setbacks to all property lines.

vii. Any additional information deemed necessary by the Codes Enforcement Officer.

b. **Standards for SWES in All Growth and Rural Districts (Accessory Use)**

Small Wind Energy Systems in both the Growth and Rural districts shall be reviewed according to the following standards:

i. An approved Building Permit from the Codes Enforcement Officer is required prior to installation.

ii. All parts of an SWES shall be setback from all property lines, public rights-of-way, overhead utility lines and all dwelling units a minimum distance equal to the total height of the system measured from the ground to the systems highest point or the minimum setback of the district in which the system is located, whichever is greater.

iii. Unless otherwise conditioned in subsections c. and d. below, an SWES shall not exceed the noise standards set forth in Subsection 4.14.1.C.

iv. An SWES shall not be lighted and shall not display any signs, writing, symbols or graphic representations of any kind except appropriate manufacturer's or installer's identification and warning signs.

v. The minimum distance between the ground and all blades of an SWES shall be 25 feet as measured at the lowest arc of the blades.

vi. The SWES 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.

vii. An SWES 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 SWES 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 (1) year if the owner is actively pursuing the repair of the system for future use.

viii. An SWES shall be equipped with both manual and automatic over-speed controls.

ix. An SWES must comply with applicable town, state and federal regulations, including any necessary approvals for installations within FAA-regulated zones.

x. All roof-mounted SWES shall be approved by an architectural engineer prior to installation.

c. **Additional Standards for SWES in Rural Districts (Accessory Use)**

In addition to those standards in Subsection b above, SWES as accessory uses in the Rural districts shall be reviewed according to the following standards:

i. An SWES shall have a maximum height of 125 feet from the ground level to the system's highest point.

ii. All components of an SWES used to generate electricity including blades and all accessory parts shall not have a diameter of more than 25 feet.

iii. On lots less than three (3) acres in size, no more than one (1) SWES installation shall be allowed.

iv. On lots of three (3) acres or more, up to three (3) systems shall be allowed.

d. **Additional Standards for SWES in Growth Districts (Accessory Use)**

In addition to those standards in Subsection b above, SWES as accessory uses in the Growth districts shall be reviewed according to the following standards:

i. An SWES shall have a maximum height of 80 feet from the ground level to the system's highest point.

ii. All components of an SWES used to generate electricity including blades and all accessory parts shall not have a diameter of more than 15 feet.

iii. Roof-mounted SWES shall not exceed a height of eight (8) feet above the tallest roof ridgeline of the structure.

iv. Decibel levels for the system shall not exceed 45 decibels (dBA) at any time, as measured from the exterior surface of an abutting residential structure existing at the time of the SWES installation. This level may be exceeded during short-term events such as utility outages and/or severe wind storms.

v. One (1) SWES per lot shall be allowed.

e. **Wind Turbines as Primary Use**

i. An approved Building Permit from the Codes Enforcement Officer is required prior to installation.

ii. The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to the total extended height.

iii. Towers shall not exceed 200 feet in height, but shall not exceed 75 feet in height within any mapped Migratory Bird Flight Path, and shall not project into any imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

iv. Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time 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 wind turbine 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 the 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.

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.

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.

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 (1) 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 Subsection 4.14.J (Performance Standards).

(B) Ground mounted solar energy collection facilities shall not be considered accessory uses.

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 (1/4) 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).

(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 percent 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).

b. **Structure Mounted Systems**

i. Solar energy collector systems may be mounted on a principal or accessory structure in any zoning district and shall be considered accessory uses.

ii. Structure-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. 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.

c. **Solar Energy Collection Systems within the Village Review Overlay District**

Ground mounted or structure mounted solar energy collection systems proposed within the Village Review Overlay District shall require a Certificate of Appropriateness pursuant to subsection 5.2.8 (Village Review Overlay Design Review).

(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. The facilities 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 percent opacity at the time of installation, not to exceed six (6) feet in height;

ii. The facilities do not exceed two (2) feet in height above grade level; and

iii. The facilities 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. The facilities 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. The facilities are screened from view from adjacent public or private rights-of-way by a vegetative buffer of at least 50 percent 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 agricultural operation. Costs for such buffering and/or screening shall be the responsibility of the developer.

(2) Setbacks from Existing Wells

Structures housing livestock, poultry or other farm animals shall have a minimum setback of 50 feet from any pre-existing well or drinking water supply, including those located on adjacent properties. Any new well shall be located no less than 50 feet from such structures.

(3) Right-to-Farm

A farm, farm operation or agricultural composting operation may not be considered a public or private nuisance under Section 4.14 if the farm, farm operation or agricultural composting operation alleged to be a nuisance is in compliance with applicable state and federal laws, rules and regulations, as well as M.R.S.A. Title 7, Chapter 6, Section 153 (Maine Agricultural Protection Act). A farm, farm operation or agricultural composting operation shall comply with applicable dimensional and density standards for the underlying zoning district.

(4) Required Disclosure

In the case of any proposed residential development abutting an agricultural use, the Review Authority shall require the applicant to issue and distribute a written disclosure to potential purchasers of lots or dwelling units as follows: *"This property adjoins lands used for agricultural purposes. Farmers have the right to apply approved chemicals and organic fertilizers, pesticides and herbicides and to engage in farming operations which may generate dust, odor, smoke, noise and vibration."* This disclosure shall be required as a note on a subdivision or site plan. This subsection may also be applied to any nonresidential development at the discretion of the Review Authority.

3.4.2. Accessory and Temporary Uses

A. Accessory Apartment

(1) An accessory apartment does not require Development Review.

(2) The creation of an accessory apartment shall not be counted for density purposes.

(3) Accessory apartments are allowed on lots primarily used as single or two family residential or commercial purposes in either a principal or accessory structure.

(4) Only one (1) accessory apartment is permitted per lot.

(5) No front facade shall be altered to construct an accessory apartment.

(6) The accessory apartment shall not be greater than 750 square feet or 35 percent of the floor area of the principal structure, whichever is greater.

(7) The accessory apartment shall be secondary, incidental and subordinate to the single or two family residential or commercial use.

B. Drive-through Service

In the GM6 district, drive-through service windows shall be allowed only as accessory to financial institutions, and shall not be located; either attached or separately constructed, between the front façade of the financial institution and the public or private right-of-way.

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) Home occupations are permitted in single-family or two-dwelling dwelling units.

(2) No more than two (2) persons other than family members residing on the premises may be employed on site at any one time.

(3) The total area onsite occupied by home occupations may not exceed 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.

(4) 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.

(5) 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 the home occupations, nor

b. Retail sales with the exception of internet-based sales.

(6) 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.

(7) The home occupations are entitled to signage in accordance with Section 4.13.

(8) The home occupation shall meet performance standards as contained in Section 4.14 relative to 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 (4) events per calendar year, with no event to exceed seven (7) 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 Occupancy for the completed construction is issued, or if no Certificate of Occupancy is required for the project, then until no more than 30 days after the construction is completed.

F. **Temporary Movable Storage Container**

Temporary movable storage containers on private property must be located on a driveway or paved area of the lot, if one (1) exists, and shall be in place for no more than 30 consecutive days.

G. **Temporary Real Estate Sales Office**

Temporary real estate sales offices may be located on the site where a new building(s) or lot(s) is being sold or leased, or on an adjacent parcel with the permission of that parcel owner, between the date that the first Building Permit for the construction is obtained until no more than 30 days after the last portion of the building(s) or lot(s) have been leased or sold.

Chapter 4 - Property Development Standards

4.1 Applicability of Property Development Standards

4.1.1. Generally

All developments shall comply with standards set forth in this Chapter. Single and two-family dwellings constructed on a lot not part of an approved subdivision or site plan are exempt, unless stated to be applicable in Subsection 4.1.2 below.

4.1.2. Single and Two Family Dwellings Constructed on Lots Separate From an Approved Subdivision or Site Plan

Single and two family residential dwellings constructed on lots separate from an approved Subdivision or Site Plan shall comply with the standards in Subsections 4.2.2, 4.2.3 and 4.2.4 (Dimensional and Density Standards), 4.2.5 (Supplemental Dimensional and Density Standards and Exceptions), 4.5.1 (Sewer), 4.5.2 (Water), 4.5.3 (Solid Waste), 4.7 (Residential Recreation Areas), 4.8.2 (Curb Cuts), 4.13 (Signs) and 4.14.1 (Operation of Uses and Development) only.

4.2 Dimensional and Density Standards

4.2.1. General Standard

All development must comply with the applicable density and dimensional standards of the district in which the development is located.

4.2.2. Specific Standards

A. The tables in Subsection 4.2.3 (Growth Area Dimensional and Density Standards) and Subsection 4.2.4 (Rural Area Dimensional Standards) set forth density and dimensional standards applicable to development in the various Growth Area and Rural Area base zoning districts. The standards in the tables are supplemented by provisions in Subsection 4.2.5 (Supplementary Dimensional Standards and Exceptions) that set forth additional standards, alternative standards, and exceptions to the standards in the tables. Where standards in Subsection 4.2.5 conflict with those in Subsection 4.2.2 or Subsection 4.2.3, the standards in Subsection 4.2.5 shall govern.

B. Nothing in this Ordinance precludes the subdivision of buildings into units, either attached or detached, on a single lot, provided that all applicable lot area, dimensional, and density standards are met. Applications for approval of any such proposal that involve Development Review must also include all legal documents related to unit associations, ownership in common, and appropriate by-laws, deeds, and covenants to be recorded in the Cumberland County Registry of Deeds by the applicant.

C. If a Common Development Plan designation has been obtained pursuant to Subsection 5.2.9.H, the terms of that designation may vary the standards in Tables 4.2.3, and may result in the required dimensional standards applying to the lot(s) approved as the Common Development Plan area.

4.2.3. Growth Area Dimensional and Density Standards

Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts [Unless separate standards approved in Common Development Plan]

Standard	New Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN[2]
	Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I1, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	,R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2,I3 & R-B&TI	R-R&OS	BCN
Lot area, min.[22]		n/a for residential uses; 7,000 sq. ft. for non-residential uses									n/a for residential uses; 7,000 sq. ft. for non-residential uses								n/a for residential uses; 7,000 sq. ft. for non-residential uses							
Density, max. (dwelling units per acre of net site area)		8	4	6[3]	6	7	10	5	6	6	6	10	10	15	6	n/a	24	6	12	24[4]	5 [5]	24	n/a	n/a	n/a	n/a
Lot width, min. (feet)		40	65	75	75	65	65	65	65	65	60	65	75	60	75	n/a [12]	n/a	75	65	65	65	40	50	50	n/a	n/a
Building frontage, min. (% of lot width)		80														75 [6]						n/a	n/a	n/a	n/a	n/a
Building frontage, max. (% of lot width)		100														100 [7]										n/a
Front setback, min. (feet)[8]		0	15	20	20	15	15	20	20	20	20	15	30	0	15	0[12]	0	20	15 [19]	15	15	10	0	10	0	n/a
Build-to Zone (feet)[8]														[9]		0-5 [10]										n/a
Rear setback, min. (feet)		0	20	20	20	20	15	20	20	20	20	20	30	15	15	0[12]	0	30	15 [19]	15 [19]	15	10	20	20	20	n/a
Side setback, min. (feet)		0	15	15	15	15	15	15	15	15	15	15	15	0	20	0[12]	0	30	15 [19]	15 [19]	15	10	15	15	10	n/a
Impervious surface coverage, max. (% of lot area)		45	35	35	35	35	50	35	35	35	75	50	60	80 [11]	70	100 [12]	100	50	60	50	50	50	80	80	10	[2]
Building height, min. (feet)		24														24 [13]	24									n/a
Building height, max. feet[14]		50	35	35	35	35	35	35	35	35	40	35	60	60	45	40 [15]	50	40	70 [20]	45	35	70	100	60	35	n/a
Building footprint per structure, max. (1,000 square feet)		20 [3]	5	5	5 [16, 19]	5 [19]	7.5	5	5	5	20	5	30 [21]	50 [18]	20	n/a [12]	n/a	7.5	n/a	8.5	5 [17]	n/a	n/a	n/a	n/a	n/a

Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts [Unless separate standards approved in Common Development Plan]

Standard																											
New Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GA	GI	GO	GN [2]
Current Zone	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I1, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	,R-CMU	MUOZ	CU1, 2 & 3	CU5 & 6	CU4 & 7	CU/TC	R-AR	I2,I3 & R-B&TI	R-R&OS	BCN

NOTES:
[1] All new, enlarged, or redeveloped buildings and additions in the GM4 District subject to Development Review shall also be consistent with the Cook's Corner Design Standards, unless such design standards are waived in accordance with Section 5.2.9.0 (
Waiver Provisions).
[2] Area of new disturbance per parcel shall not exceed 1% of total acreage, measured at time of Ordinance adoption
_____.
[3] 1 du per 20,000 sf of net site area for developments using subsurface wastewater disposal systems.
[4] Except that lands north of Bath Road shall be limited to 8 du/ac.
[5] Except that parcel between South Street and Longfellow Avenue shall be limited to 10 du/ac.
[6] Applicable only to the first floor of buildings along Maine Street. Does not apply to buildings on Park Row.
[7] Does not apply to buildings on Park Row.
[8] Front setback averaging applies; See subsection 4.2.5.B(4)
[9] See Cook's Corner Design Standards for maximum front setbacks applicable along Bath Rd., Gurnet Rd., proposed Perimeter Rd, Thomas Point Rd., and all public and private connector roads.
[10] Applicable only to the first floor of buildings along Maine Street. For all other buildings in the GM6 District, the build-to zone is determined by the range of front setback of principal buildings on the nearest occupied lots on either side on the same block face. Does not apply to buildings on Park Row.
[11] Limited to 50% impervious coverage and maximum building footprint of 20,000 sq. ft. north of Route 1.
[12] Except that parcels fronting onto Park Row front setbacks shall be consistent with the established average front setback (see subsection 4.2.5.B (4)), shall have minimum side and rear setbacks of 15 feet in width; a minimum lot width of 60 feet; a maximum footprint of 7, 500 square feet and a maximum impervious coverage of 45%;
[13] Minimum height is triggered if floor area is being increased by 50%, and must be met at front lot line.
[14] Unless restricted to a lower height by Flight Path Overlay (FO) District regulations (see Section 2.3.7).
[15] Except that lands north of U.S. Highway 1 shall have a maximum building height of 60 ft.
[16] May be increased to up to 30,000 square feet for a community living facility as defined by 30-A M.R.S.A § 4357-A, with a Conditional Use Permit approved in accordance with Section 5.2.3 (Conditional Use Permit).
[17] 10,000 square feet for multifamily dwellings, and 20,000 square feet for the Bowdoin College Edwards Center for Art and Dance building.
[18] 300,000 square feet if the structure meets one of the conditions listed in Section 4.2.5.B(9).
[19] See subsection 4.2.5.B(4) for additional setback requirements.
[20] See subsection 4.2.5.B.(7) for additional height requirements..
[21] No building footprint restriction shall apply for properties located south of Route 1, along Cressey Road and Columbia Drive.
[22] See subsection 4.2.5.F for minimum dimensional requirements for lots located within the Shoreland Protection Overlay.

4.2.4. Rural Area Dimensional Standards

Table 4.2.4: Dimensional and Density Standards Table for Rural Zoning Districts

Standard		New Zone	RN [1]	RF	RR	RP1	RP2	RM
		Current Zone	BCN	FF1, CR1	CR2, MU1	CP1, FF3	CP2	MU5
Minimum Lot Area	Residential[5]		n/a	2 ac	1.5 ac	20,000 sf[2]	20,000 sf[2]	2 ac
	Nonresidential[5]					4 ac [2]	4 acres[2]	
Maximum Density	Developments subject to Development Review		n/a	1 du per 2 ac	1 du per 1.5 ac	1 du per 4 ac	1 du per 4 ac	1 du per 2 ac
	Developments not subject to Development Review					1 du per 5 ac	1 du per 5 ac	
Lot width, min. (feet)			n/a	150	150	125	125	150
Front setback, min. (feet)			n/a	25	25	30[4]	30[4]	25[3]
Rear setback, min. (feet)			n/a	30	30	30[4]	30[4]	30
Side setback, min. (feet)			n/a	30	30	25[4]	25[4]	30
Impervious surface coverage, max. (% of lot area)			[1]	20%	20%	Lesser of 35% or 10,890 sf	Lesser of 40% or 21,780 sf	25%
New lawn area for wooded sites (1,000 square feet)			[1]			20	20	
Building height, max. (feet)			n/a	40	40	40	40	40
Building footprint per structure, max. (1,000 square feet)			n/a	10	10	10	10	10

NOTES: ac = acre(s) sf = square feet
[1] Area of new disturbance per parcel shall not exceed 1% of total acreage, measured at time of Ordinance adoption _____.
[2] See Subsection 4.2.5.B (10) (Supplementary Dimensional and Density Standards and Exceptions) for additional requirements.
[3] Wooded buffers fronting Old Portland Road on [effective date of this Ordinance] shall be maintained at a minimum depth of 25 feet for structures having a footprint less than 5000 square feet and a minimum depth of 50 feet for structures having a footprint over 5000 square feet, subject only to necessary interruptions for infrastructure, to be finalized during Development Review or Building Permit approval.
[4] Additional building setback may be required in accordance with Subsection 4.2.5.B (4) e.
[5] See subsection 4.2.5.F for minimum dimensional requirements for lots located within the Shoreland Protection Overlay.

4.2.5. Supplementary Dimensional and Density Standards and Exceptions

A. Calculation of Net Site Area

Net site area is calculated by subtracting from the parcel the full area of land that consists of:

(1) Land areas of 5,000 or more contiguous square feet with sustained slopes of 25 percent or greater ;

(2) Any wetland, including but not limited to, coastal, forested and freshwater wetlands;

(3) Any water body;

(4) Any existing or proposed public street or private street right-of-way;

(5) Habitat for species appearing on the official State or Federal lists of endangered or threatened species, where there has been evidence of the occurrence of the species;

(6) Any of the following as defined by the Natural Resources Protection Act (NRPA):

a. High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; or

b. Shorebird nesting, feeding, and staging areas; or

c. Significant vernal pool habitat; and

d. Seabird nesting islands.

B. **Variations and Exceptions to Dimensional Standards**

(1) **Rear Lots ("Flag Lots")**

a. Rear lots, also known as "Flag Lots", are not subject to the lot width requirements of the zoning district in which it is located.

b. A rear lot shall be accessed by one of the following:

i. Access Strip

(A) A single rear lot may be accessed by a strip of land owned by the owner of the rear lot having a minimum width of 25 feet and a minimum public street frontage of 25 feet. In Growth Area zoning districts, these widths may be reduced to 15 feet with approval of a stormwater management plan by the Town Engineer.

(B) No more than two (2) access strips shall be adjacent to each unless a shared driveway is used. In such a case, the width of each access strip shall be reduced to 15 feet.

ii. Deeded Right-of-Way

A rear lot may be accessed by a deeded right-of-way through another parcel or lot that has a minimum width of 25 feet. In Growth Area zoning districts, this width may be reduced to 15 feet with approval of a stormwater management plan by the Town Engineer.

c. All rear lots shall have safe access for fire, police, and emergency vehicles as determined by the Fire Chief.

(2) **Spaghetti Lots Prohibited**

No lot created by a subdivision having shore frontage on a river, stream, brook, great pond, or coastal wetland as defined, shall have a lot depth to shore frontage ratio greater than five (5) to one (1).

(3) **Cul-de-Sac Lot Width**

Minimum lot width requirements may be reduced to 50 feet for lots fronting on a cul-de-sac.

(4) **Setbacks**

a. **Reduction of Minimum Front Setback to Average Setback**

In the case where existing structures located on the same block form a uniform and consistent street wall with an average front setback less than the required minimum front setback by Subsection 4.2.3 (Growth Area Dimensional and Density Standards) or Subsection 4.2.4 (Rural Area Dimensional Standards), the minimum front setback required shall be reduced to the block average—provided that the front of a structure shall be no more than five (5) feet behind the reduced minimum front setback.

b. **Front Setback Requirement on Corner and Through Lots**

i. Whenever a side or rear yard is adjacent to a street, the minimum front setback requirement shall apply to such side or rear yard.

ii. To establish a new public street or private street right-of-way that would convert one (1) or more existing lots into a corner lot, existing structures on such new corner lot shall meet the minimum front setback requirement along the new public street or private street right-of-way.

c. **Permitted Encroachments into Required Setbacks**

The following encroachments into required setbacks are allowed:

Table 4.2.5.B(4)c: Allowable Required Setback Encroachments

Structure or Feature		Encroachment Conditions or Limits
i.	Open fire escape	Up to four (4) feet into any required rear or side setback
ii.	Steps or stoop	Up to eight (8) feet into any required front setback; up to four (4) feet into any required rear or side setback
iii.	Awning or movable canopy	Up to six (6) feet into any required setback
iv.	Cornice, eave, and other similar architectural feature	Up to three (3) feet into any required setback
v.	Front or wraparound porch open or enclosed only with screens (not glassed in)	Up to ten (10) feet into any required front setback
vi.	Semi-public space such as table and patio	Anywhere in any required front setback
vii.	Access ramp for persons with disabilities	Anywhere in any required setback provided that it is designed in a manner that is compatible with the design and style of the building
viii.	Seawall, wharf, pier, or dock	Anywhere in required rear or side setback along water
ix.	Retaining wall	Anywhere in required rear or side setback
x.	Fence or wall	Anywhere in a required setback except for the front setback where the fence shall not exceed four (4) feet in height unless written approval has been granted by the Code Enforcement Officer.
xi.	Other accessory structure	See subsection 4.2.5.B(4)f.

d. **Setback Requirements for Growth-College Districts**

i. As illustrated by Figure 4.2.5.B(4)d, minimum setbacks within the Growth College 1 (GC1) Zoning District, along college boundaries A and B shall be 125 feet; 80 feet along college boundary C.

ii. In the Growth College 2 (GC2) Zoning District, lots fronting on Park Row or Longfellow Avenue shall have a minimum rear and side setback of 25 feet.

iii. Tree cutting, with the exception of hazard tree and overgrowth removal, is prohibited in the GC1 Zoning District within 125 feet of college boundaries A and B as illustrated by Figure 4.2.5.B(4)d.

Figure 4.2.5.B(4)d: Setback Requirements for Growth-College Distrricts

e. **Setback from Slopes over 15 Percent for Rural Protection (RP1 and RP2) Districts**

Where slopes exceed 15 percent in contiguous land area over 5,000 square feet, the minimum building setback shall be 75 feet.

f. **Setback Requirements and Maximum Building Height for Accessory Structures**

Swimming pools, tennis courts, garages, storage sheds, and other accessory structures not addressed by subsection c above may encroach into required rear and side setbacks in accordance with the following standards:

i. With the exception of Growth Residential Zoning Districts, swimming pools, tennis courts, garages, storage sheds, and other structures accessory to a residential use may be located in a rear yard provided the structure does not exceed 15 feet in height and does not occupy more than ten (10) percent of the area of the rear setback, including the areas where the rear and side setback overlap.

ii. In Growth Residential Zoning Districts, swimming pools, tennis courts, garages, storage sheds, and other accessory structures may be located no less than ten

(10) feet to rear or side lot lines. For lots with a lot width of less than 80 feet, structures not exceeding one (1) story in height may be located no less than three (3) feet to side lot lines. In all other districts, swimming pools, tennis courts, garages, storage sheds, and other accessory structures may be located no less than five (5) feet to rear or side lot lines.

iii. No swimming pool, tennis court, garage, storage shed, or other accessory structure shall be located closer to the street than the minimum front setback required for a principal building, excepting fences, gates, mailboxes, newspaper receptacles, signs, bus stop shelters, sand storage bins, and similar roadside structures with a footprint less than 100 square feet, as well as ornamental structures such as entry pillars and statues shall be permitted. No lighted structure in the front setback may shed glare onto the public right-of-way.

iv. Any swimming pool, tennis court, garage, storage shed, or other accessory structure with a footprint greater than 600 square feet shall be located further to the rear of the lot than the principal structure in all Growth Area zoning districts. In Rural Area zoning districts, if any swimming pool, tennis court, garage, storage shed, or other accessory structure with a footprint greater than 600 square feet is located in front of the principal building, it shall be set back from the street at least twice the minimum front setback requirement.

g. **Setback Requirements for Driveways**

i. Except as otherwise provided in subsections ii. through iv below, driveways shall be set back at least 20 feet from side lot lines in Rural Area zoning districts and at least ten (10) feet from side lot lines in Growth Area zoning districts.

ii. Common driveways may occupy any part of a side yard adjoining the lot of another user of the common driveway.

iii. For lots with a lot width of less than 80 feet, no driveway setback shall be required for individual driveways.

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

(5) Impervious Surface Coverage for Multiple-Lot Developments

If development is proposed on two (2) or more lots and the Director finds that the development functions as a single project, the maximum impervious surface coverage standard shall be applied to that project as though the lots were a single lot.

(6) Height Limit for Fences and Walls

No fence on a residential lot in a Growth Area zoning district shall exceed six (6) feet in height unless written approval is provided by the Code Enforcement Officer in accordance with. Table 4.2.5.B (4)c (Allowable Required Setback Encroachments).

(7) Height Limitations for Growth College Districts

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

(8) **Height Limitation Exceptions**

Otherwise applicable height limitations shall not apply to:

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

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

(9) **Maximum Building Footprint Area Limits in GM4 District**

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

i. The structure will be occupied entirely by Office, Industry Class I, or Industry Class II uses.

ii. The principal use of the structure is a hotel.

b. The maximum building footprint for a single-structure shopping center or mixed use development shall not exceed 300,000 square feet with no one (1) tenant occupying a footprint greater than 100,000 square feet.

c. A Retail Class II business that occupies an area with a footprint of more than 50,000 square feet either as a separate building or part of a shopping complex, shall include specific community improvements in keeping with the 1998 Cook's Corner Master Plan as amended, such as community facilities, enhanced public space, environmental improvements, and public artwork with a minimum value of one percent of the total construction budget. This condition may be satisfied, through approval by the Planning Board, by providing:

i. Community improvements on the project site; or

ii. Community improvements elsewhere in the GM4 District; or

iii. A cash payment, equal to one (1) percent of the total construction budget to the Town for planning and/or creation of community improvements in the GM4 District.

(10) **Lot Size Exceptions Within Rural Protection (RP) Districts**

a. Notwithstanding applicable dimensional and density standards, any lot in existence on October 9, 1991, located within the Rural Protection 1 (RP1) District and having an area of at least 160,000 square feet but less than ten (10) acres, may be divided into two (2) lots provided that neither lot has an area of less than 20,000 square feet. For lots previously zoned Farm and Forest 3, this standard shall apply to those lots in existence on adoption date of this Ordinance.

b. Notwithstanding applicable dimensional and density standards any lot in existence on November 6, 2001, located within the Rural Protection 2 (RP2) District, and having an area of at least three and one-half (3½) acres but less than seven (7) acres, may be divided into two (2) lots provided neither lot has an area of less than 20,000 square feet.

C. Open Space Developments

(1) Description

An open space development is a subdivision or a single-lot split that is designed with the express intent of integrating open space and naturally occurring features into the siting of buildings and lots. Open space developments require a minimum portion of the development site be set aside as conservation land, allowing the remainder of the site to be divided into lots smaller than otherwise required. The area set aside for conservation may be owned in common by the residents of the development or may be owned by a third party, but shall be subject to an easement or covenant ensuring that it will be conserved as open space. To accommodate these smaller lots and their development, open space developments are subject to less restrictive dimensional standards than generally applicable in the zoning district. To encourage open space developments as an option to conventional subdivisions, open space developments are eligible for density bonuses, as provided in Subsection 4.2.5.E (Density Bonuses).

(2) Single Lot Split Open Space Developments

Within Rural Area Zoning Districts, an open space development in the form of a single lot split allows the reduction of the minimum lot area requirement to 20,000 square feet, as long as the balance of the site is placed in permanent conservation protection by filing an Indenture for Division of Land form with the Codes Enforcement Office and recording the Indenture in the Cumberland County Registry of Deeds. The remaining provisions of this Subsection pertain to open space developments in the form of subdivisions involving the approval of lots for sale and/or development or planned unit developments involving the approval of building footprints for the sale and development of individual units.

(3) Review and Approval

An open space development in the form of a subdivision is reviewed and may be approved in accordance with the Development Review procedures in Subsection 5.2.9 (Development Review).

(4) Protected Conservation Land

Conservation lands set aside in an open space development shall comply with the following standards:

a. The land set aside as conserved open space shall include one (1) or more of the following, if noted on the property:

   i. All areas that are excluded from the calculation of Net Site Area (See Subsection 4.2.5.A (Calculation of Net Site Area).

   ii. Areas in active or potential agricultural or forestry use, including areas containing soils of statewide significance.

   iii. Important ecosystem and/or rare and endangered species habitat.

   iv. Scenic assets, as defined in the 2002 Brunswick Parks, Recreation, and Open Space Plan, as amended, that are accessible for public view.

   v. Areas having historical value.

   vi. Areas that help define downtown.

vii. Areas adjacent to land already protected under one (1) or more of the above categories.

viii. Areas that could accommodate public access and/or passive recreational use.

ix. Areas with frontage on tidal waters or local streams and rivers.

b. Conserved open space may also include other open, undeveloped areas if none of the areas in Subsections a.i through a.ix above exist on the property.

c. To the greatest extent practicable, conserved open space shall be located contiguous to any protected areas on the parcel or to any conserved open space on an adjacent lot or parcel, including without limitation any lands protected under Subsections 4.3 (Natural and Historic Areas), and 4.4 (Flood Hazard Areas).

d. Protected conservation land may be owned in any manner consistent with fulfilling the purposes of this Subsection 4.2.5.C.

e. No dwelling units, structures associated with dwelling units, or uses accessory to a dwelling unit shall extend into the required minimum protected conservation land unless expressly allowed in the terms of a conservation easement and approved by the holder of the conservation easement.

(5) **Dimensional Standards for Open Space Developments in Growth Area Districts**

a. **Minimum Conservation Land**

An open space development shall set aside the minimum percentage of the development site area shown in Table 4.2.5.C(5) below as protected conservation land. The minimum protected conservation area requirement shall not be waived.

b. **Modified Dimensional Standards and Density Bonus**

If the amount of protected conservation area meets the standard in Table 4.2.5.C(5) below, the modified dimensional standards shown in that Table shall apply instead of the comparable standards generally applicable in the district. For dimensional standards and zoning districts not shown in the Table, the standards generally applicable in the base zoning district shall apply.

Table 4.2.5.C(5): Dimensional Standards for Open Space Developments

Standard	Zoning Districts				
	GR6, GR7, GR8, GR9, GM1, GM2, GM5, GC1, GC2, GC3, GC4	GR1, GR2, GR3, GR4, GR5, GR10, GM3, GM4, GI	GM8	RF, RR	RP1, RP2, RM
Protected conservation area (as a percent of total site area (includes area excluded from net site area calculation plus additional protected areas)	15	30	15	45	50
Lot area, min. (square feet)	0	0	0	n/a[1]	n/a[1]
Lot width, min. (feet)	40	60	75	75	75
Front setback, min. (feet) [2]	10	15	20	n/a	n/a
Rear setback, min. (feet)	10	15	20	20	20
Side setback, min. (feet)	10	10	10	10	10
Impervious surface coverage, max. (% of lot area)	50	50	80	n/a	n/a
Density Bonus (based on areas protected beyond those required to be excluded from net site area calculations)	See subsection 4.2.5.E (Density Bonuses)				

NOTES:
[1] For lots containing septic systems and/or wells, lot area must be sufficient to accommodate the septic system and/or well. Septic systems must be set back at least 15 feet from any lot line.
[2] This may be reduced further in accordance with Subsection 4.2.5.B(4)a (Reduction of Minimum Front Setback to Average Setback).

i. Density bonuses are only allowed if the development protects lands beyond those that are excluded from the Net Site Area calculation contained in Subsection 4.2.5.A (Calculation of Net Site Area). Any areas excluded from the net site area calculation may be counted to determine eligibility for dimensional flexibility, but may not be counted in determining eligibility for density bonuses.

(6) **Community Water and Sewer Facilities**

a. **Community water and sewer systems in open space developments are subject to all applicable State and Federal regulations, and the following standards:**

i. A community water or sewer system may be located within the required open space. No portion of a private community water or sewer system shall be located within any public right of way. The Review Authority shall require the applicant to present data showing the location of those soils best suited for sewage disposal fields.

ii. A homeowners' or property owners' association or other appropriate mechanism shall be established to oversee the permanent maintenance and repair of any community water or sewer facility.

(7) **Ownership of Protected Conservation Land**

a. **General**

i. Protected conservation land may be owned in a variety of ways so long as it is protected from future development. Potential forms of ownership include, but are not limited to, individuals or entities, property owners' associations, non-profit conservation organizations, or governmental entities. A conservation easement may be required depending upon the environmental, aesthetic, recreational, cultural or historic significance of the land.

ii. In Growth Area zoning districts, whenever possible, protected conservation land shall be set aside in one (1) or more parks, greens, or other recreational conservation land areas. The Review Authority, in consultation with the Conservation Commission, shall refer any such project to the Recreation Commission for their review.

iii. In Rural Area zoning districts, protected conservation land may be included as a portion of one (1) or more parcels on which dwellings and other structures are permitted, provided that the Review Authority, in consultation with the Conservation Commission, approves the configuration of the conservation land and finds that the proposed development plan will not compromise its conservation value.

b. **Conservation Easements or Fee Simple Transfer to the Town**

When a conservation easement or fee simple transfer is offered to the Town as a result of Development Review, the following process shall be followed:

i. Except as stated in Subsection ii below, the Town will only consider accepting conservation easements or fee simple transfers on parcels larger than ten (10) contiguous acres in size, and only if the offer of an easement is accompanied by stewardship funds sufficient to offset the costs to the Town of monitoring and managing the easement for a period of at least 20 years.

ii. Notwithstanding Subsection i above, if an area of land proposed for conservation protection is of exceptional significance to the Town, the Recreation Commission and/or the Conservation Commission may recommend to the Council that the area be accepted for ownership and/or maintenance by the Town because of its exceptional contribution to either Commission's purposes and proprieties. Upon receipt of any such request, the Council shall hold a public meeting on the request and may approve, approve in part, or deny the request to accept ownership and/or maintenance of those areas.

iii. The Review Authority shall refer the request to the Conservation and/or Recreation Commission.

iv. If referred to the Recreation Commission, it shall evaluate the land upon which the conservation easement or fee simple transfer is proposed. If referred to the Conservation Commission, it shall evaluate the land upon which the conservation easement or fee simple transfer is proposed and it shall make an evaluation regarding whether the proposed easement or fee simple transfer provides public benefits as determined by the 2008 Comprehensive Plan and 2002 Parks, Recreation, and Open Space Plan, as amended. In making this determination, the Conservation Commission shall identify which of the

categories of land listed in Subsection 4.2.5.C(4)a.i through ix are protected and determine their relative priority. It shall evaluate long-term stewardship and maintenance requirements of future Town ownership as well as the adequacy of alternative ownership mechanisms to protect important conservation values.

v. A property being considered for the dedication of an easement or fee simple transfer to the Town may satisfy the criteria in Subsections b.i through iv above and not be recommended by the Conservation Commission if one (1) or more of the following conditions are found to apply:

(A) The property poses stewardship and maintenance problems that the Commission finds to be impractical to protect in perpetuity and that cannot be addressed through stewardship funds.

(B) The property owner insists on retaining rights to the land that are inconsistent with relevant protected conditions in Subsection 4.2.5.C(4)a.i through ix.

(C) The development of the property or adjacent properties is possible or likely and would diminish its value as conserved land.

(D) The property is part of an overall development proposal which would impinge on one (1) or more of relevant criteria in Subsection 4.2.5.C(4)a.i through ix.

(E) The property contains areas of unmitigated contamination or environmental hazards.

vi. The Conservation Commission, Director, and Town Attorney shall review the language of an easement. If they find that the easement satisfies the standards of this Subsection 4.2.5.C, staff shall refer the applicant and the easement language to the Town Council.

c. **Conservation Easement or Fee Simple Transfer to Qualified Not-for-Profit Conservation Organization or State or Federal Agency**

i. A perpetual conservation easement or fee simple transfer restricting development may be granted to a qualified not-for-profit conservation organization, a land trust, the State of Maine, or a federal agency.

ii. Any conservation easement or deed shall be approved by the Review Authority, after review by the Conservation Commission and Town Attorney, and shall be required as a condition of Subdivision or Site Plan approval.

iii. Any conservation easement or deed shall be recorded in the Cumberland County Registry of Deeds prior to or simultaneously with the filing of a Final Subdivision Plan or Site Plan. In the case of minor site plans, a deed restriction enforceable by the Town may be substituted for a conservation easement.

iv. Any conservation easement may permit only those uses authorized through the Development Review Process.

d. **Ownership of Protected Conservation Land by Individuals, Property Owners' Associations, or Another Entity**

i. Protected conservation land may be owned by an individual, a homeowners' or property owners' association, or another entity. The documentation for the association shall be completed prior to approval of the final subdivision or site

plan and recorded prior to the sale of the first lot or building permit issuance for first structure.

ii. Standards for the ongoing maintenance of protected conservation lands that are enforceable by the Town against the individual, homeowners' or property owners' association, or other entity shall be established as a condition of Development Review Approval.

D. **Affordable Housing Developments**

(1) **Purpose**

The Town of Brunswick has developed this Subsection to help promote and stimulate the creation of affordable housing units in the community. Such a need was identified in the 2004 Action Plan for Housing and the 2008 Comprehensive Plan. Measures permitted in this Subsection are aimed at reducing development costs, defraying development costs over a greater number of units, and providing flexibility for denser development patterns in return for guaranteed affordability of certain units for a set period of time. Greater affordability is rewarded with greater cost reductions and more development flexibility.

(2) **Definition of Affordable Housing**

For purposes of this Subsection, "affordable housing" is housing located in the Growth Area and served by public water and sewer services that is designed with the express intent of providing decent, safe, and sanitary living accommodations affordable to lower income and moderate income households, in accordance with the following definitions:

a. An owner-occupied housing unit is "affordable" to a household if the unit's proposed sales price results in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners' insurance costs and real estate taxes)that do not exceed 28 percent of the maximum gross monthly income of a low income or moderate income household. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to low and moderate income households.

b. A renter-occupied housing unit is "affordable" to a household if the unit's proposed monthly housing costs (including rent and basic utility and energy costs) do not exceed 30 percent of the maximum gross monthly income of a low income or moderate income household.

c. A "very low income household" is a household with is a household with a gross income less than or equal to 50 percent of the applicable Brunswick Micropolitan Statistical Area median income.

d. A "low income household" is a household with a gross income over 50 percent but less than or equal to 80 percent of the applicable Brunswick Micropolitan Statistical Area median income.

e. A moderate income household is a household with a gross income more than 80 percent, but less than or equal to 100 percent, of the applicable Brunswick Micropolitan Statistical Area median income.

f. The "Brunswick Micropolitan Statistical Area median income" is the median family income most recently published by the U.S. Department of Housing and Urban Development for Brunswick Micropolitan Statistical Area. Where appropriate to use this definition, median family income may be adjusted for family size.

g. A household's "gross income" includes the income of all household members from all sources.

(3) **Benefits Provided Affordable Housing Projects**

The Town shall provide the following benefits to developments providing additional affordable housing units, including new construction and renovation of existing units, but not existing projects that have already been deemed "affordable" by regulatory agencies as of September 19, 2005. The Town shall reduce fees for affordable housing units as provided below:

a. Only projects that require Major Development Review are eligible for fee reductions.

b. Application fees for any project may not be reduced.

c. Percentage reduction of Building Permit fees and impact fees for recreation, solid waste, and other facilities imposed by the Town shall be:

i. A 50% reduction in the regular fee for each unit affordable to Moderate Income households;

ii. A 75% reduction in the regular fee for each unit affordable to Low Income households; and

iii. A 100% waiver of the regular fee for each unit affordable to Very Low Income households.

d. If a reduced traffic impact fee would exceed $10,000, the Town Council may further reduce or waive the fee upon request on finding that the added reduction or waiver is required to make the project economically viable.

(4) **Modification of Dimensional Standards**

All dimensional standards other than density (which is determined by the density bonus provisions in Subsection 4.2.5.D(5)) and building height may be modified by the Review Authority if it finds that:

a. The proposed modification is necessary to make the project economically viable;

b. The proposed modification is necessary to accommodate any bonus units (i.e., no alternative layout that better meets the dimensional standards can accomplish the same); and

c. The proposed development pattern meets the standards of Section 4.11 (Architectural Compatibility).

(5) **Bonus Density**

a. The maximum number of allowable units allowed for affordable housing projects may be increased as provided in Subsection 4.2.5.E (Density Bonuses). The amount of density bonus depends on the affordability of the units relative to household categories defined in Subsection 4.2.5.D(2).

b. Projects that receive a density bonus shall meet the dimensional standards to the greatest extent practical.

c. All bonus units shall be additional affordable housing units.

(6) **Maintaining Affordability of Units**

The affordability for all units receiving benefits from the Town under Subsection (3) above shall be guaranteed in accordance with the following requirements:

a. The period of affordability shall be individually determined by the Town based upon the amount of subsidy or density bonus but shall be at least ten (10) years for ownership units and 30 years for rental units. These minimums shall increase to up to 50 years according to the amount of subsidy or density bonus obtained from the Town.

b. The method of guaranteeing affordability is determined on a case by case basis by the Town using guidelines set by the Maine State Housing Authority for the Affordable Housing Tax Increment Financing Program, as revised.

c. The period of enforceability shall be guaranteed by the developer in a document recorded at the Cumberland County Registry of Deeds and satisfactory to the Town. The document shall include, but not be limited to, authorization for the Town to seek the penalties outlined in the document and to seek injunctive relief, including attorney's fees and costs, or both.

E. **Density Bonuses**

(1) Bonus development density is available for:

a. Projects that preserve Wildlife Habitat Blocks or Wildlife Corridors pursuant to Subsection 2.3.5; and

b. Projects that meet the standards for an Open Space Development in Subsection 4.2.5.C and permanently protect a minimum of an 50 percent of the developable net site area; and

c. Projects that provide affordable housing units pursuant to Subsection 4.2.5.D.

(2) Bonuses for projects that meet more than one (1) of the categories in Subsection 4.2.5.E(1) may be combined, but no combination of bonuses shall increase the maximum number of lots or units on a parcel by more than 35 percent above the number of lots or units that would otherwise be permitted pursuant to Subsections 4.2.3 (Growth Area Dimensional and Density Standards) or 4.2.4 (Rural Area Dimensional and Density Standards) as applicable.

(3) If the final calculation that determines the total number of bonus units results in a fraction of a unit, the bonus shall be rounded downward to the nearest whole number.

(4) Density bonuses awarded for development meeting the criteria in Subsection 4.2.5.E(1) are shown in the table below:

Table 4.2.5.E: Density Bonuses Available		
	Growth Districts GR1 through GR10, GM1 through GM5, GM8, GC1 through GC4, and GI	Rural Districts
Wildlife Habitat Blocks (Percent increase in number of lots permitted in base zoning district)		
If 51-75% of original parcel is covered by Wildlife Habitat Block, and 0% of the Block is disturbed	15	15
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 0% of the Block is disturbed	20	20
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 1-15% of the Block is disturbed	15	15
If 76-100% of original parcel is covered by Wildlife Habitat Block, and 16-25% of the Block is disturbed	10	10
Wildlife Corridors (Percent increase in number of lots permitted in a subdivision that avoids mapped corridors)	15	15
Open Space Developments (Percent increase in number of lots permitted in base zoning district)	25	25
Affordable Housing: (Bonus units per affordable housing unit)		
Affordable to Moderate Income	.50	0
Affordable to Low Income	.75	0
Affordable to Very Low Income	1.00	0

F. **Additional Dimensional Standards within the Shoreland Protection Overlay**

(1) Minimum lot area and minimum shore frontage standards for lots located within the Shoreland Protection Overlay are contained in Table 4.2.5.F(1). In addition to such standards, Subsections (2) through (5) below shall also apply.

Table 4.2.5.F(1): Additional Dimensional Standards Within the Shoreland Protection Overlay		
	All Zoning Districts	
Standard by Use	Adjacent to Tidal Areas	Adjacent to Non-Tidal Areas
Residential per Dwelling Unit		
Lot area, min. (square feet)	30,000	40,000
Shore frontage, min. (feet)	150	200
Public and Private Recreational Facilities		
Lot area, min. (square feet)	40,000	40,000
Shore frontage, min. (feet)	200	200
Other Non-Residential Uses per Principal Structure[1]		
Lot area, min. (square feet)	30,000	60,000
Shore frontage, min. (feet)	150	300

NOTES:
[1] For marine activities, applicable district dimensional standards shall apply.

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

(4) The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) If more than one (1) residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

4.3 Natural and Historic Areas

4.3.1. Mapping of Natural and Historic Areas Requirements

A. General Standard

The development application shall include maps of all existing features important to the natural, scenic, and historic character of the Town or that add to the visual quality of a development. To the greatest extent practicable, developments shall avoid such features and incorporate them into the development site design as dedicated open space or as otherwise protected features.

B. **Specific Standards**

(1) Any active farmland generating income within the development or proposed development shall be mapped and may be done with the help of the local soil and water conservation service.

(2) Rivers, streams and brooks, as defined in Title 38, Section 480-B, Subsection 9, M.R.S.A., shall be mapped.

(3) All freshwater wetlands, regardless of size, and forested wetlands over two (2) acres in size shall be mapped. Such maps may be done with the help of the Cumberland County Soil and Water Conservation District.

(4) Other mapping requirements contained in Chapters 2 and 3 shall also be included on maps accompanying the development application.

4.3.2. Pollution

A. **General Standard**

The development will not result in undue water or air pollution.

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.A above, the Review Authority shall at least consider:

a. The elevation of the land above sea level and its relation to the flood plains. In accordance with Subsubsection 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.

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.

B. **Specific Standards**

(1) With the exception of brush or invasive vegetation clearing activities, developments within 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 (WPO) District, 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.

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 and irreplaceable natural areas, such as rare and exemplary natural communities and rare plant habitat as identified by the Maine Natural Areas Program.

B. Specific Standards

(1) Developments shall provide any mitigation measures necessary to ensure that the development will not cause undue adverse impacts on the following habitat areas and the plant and animal species they support:

a. The Wildlife Protection Overlay WPO District; and

b. Areas identified and mapped by the Maine Department of Inland Fisheries and Wildlife and/or Town of Brunswick as:

i. Habitat for State or Federal-designated rare, threatened, or endangered plant or animal species;

ii. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

iii. Shorebird feeding or roosting areas and seabird nesting islands;

iv. Significant vernal pools;

v. Rare or exemplary natural communities as identified by the Maine Natural Areas program; or

vi. State identified significant or sensitive wildlife communities.

(2) Mitigation measures shall be based on an assessment of the development's potential impact on the significant habitat and adjacent areas supporting such habitat.

4.3.5. Steep Slopes

A. General Standard

If a development site contains 5,000 or more contiguous square feet of slopes exceeding 25 percent, the impacts of the development on such slopes shall be minimized to the greatest extent practicable.

B. **Specific Standards**

The following standards shall apply to developments whose site contains 5,000 or more contiguous square feet of slopes exceeding 25 percent:

(1) Adequate erosion control and drainage measures shall be provided so that erosion and sedimentation is minimized to the greatest extent practicable during and after construction.

(2) Cutting of trees, shrubs, and other natural vegetation shall be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the Maine Forest Service and Maine Department of Environmental Protection.

(3) Safety hazards due to excessive road or driveway grades such as potential road washouts, landslides, slumping, soil creep, flooding, or avalanches shall not be created.

(4) Cutting of vegetation for recreational trails and utility lines is permitted provided mitigation measures are provided to return the site to its pre-construction condition to the greatest extent practicable.

(5) Slope determinations shall be made based upon the topographic information. For clay embankments and highly erodible bluffs, recommendations by a Maine Certified Geologist are required.

4.3.6. Erosion and Sedimentation

A. **General Standard**

Developments shall be constructed in accordance with the Maine Department of Environmental Protection's Best Management Practices and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.

B. **Specific Standards**

(1) An Erosion and Sedimentation Control Plan shall be submitted as part of the Development Review application in accordance with the Maine Department of Environmental Protection's Erosion and Sediment Control Best Management Practices Handbook, as amended.

(2) Developments shall be designed so as to prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.

(3) The procedures outlined in the erosion and sedimentation control plan shall be implemented during site preparation, construction, and clean-up stages.

(4) Cutting or removal of vegetation along water bodies shall not increase water temperature or result in shoreline erosion or sedimentation.

(5) Topsoil shall be considered part of the site and shall not be removed except for surplus resulting from roads, parking areas, and building excavations.

4.3.7. Groundwater

A. **General Standard**

Developments shall not, alone or in conjunction with existing activities, have an undue adverse effect on the quality or quantity of groundwater.

B. **Specific Standards**

(1) There shall be no undue significant adverse impact on groundwater quality resulting from a development, either during or after development, with regard to on-site subsurface wastewater disposal, use of fertilizers or pesticides other than for normal residential purposes, infiltration of stormwater runoff, and such other activities that pose a potential threat to groundwater quality.

(2) The applicant may be required to document existing water quality conditions and to establish a monitoring system to measure post-development levels of impacts. The applicant shall provide the Town with permanent access to such monitoring system, so that it can be added to Town-wide water quality monitoring programs.

(3) If the site of a development utilizing on-site disposal proposing a density of three (3) or more bedrooms per acre overlies a sand and gravel aquifer mapped by the Maine Geologic Survey, or an Aquifer Protection Overlay District as identified on the Brunswick Zoning Map, the Review Authority may require a detailed hydrogeological evaluation conducted by a Maine-Certified hydrogeologist.

(4) No groundwater extraction shall be permitted on the former BNAS lands unless first authorized by the U.S. Navy, in accordance with the BNAS Land Use Controls Implementation Plan, as amended.

4.3.8. Surface Waters, Wetlands, and Marine Resources

A. **General Standard**

Developments shall not have any undue adverse effect on the water quality of the body of water, its shoreline, or the functional integrity of freshwater or coastal wetlands, water bodies, or shorelines within the watershed of the development site.

B. **Specific Standard**

The Review Authority shall consider reports or statements from qualified wetland scientists, hydrogeologists, the Maine Department of Environmental Protection, Maine Department of Marine Resources, or other agents, deemed appropriate by the Review Authority, that evaluate the impact of development on surface waters or wetlands.

4.3.9. Historic and Archeological Resources

A. **General Standard**

The development shall not have any undue adverse effect on any historic or archeological resources.

B. **Specific Standards**

(1) Developments that include or are adjacent to buildings, sites, or districts listed on the National Register of Historic Places, identified by the Village Review Zone Contributing Resource Inventory, or Brunswick Comprehensive Plan as being of historical importance shall be designed in such a manner as to minimize impacts on the historic feature.

(2) When historic features to be protected include buildings, the placement and the architectural design of adjacent new structures shall be compatible with that of the historic structures.

(3) When required, Certificates of Appropriateness shall be required for new construction, alterations or additions to existing structures and demolition of structures within the

Village Review Zone prior to Planning Board consideration, in accordance with Subsection 5.2.8.C.2.

(4) Developments that include or are adjacent to areas that may have archeological artifacts or resources, based on information available to the Town from the Maine Historic Preservation Commission, shall be referred to the Maine Historic Preservation Commission for evaluation, and any recommendations or information provided by that Commission shall be considered by the Review Authority before making a decision on the Development Review application.

4.4 Flood Hazard Areas

4.4.1. General Standard

The risk of flooding for the proposed development is minimized if the activity occurs within a flood hazard area.

4.4.2. Specific Standards

Flood hazard areas make up the Flood Protection Overlay (FPO) District. Development in the FPO District shall comply with the standards in Subsection 2.3.4 (Flood Protection Overlay (FPO) District).

4.5 Basic and Municipal Services

4.5.1. Sewage Disposal

A. **General Standard**

Developments shall provide for adequate sewage waste disposal and shall not cause an unreasonable burden on municipal services if utilized.

B. **Specific Standards: Municipal Sewer**

(1) Sewer lines that connect to the municipal sewer shall not be extended beyond the Growth Area designated in the Comprehensive Plan.

(2) The Brunswick Sewer District may require the owners of property or developers of subdivisions and site plans located within the designated Growth Area to connect to the public sewer system.

(3) The sewerage system shall conform to all standards of the Brunswick Sewer District.

C. **Specific Standards: On-Site Disposal**

(1) Septic systems shall be built in accordance with the Maine Subsurface Wastewater Disposal Rules, CMR 241, as amended, and shall be suitability maintained for the type of system installed

(2) The Review Authority may require a hydrogeological study if the development involves a developed density of three (3) or more bedrooms per acre of net site area. If needed, the hydrogeological study shall cover the evaluation of any significant nearby water resources including, but not limited to, wells, ponds, and riverine and ocean resources. For properties located within the Rural Protection (RP) districts or the New Meadows River Watershed, the hydrogeological analysis shall include a computation of the project's projected nutrient load to the receiving tidal water. The hydrogeological study shall be prepared by, signed, stamped, and dated by a Maine Certified Geologist as required by 32 M.R.S.A. §§ 4903 and 4918.

(3) The development plan shall include test pit samples to establish soil suitability, with locations flagged on the site. Each test pit must be marked with numbers corresponding to those indicated on the plan. There shall be two (2) passing test pits per lot, with each pit identifying soil consistency within a 20-foot radius of the central boring. The direction of groundwater flow and septic leachate impacts on existing and proposed well locations shall be described.

(4) No portion of a septic system (including easements) shall be located within any portion of the right-of-way of a public road.

(5) Surface wastewater disposal systems located within the Shoreland Protection Overlay District shall be designed to accommodate a one (1) foot or more rise in sea level, based on highest average tide (HAT), over the average lifetime of the disposal system.

(6) A common septic system serving more than one (1) lot may be utilized if designed and constructed in accordance with community septic system criteria as established by the Maine Subsurface Wastewater Disposal Rules, CMR 241, as amended. Such system shall be supported by a hydrogeological analysis by a Maine Certified Hydrogeologist. A back-up and maintenance plan must be provided. In the case of a "peat system," a financial guarantee approved by the Town shall be provided for bed replacement and disposal.

4.5.2. Water Supply and Quality

A. **General Standard**

Developments shall have sufficient water available for the reasonably foreseeable needs of the development, and shall have no undue adverse impact on existing water supplies.

B. **Specific Standards: Public Water Supply**

(1) Water mains proposed for connection to the existing public water system shall not be extended outside the Growth Area designated by the 2008 Comprehensive Plan, as amended, unless required due to health and safety concerns.

(2) The water system shall be designed and installed in accordance with all rules, terms, and conditions of the Brunswick and Topsham Water District.

(3) The size and location of mains, gate valves, hydrants, and service connections are subject to review and approval by the Brunswick and Topsham Water District, and the Brunswick Fire Chief or designee.

C. **Specific Standards: Private Water Supply**

(1) Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other sources of potential contaminations.

(2) Lot and site design shall permit placement of wells, subsurface wastewater disposal areas, and replacement areas in compliance with the Maine Subsurface Wastewater Disposal Rules, the Well Drillers and Pump Installers Rules, and the Brunswick Building Code.

(3) If a central water supply system is proposed, the location and protection of the source, and the system design, construction, and operation shall conform to the Maine Rules Relating to Drinking Water, CMR 231, as amended.

(4) No groundwater extraction is permitted on the former BNAS lands unless first authorized by the U.S. Navy, in accordance with the BNAS Land Use Controls Implementation Plan, as amended.

D. **Specific Standards: Fire Protection Water Supply**

With the exception of single and two-family dwellings constructed on lots separate from an approved subdivision or site plan, in areas where the Review Authority determines, based upon the written recommendation of the Brunswick Fire Chief or designee, that a reliable water supply for firefighting purposes is not available within one-half (1/2) mile of the development site, the developer/applicant shall be responsible for providing adequate fire protection water supply as approved by the Town Fire Department. Acceptable options may include, but are not limited to, residential sprinkler systems, cisterns or fire ponds with an approved dry hydrant.

E. **Specific Standards: Water Quality**

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water, CMR 231, as amended. If existing water quality contains contaminants in excess of the secondary drinking water standards in those rules, such information shall be stated on the recorded plan.

4.5.3. Solid Waste Disposal

A. **General Standard**

Development utilizing municipal solid waste disposal services shall not cause an unreasonable burden on the municipality's ability to dispose of solid waste.

B. **Specific Standards**

The developer/applicant shall pay the solid waste impact fee as calculated by the Brunswick Public Works Department.

4.5.4. Stormwater Management

A. **General Standard**

Developments shall be designed to minimize the total area of impervious surface on the development site and shall incorporate stormwater management measures to minimize runoff volume and rate, as well as pollutant and nutrient loadings, from the site.

B. **Specific Standards: Applicability**

(1) Single and two-family dwelling units are exempt from the standards of this Subsection provided appropriate measures are taken that prevent unreasonable soil erosion and sedimentation beyond the site or into a wetland or water body..

(2) Any project that requires a Stormwater Management Law permit, other than a stormwater Permit by Rule (PBR) in accordance with Rules adopted pursuant to Title 38, M.R.S.A., Section 420-D, as amended, shall be deemed to have met the requirements of this Subsection.

(3) Developments not requiring a Stormwater Management Law Permit pursuant to Title 38 M.R.S.A. Section 420-D, as amended and not otherwise exempt from the requirements of this Subsection shall meet the standards set forth in Subsection 4.5.4.C below.

(4) Activities associated with stabilizing soil erosion, preventing sedimentation from developed land, or reconstruction of existing developed land shall be considered maintenance activity and do not require Development Review.

(5) All land areas that are stripped, graded, grubbed, filled, bulldozed or excavated at any time or removal of vegetation for, or construction of, a development shall be considered

"disturbed area". Disturbed area does not include maintenance activities. A land area on which the cutting of trees, without grubbing, stump removal or exposure of soil has taken place is not considered disturbed area.

(6) Disturbed area that results in compacted soil and sparse vegetation; and lawn areas that are cut more than twice annually shall be considered "developed area".

(7) For the purposes of Stormwater Management, disturbed area that results in low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability shall be considered "impervious area".

(8) Existing impervious area that is required for off-street parking or on-site vehicle traffic circulation for a proposed use; and new principal and accessory structures or additions over existing impervious area shall be considered "redeveloped impervious area".

C. **Specific Standards: Stormwater Runoff Quality Standards**

(1) All stormwater management plans for new disturbed area and redeveloped impervious area shall meet runoff treatment standards based on a percentage of impervious surfaces, and shall also meet a minimum treatment for the total developed area, as outlined in the Table 4.5.4.C, Sliding Scale Table for Stormwater Treatment Sizing.

(2) The Review Authority may allow the total disturbed area and redeveloped impervious area to be reduced by in-kind restoration of existing impervious area or existing developed area. Restoration plans shall provide measures for improved soil infiltrative capacity and the creation of dense vegetative cover. Restoration plans may not result in new developed area. The following information may be required by the Review Authority: existing soil conditions (including depth to limiting factors), soil amendments, plant type(s), and plant density (total number of plants, location, and size). Restoration plans with a diverse variety of native grasses, shrubs, understory trees and overstory trees are preferred as site conditions allow.

Table 4.5.4.C: Sliding Scale for Stormwater Treatment Sizing

Disturbed Area and Redeveloped Impervious Area (acres)	Percentage of Impervious Area Required to be Treated	Percentage of Developed Area Required to be Treated
Over 1 acre [1]	95%	80%
1 acre < 0.75 acre	70%	60%
0.75 acre < 0.5 acre	50%	40%
0.5 acre < 0.25 acre	25%	20%
Under 0.25 acre	Shall meet Erosion Control requirements or DEP Chapter 500's Basic Standards	

NOTES:
1. Developments with more than one (1) acre of impervious surface may be required to obtain a Stormwater Management Law Permit from the Maine Department of Environmental Protection..

(3) Stormwater management plans shall either:

a. Use the treatment sizing methodology required under DEP's Chapter 500 Stormwater Rules (06-096 C.M.R. Ch. 500) (which includes stormwater management design practices in accordance with the *DEP Stormwater Manual, Volume III-BMPs Technical Design Manual*); or

b. Rely on Low Impact Development (LID) design practices and techniques as approved by the Maine DEP; or

c. Use alternative treatment measures and techniques approved by the Review Authority as appropriate for the site and providing at least an equivalent level of treatment as the standard techniques.

i. The Review Authority may approve the use of alternative treatment measures and techniques upon a written waiver request submitted by the developer, and upon the recommendation from the Town's Engineer and/or Public Works Director.

ii. The Review Authority's evaluation of alternative treatment measures and design practices shall be based on those set forth in Chapter 10 of the *DEP Stormwater Manual, Volume III-BMPs Technical Design Manual*, and/or any manual formally adopted by the Review Authority.

iii. The developer bears the burden of showing that any alternative design meets the treatment standards to an equivalent degree.

D. **Specific Standards: Stormwater Runoff Quantity Standards**

(1) Developments shall be designed to compare the post-development conditions rate of runoff to the pre-developed condition rate for the 2-year and 25-year, 24-hour event. Any stormwater draining onto or across the lot in its pre-improvement state shall not be impeded or redirected so as to create ponding on, or flooding of, adjacent lots.

(2) Studies and or calculations using larger storm event precipitation data may be required at the discretion of the Review Authority and be reviewed by the Town Engineer or assigned qualified third party reviewer. Data used to provide proof may include, but is not limited to, data for the 50-year, 24-hour rain event; data for the 100-year, 24- hour rain event; or acceptable rainfall data from recently recorded significant precipitation event(s).

(3) Developments that cannot control peak runoff rates to pre-development conditions shall submit a request for a waiver to the Review Authority, who may grant the request if it finds each of the following:

a. Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following development can be handled on the adjacent lot without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the property owner to increase the flow rate of stormwater onto the adjacent lot(s);

b. Any increase in volume or rate of stormwater draining from the lot onto Town-owned property following development can be handled without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the Town of Brunswick to increase the flow rate of stormwater runoff onto its property;

c. Any increase in volume or rate of stormwater draining from the lot into the Town's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system. The developer bears the burden of proving adequate system capacity, which must be approved by the Public Works Director.

4.6 Landscaping Requirements

4.6.1. General Standard

A development's landscaping shall enhance structures, parking areas and other site improvements, and shall minimize the development's effect on abutting properties. Wherever practicable, existing topography and vegetation shall be maintained.

4.6.2. Specific Standards: Landscaping

A. Landscape design shall include all forms of plantings and existing and proposed vegetation, topography, water patterns, and utilitarian structures including, but not limited to, materials such as fences, walls, and where there is difficulty in achieving vegetation growth, a variety of paving types.

B. Suitable plant material shall be selected according to its structure, texture, color, ultimate growth, and hardiness. A list of suitable plants and trees is available from the Planning and Development Department.

C. Planting areas shall be protected from vehicular traffic and parking areas through the use of curbs, wheel stops, or other permanent barriers.

D. Alternative landscaping may be approved by the Review Authority pursuant to Subsection 4.17.2 (Alternative Equivalent Compliance).

4.6.3. Specific Standards: Street Trees

The following standards apply whenever new principal structures are constructed within a Growth District.

A. Street trees shall be provided along road frontages with a recommended spacing of 40-65 feet for large growing shade trees and recommended spacing of 30-35 feet for smaller growing trees to be planted under existing utility lines.

B. Full size shade trees should not be planted under utility wires.

C. Street trees shall be located at least ten (10) feet from hydrants, water, sewer, and service lines, and driveway/access road entrances.

D. The size of street trees shall range from 1.75-inch caliper to 3-inch caliper.

E. 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.

F. 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

A. 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.

B. A single or double row of trees may be required, depending on the difference in scale and character of the adjacent uses and structures.

C. 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.

D. 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.

E. Alternative buffer materials may be approved by the Review Authority pursuant to Subsection 4.17.2 (Alternative Equivalent Compliance).

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 shall pay a recreation facilities impact fee or reserve 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 construction that creates one (1) or more new dwelling units shall pay a recreation facilities impact 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 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. **Recreation Facilities Impact Fee**

(1) The recreation facilities impact fee 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 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.

(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 Review Authority, 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 the waiver standards of this subsection are met. The Recreation Commission may, by formal vote, waive the payment of a required impact fee , 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 (1) 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.

c. The Recreation Commission determines that the reserved land and/or proposed facilities are suitable for recreational use.

d. The designation of the land for recreational facilities is 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 2008 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 (1) 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 a property 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.

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.

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.

(2) All new streets shall be classified in accordance with criteria set forth in the Brunswick Street Acceptance and Standards Ordinance, as amended.

(3) All street designs shall comply with the Town of Brunswick Complete Streets Policy, adopted August 15, 2016, as amended. All new public street projects 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.

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).

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 subsection, pedestrian or bicycle connections to adjacent lands may be sufficient to satisfy this standard. This standard may be waived in cases where interconnectedness would result in the disruption of community character.

(2) **GC1 and GC2 Connectivity Restriction:** Development Review approvals in the GC1 and GC2 zoning districts shall not result in the construction of new streets or access for vehicles connecting to Meadowbrook Road, Whittier Street, Breckan Road, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the GC1 and GC2 zoning districts shall be accessed through any of these streets.

E. Specific Standards: Sidewalks

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

a. When it is determined by the Town Engineer or designee that the sidewalks will unreasonably interfere with or disrupt stormwater drainage;

b. When public roadway construction/improvements that require sidewalk construction and/or replacement is scheduled within the current Brunswick Capital Improvements Program and funding is escrowed by the developer to complete sidewalks at the time of scheduled roadway construction/improvements;

c. In a single or two-family residential development of less than 25 total dwelling units;

d. When the public or private street is a dead-end street.

(2) Double frontage lots within the Growth Area zoning districts shall have sidewalks provided on both street frontages.

(3) Sidewalks shall be at least five (5) feet wide.

F. **Specific Standards: Traffic and Street Impact**

(1) New development shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of existing or proposed highways or public roads. Traffic generated by the development shall maintain the Level of Service within 200 feet of any existing or proposed curb cut.

(2) The applicant is responsible for assessing the impact of the proposed development on street systems, and shall be responsible for any associated improvements. If the Review Authority deems it necessary, the applicant shall undertake to improve, repair or reconstruct such street systems. If this is required by the Review Authority, the applicant shall be responsible only for the degree of improvement necessary to mitigate the impact of the proposed development.

(3) If the development involves a subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in the adjoining municipality in which part of the subdivision is located.

G. **Private Road Requirements for Subdivisions**

(1) The design of all private roads shall be reviewed by the Fire Chief, Police Chief, and Town Engineer prior to final approval by the Review Authority. Roadways shall be built according to the final plan, as determined by the Town Engineer, prior to the issuance of a Building Permit for any lot with access on a private road.

(2) The Final Subdivision Plan shall show the road clearly labeled "PRIVATE ROAD." with the following statement noted on the plan to be recorded: *"The private road(s) as designed on this subdivision [or site plan] does not meet current standards for acceptance as a Brunswick Town Way and is intended to remain a private road maintained by a property owners' association."*

(3) A property owners' association shall be established to own and provide for the perpetual care and maintenance of the private road. Such association shall satisfy all standards for property owners' associations found in Subsection 5.1.7 (Property Owners' Associations).

4.8.2. Curb Cuts and Street Access

A. Minimum Distance between Curb Cuts

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

Table 4.8.2.A: Minimum Distance Between Curb Cuts

Speed Limit Along Street Frontage (miles per hour)	Minimum Distance (feet)
20	85
25	105
30	125
35	150
40	185
45	230
50	275

(2) The Review Authority may approve development with curb cuts that do not comply with the minimums in Table 4.8.2.A above on making any of the following findings, provided that the street Level of Service within 200 feet of the proposed curb cut is not reduced:

a. It is demonstrated that the development would have an equal or lesser number of vehicle trips per day than any existing use or use that has occurred on the property during the past five (5) years.

b. The development would reduce the number of curb cuts that currently exists within the minimum distance.

c. The development would consolidate curb cuts for one (1) or more adjacent parcels.

B. Common Driveways

(1) Driveways on adjoining lots may be combined as common driveways where necessary to reduce the number of curb cuts and/or provide safe road access points.

(2) Where common driveways serve lots in separate ownership, an access agreement to the Review Authority shall be executed and recorded in the Cumberland County Registry of Deeds. The access agreement shall provide that the common driveway may not be dedicated to the Town unless the owners bring it into compliance with applicable Town street standards.

(3) Common driveways shared by lots in residential developments may be unpaved.

(4) Common driveways serving two (2) or more lots in separate ownership shall be named in accordance with Section 14-28 (Streets) of the Brunswick Code of Ordinances, as amended

4.8.3. Pedestrian and Bicycle Access

A. General Standard

Developments shall be designed to accommodate bicyclists and pedestrians, addressing bicycle and pedestrian access, safety, circulation on and off site.

B. **Specific Standards**

(1) Developments shall be designed to provide safe pedestrian and bicycle access, and shall propose improvements necessary to link pedestrian and bicyclists from identified points outside of the development.

(2) Pedestrian pathways shall be provided within and between parking areas and between buildings, streets, and other parking areas.

(3) In Growth Area zoning districts, developments with parking lots exceeding 30 spaces:

a. Shall have sidewalks on the development site's frontages along a public road.

b. Sidewalks shall be provided along the building's façade featuring a customer entrance as well as those facades facing a public road or parking lot.

c. Continuous internal walkways shall be provided from the public sidewalk right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials.

d. Internal walkways provided in conformance with Subsection (2) above shall be distinguished from driving surfaces through the use of marked crosswalks and/or durable surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort.

4.8.4. Access for Persons with Disabilities

(1) Developments shall comply with the Americans with Disabilities Act

(2) If the development is located within the VRO district, or is a property listed on the National Register of Historic Places, or located within a National Register-listed Historic District, ADA compliance shall be compatible with Brunswick's historic architecture.

4.8.5. Shoreline Access

Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or if applicable, shall be included in any required open space, with provisions made for continued public access.

4.9 Parking and Loading

4.9.1. Minimum and Maximum Vehicle Parking Requirements

A. **General Standard**

A development shall provide adequate off-street parking and loading/unloading areas for motor vehicles and bicycles, or shall provide reasonable alternative parking.

B. **Specific Standards**

(1) **Specific Standards: Minimum Number of Off-Street Vehicle Parking Spaces**

Except as otherwise provided in this Ordinance, new development shall provide the minimum number of off-street vehicle parking spaces in accordance with Table 4.9.1.A, based on the principal use(s) involved and the extent of development.

Table 4.9.1.A: Minimum Number of Off-Street Vehicle Parking Spaces		
Principal Use		**Minimum Number of Vehicle Parking Spaces [1,2,3,4]**
Residential Uses		
Household Living		
Dwelling, 1- or 2-family (includes all mobile homes)	2 or more bedrooms	2 per du
	1 bedroom or studio	1 per du
Dwelling, multifamily	2 or more bedrooms	2 per du
	1 bedroom or studio	1 per du
Group Living		
Assisted/Congregate Living Facility		1 per 3 beds
Boarding house		1 per guest room
Nursing home		1 per 5 beds
Residence hall		1 per 3 beds
Public, Institutional, and Civic Uses		
Community, Cultural, and Educational Uses		
Club or lodge		1 per 120 sf of assembly space
College		1 per 900 sf of academic space
Community center		1 per 300 sf
Day care facility, small		1 per 325 sf of licensed primary indoor space
Day care facility, large		
Hospital		1 per 3 inpatient beds
Library, museum, or art gallery		1 per 500 sf
Municipal facility		1 per 400 sf of office space + 1 per 600 sf of maintenance, distribution, or storage space
Park or conservation area		See Section 4.9.1.E
Religious institution		1 per 5 persons of maximum occupancy capacity in assembly space
School	High school	1 per classroom + 1 per 10 students
	Middle or elementary school	1 per classroom + 10 visitor spaces
Communication Uses		
Small-scale telecommunication tower		n/a
Telecommunication tower		1 space
Commercial Uses		
Agriculture, Aquaculture, and Animal Care Uses		
Aquaculture		See Section 4.9.1.E
Equestrian facility		1 per 5 stalls
Farm		n/a
Kennel		1 per 300 sf used for boarding
Plant nursery		1 per 1,000 sf of display area
Veterinary office		1 per 500 sf

Table 4.9.1.A: Minimum Number of Off-Street Vehicle Parking Spaces	
Principal Use	**Minimum Number of Vehicle Parking Spaces [1,2,3,4]**
Food, Beverage, and Entertainment	
Adult entertainment establishment	1 per 300 sf
Golf course	1 per 300 sf of indoor area + 1 per golf course hole
Recreation facility, as a principal use	See Section 4.9.1.E
Restaurant or dining facility	1 per 4 persons of maximum occupancy capacity of customer service area(s)
Theater	1 per 4 persons of maximum occupancy capacity of assembly space
Lodging	
Campground	1 per campsite + 1 space
Hotel	1 per guest room + 1 per 800 sf of assembly space
Retail Sales and Services	
Farmer's Market	1 per 400 sf of stall and vehicle space, and customer circulation area
Financial Institution	1 per 300 sf
Neighborhood store	1 per 300 sf
Office	1 per 400 sf
Retail, Class I	1 per 300 sf
Retail, Class II	1 per 300 sf
Service business, Class I	1 per 300 sf
Service business, Class II	1 per 300 sf
Studio	1 per 300 sf
Transportation and Vehicle-Related Uses	
Aviation operations	See Section 4.9.1.E
Aviation-related business	See Section 4.9.1.E
Bus or rail station	1 per 400 sf of passenger waiting area
Car wash	1 per 500 sf
Marina or boat storage	0.75 per boat slip or mooring
Parking facility, as a principal use	n/a
Ultra-light airpark	See Section 4.9.1.E
Vehicle fueling station	n/a
Vehicle sales, rental, or storage	1 per 400 sf of indoor sales display area and office space
Vehicle service or repair	1 per 500 sf
Industrial Uses	
Contractor's space	1 per 200 sf of office space
Industry, Artisan	1 per 600 sf
Industry, Class I	1 per 1,000 sf
Industry, Class II	1 per 1,000 sf

Table 4.9.1.A: Minimum Number of Off-Street Vehicle Parking Spaces	
Principal Use	**Minimum Number of Vehicle Parking Spaces [1,2,3,4]**
Junkyard or automobile graveyard	1 per 1,000 sf of storage area
Marine activity	See Section 4.9.1.E
Mineral extraction	See Section 4.9.1.E
Recycling collection facility, as a principal use	3 per station
Renewable energy generating facility, as a principal use	See Section 4.9.1.E
Utility facility, major	See Section 4.9.1.E
Utility facility, minor	n/a
Warehousing and storage	1 per 2,500 sf

NOTES:
1. When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.
2. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on square feet of floor area, all computations shall be based on gross floor area.
3. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the maximum occupancy capacity, all computations shall be based on the occupant load of the building or facility as established in accordance with the Brunswick Building Code.
4. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), or the maximum enrollment (for students), or the fire-rated capacity (for residents), as appropriate.

C. Exemptions in Growth Mixed-Use 6 (GM6) District

Off-street vehicle parking spaces are not required for a use in the GM6 District that:

(1) Is located on a lot less than 10,000 square feet in size; or

(2) Is housed in a existing building with less than 10,000 square feet of gross floor area.

D. Applicability to Existing Development Use Changes and Expansions

(1) A change in the use of an existing development shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this Section for the existing use and the minimum number of spaces required by this Section for the new use.

(2) If an existing structure or use is expanded in terms of the size unit used in this Section to determine the minimum number of off-street vehicle parking spaces required for the applicable use (e.g., dwelling units, floor area, seating capacity), such expansion shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this section for the expanded development.

E. Uses with Variable Parking Demands

Some uses have widely variable parking demand characteristics that make it difficult to establish a single appropriate minimum off-street vehicle parking standard. On receiving an application proposing such a use (as designated by reference to this Subsection in Table 4.9.1.A), the Director, in consultation with the Code Enforcement Officer, is authorized to

apply a minimum requirement for a listed use deemed most similar to the proposed use, establish the minimum requirement by reference to a standard parking standards resource, or establish the minimum requirement based on a parking demand study prepared by the applicant using data from the Institute of Traffic Engineers (ITE) or other acceptable source.

F. **Requirements for Developments with Multiple Uses**

Developments containing more than one (1) principal use shall provide vehicle parking spaces in an amount equal to the total of the requirements applied to all individual principal uses. This does not limit the opportunity to reduce the resulting minimum requirement through approval of an alternative parking plan justifying shared parking (see Subsection 4.9.4.A (Shared Parking).

G. **Maximum Number of Off-Street Vehicle Parking Spaces**

For Retail Class II uses with more than 50,000 square feet of gross floor area, the number of off-street vehicle parking spaces shall not exceed 125 percent of the minimum number of spaces required by this Section unless the additional spaces are located within a parking structure or are allowed through approval of an alternative parking plan pursuant to Subsection 4.9.4.C (Provision over the Maximum Allowed).

H. **Accessible Parking Spaces**

Within each off-street vehicle parking area, a portion of the total number of parking spaces shall be spaces specially designated, located, and reserved for use by persons with physical disabilities ("accessible parking spaces") in accordance with the standards of the Americans with Disabilities Act.

4.9.2. Minimum Bicycle Parking Requirements

A. All parking areas containing ten (10) or more vehicle parking spaces shall provide bicycle parking facilities (e.g., bike racks/lockers) to accommodate the parking of at least two (2) bicycles for every ten (10) vehicle parking spaces required, provided that no more than 20 bicycle parking spaces shall be required in any one (1) parking lot.

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

4.9.3. Design, Construction and Maintenance of Parking Areas

A. **Location and Configuration**

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

Table 4.8.2.A (1): Minimum Parking Space Dimensional Standards

Parking Angle (degree)	Stall Width (feet/inches)	Skew Width (feet/inches)	Stall Depth (feet/inches)	Aisle Width (feet/inches)
90	9'0"	0"	18'5"	26'0"
60	8'6"	10'5"	19'0"	16'0" (1-way)
45	8'6"	12'9"	17'5"	12'0" (1-way)
30	8'6"	17'0"	17'5"	12'0"

(2) No parking area may be constructed within a required setback.

(3) In the GM6 District and Village Review Overlay Zone, off-street parking shall be located to the rear of the development's principal building and shall be accessed from a secondary street wherever practicable.

(4) In all Growth Mixed-Use (GM) and Growth College (GC) zoning districts, a maximum of one (1) row of off-street parking may be located in front of the principal building being served (but not within the required front yard).

(5) Parking lots shall be designed and landscaped to avoid long, uninterrupted rows of parked vehicles. Surface parking lots containing more than 30 spaces shall be broken into separate parking areas by the use of landscaped islands, pedestrian and bicycle areas, or buildings.

(6) The Review Authority may waive the requirements of this Subsection where a primary structure already exists on the parcel and there is no other alternative for siting parking, or where compliance would be impractical.

B. **Landscaping**

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

(1) **Perimeter Landscaping**

a. Where a parking lot is within 50 feet of and visible from a street, other development (except another parking lot), or vacant property, perimeter landscaping shall be provided and maintained within a strip of land between the parking lot and the adjacent street right-of-way or easement or property line except where such strip is crossed by an authorized vehicular, bicycle, or pedestrian accessway, or utility easement.

b. The perimeter landscaping strip shall be at least the minimum width necessary to adequately accommodate the proposed plantings and other screening material and avoid damage to such materials by parked vehicles.

c. Perimeter landscaping shall consist of any combination of trees, evergreen shrubs, berms, walls, and fences that form a continuous solid/completely opaque screen not to exceed four (4) feet in height along the perimeter of the parking lot that is designed to screen the headlights of vehicles in the parking lot yet allow security surveillance of the parking lot from the adjacent street.

(2) **Interior Landscaping**

a. Parking lots containing more than 30 parking spaces shall provide and maintain landscaped islands:

i. At the end of every row of parking spaces;

ii. Along a long row of parking, spaced no more than 20 parking spaces apart; and

iii. Between at least every three (3) parallel parking bays.

b. Islands shall be at least the minimum width necessary to adequately accommodate the proposed plantings and any proposed walkway through it, and avoid damage to landscaping by parked vehicles.

c. Each landscaped island shall include at least one (1) shade tree, provided that understory trees may be substituted for canopy trees in areas beneath overhead utility lines.

C. **Surfacing, Drainage, Lighting**

(1) Parking areas shall be constructed with a suitably durable surface that minimizes dust and is appropriate for the use of the land, with adequate drainage.

(2) Surfacing, grading and drainage shall facilitate groundwater recharge by minimizing impermeable pavement and run-off. Oil traps may be required for larger paved parking lots.

(3) Parking areas shall be lighted in a manner that does not result in direct lighting to or glare to abutting residential properties or cause a traffic hazard due to glare.

D. **Modification/Waiver of Design Requirements**

The Review Authority may waive or modify the design and construction standards in this subsection on finding that the total number of parking spaces required for the use cannot be accommodated in accordance with the standards, that the site layout prevents compliance with the standards, or that existing development on the site has been determined by the Code Enforcement Officer to be nonconforming with the standards.

E. **Maintenance**

All parking lot areas shall be maintained pursuant to Section 4.15 (Maintenance).

4.9.4. Parking Alternatives

The Review Authority may approve alternatives to complying with the requirements in Subsection 4.9.1 (Minimum and Maximum Vehicle Parking Requirements) in accordance with the following standards.

A. **Shared Parking**

(1) The Review Authority may allow use of a common parking facility to meet the minimum parking requirements for multiple uses or uses on multiple lots on finding that the uses generate parking demands during different times, or have characteristics making it likely that a significant portion of people will use the same parking space to access the other uses sharing the parking facility.

(2) Shared parking spaces shall be located within 1000 feet walking distance of the primary pedestrian entrance to all uses.

(3) The Review Authority may require cross easements or other legally enforceable documents that ensure the participating uses or property owners the right to joint use of the parking facility as long as the shared spaces are needed to comply with this Ordinance. If the shared parking becomes unavailable to a participating use, the uses shall provide alternative means of meeting off-street parking requirements.

B. **Off-Site and Satellite Parking**

(1) The Review Authority may allow use of a parking facility located on one (1) lot to meet the minimum parking requirements for a use located on a separate lot.

(2) The Review Authority may require legally enforceable documents that ensure that the served use has the right to use the off-site or satellite parking facility as long as the spaces are needed to comply with this Ordinance. If the off-site or satellite parking

facility becomes unavailable to the served use, the use shall provide alternative means of meeting off-street parking requirements.

C. **Provision over the Maximum Allowed**

The Review Authority may allow the maximum parking requirement applicable to a development in accordance with Subsection 4.9.1.G to be exceeded on finding that the additional spaces are justified by a parking demand study demonstrating that they are necessary to adequately serve a development.

D. **Parking Requirement Reductions**

The Review Authority may allow additional reductions of the minimum vehicle parking requirements in Subsection 4.9.1 on finding that the additional reduction is justified by a parking demand study showing reduce transportation and vehicle parking demand due to the location, characteristics, or committed operations of the particular use (e.g., type of development, proximity to transit, employee carpool/vanpool program, off-peak work schedules).

4.9.5. Minimum Off-Street Loading Requirements

A. **Minimum Number of Off-Street Loading Spaces**

(1) **General Standard**

New development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development site shall provide a sufficient number of off-street loading spaces to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner.

(2) **Specific Standards**

a. Table 4.9.5.A(2) below sets forth the minimum number of off-street loading spaces that presumptively satisfies the loading space needs of medium-sized and large-sized delivery/shipping trucks based on the principal use and size of the development. It is assumed that the needs of small delivery/shipping trucks can be met through the temporary use of vehicle parking spaces or accessways, without impeding use of adjacent driveways or fire lanes.

b. The Review Authority may require a higher or lower number of off-street loading spaces based on a finding that the characteristics of the particular development warrant such an increase or decrease, and that the general standard in Subsection (1) above is met.

Table 4.9.5.A(2): Minimum Number of Off-Street Loading Spaces

Gross Floor Area (GFA)	Medium-Sized Truck	Large-Sized Truck
Public, Civic, and Institutional Uses and Office Uses [1]		
Up to 10,000 sf	0	0
10,001 to 50,000 sf	1	0
Over 50,000 sf [2]	2	0
Commercial Uses Other than Office Uses [1]		
Up to 20,000 sf	0	1
20,001 to 50,000 sf	1	1
50,001 to 100,000 sf	1	2
100,001 to 200,000 sf	2	2

Table 4.9.5.A(2): Minimum Number of Off-Street Loading Spaces		
Gross Floor Area (GFA)	**Medium-Sized Truck**	**Large-Sized Truck**
Over 200,000 [2]	3	2
Industrial Uses		
Up to 5,000 sf	0	0
5,001 to 10,000 sf	1	0
10,001 to 50,000 sf	0	1
50,001 to 100,000 sf	0	2
Over 100,00 sf [2]	0	3
NOTES: 1. For mixed-use developments, gross floor area devoted to residential uses is excluded. 2. Additional spaces may be required based on development-specific assessment relative to size.		

B. **Exemptions in Growth Mixed-Use District 6 (GM6)**

Off-street loading spaces are not required for a nonresidential use in the GM6 District that:

(1) Is located on a lot less than 10,000 square feet in size; or

(2) Is housed in an existing building with less than 10,000 square feet of gross floor area.

C. **Applicability to Existing Development Expansions**

If the gross floor area of an existing structure is expanded, such expansion shall be accompanied by the provision of any additional off-street loading needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this Section for the expanded development.

D. **Design and Use of Off-Street Loading Areas**

(1) Each loading space shall be of sufficient size to accommodate the types of vehicles likely to use it.

a. The minimum loading space that presumptively satisfies loading space needs of a medium-size truck is at least 12 feet wide and 35 feet long, and has at least 13 feet of vertical clearance.

b. The minimum loading space that presumptively satisfies loading space needs of a large-size truck is at least 12 feet wide and 75 feet long, and has at least 14 feet of vertical clearance.

c. The Review Authority may require larger or smaller loading spaces on finding that the characteristics of the particular development warrant the variation, and the general standard in Subsection (1) above is met.

(2) Where practicable, off-street loading areas shall be located to the rear of the principal building(s) it serves.

(3) Loading areas shall be located and designed so vehicles can maneuver safely and conveniently to the loading space(s) and complete loading/unloading without interfering with vehicular, bicycle, or pedestrian traffic or use on streets, bike lanes, crosswalks, and parking areas.

(4) Off-street loading areas shall be located and designed to screen and otherwise mitigate their potential adverse visual and noise impacts on adjacent streets and properties by any combination of buildings, walls or fences, or dense continuous hedge.

4.10 Lighting

4.10.1. Outdoor Lighting

A. **General Standard**

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

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. Lighting required and regulated by the Federal Aviation Administration (FAA).

(2) **Lighting Height**

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

(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.

(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.

4.11.2. Specific Standards

A. Developments shall comply with the Americans with Disabilities Act. 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.

B. 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.

C. Development in the GM4 zoning district shall be consistent with the Cook's Corner Design Standards.

D. Development in the VRO zoning district shall be consistent with the Village Review Overlay District Design Guidelines.

E. 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 (MRRA).

F. Except for parcels previously part of the BNAS, new construction and redeveloped structures within Growth Mixed Use and Growth Industrial Districts greater than 10,000 square feet in 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. Roofing material shall be complementary to such building materials used. .

(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 percent of the façade length. No uninterrupted length of any façade shall exceed 100 horizontal feet.

b. For non-residential structures 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 percent or more of the horizontal length.

c. For non-residential structures 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 percent 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 five-twelfths (5/12) 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.

(5) Linear commercial structures.

Buildings with multiple storefronts shall be visually unified through the use of complementary architectural forms, similar materials and colors, consistent details and a uniform sign-mounting system.

4.12 Neighborhood Protection Standards

4.12.1. General Standard

Development shall be compatible with existing neighboring single or two-family dwellings.

4.12.2. Specific Standards

A. **Applicability**

(1) The neighborhood protection standards in this Subsection shall apply in the Growth Mixed-Use zoning districts and Growth Special Purpose zoning districts to any nonresidential, mixed use or multifamily development located on land that abuts or is across the street from a Growth Residential district lot that contains an existing single or two-family dwelling. However, the standards shall not apply to nonresidential, mixed use or multi-family development located on lots separated from the Growth Residential district lot containing a single or two-family dwelling by a public right-of-way greater than 55 feet in width.

(2) Where the standards in this Section conflict with other design standards in this Ordinance, the more restrictive shall apply, including but not limited to those standards in Sections 4.10 (Lighting) and 4.14 (Performance Standards).

B. **Compatibility Standards**

(1) Structures within 30 feet of lot lines shared with a Growth Residential zoning district lot containing a single or two-family dwelling shall not exceed a height of 35 feet.

(2) Light poles and fixtures within 50 feet of lot lines shared with a Growth Residential zoning district lot containing a single or two-family dwelling shall not exceed a height of 20 feet.

(3) A solid/completely opaque buffer (e.g. fencing, berms, landscaping) at least six (6) feet in height, or an alternative equivalent (subsection 4.17 – Alternative Equivalent Compliance) shall be installed along the lot lines shared with a Growth Residential zoning district lot containing a single or two-family dwelling. If the lot line exceeds 200 feet in width, the buffer only needs to be installed along the 200 feet of the lot line most directly between the new structure or use in the Growth Mixed Use or Growth Special Purpose zoning district and the Growth Residential zoning district lots containing single or two-family dwellings. If applicable, the finished side of the buffer material shall face the lot containing the single or two-family dwelling.

(4) Roof-mounted heating, ventilation, air conditioning, and energy producing equipment shall be incorporated into the structural design or screened from the view of an adjacent Growth Residential zoning district single or two-family dwelling.

(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 zoning district boundary.

(6) Hours of operation for nonresidential uses located adjacent to a Growth Residential zoning 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 zoned property shall comply with the standards of subsection 4.14 (Performance Standards – Noise) and all other applicable Town Ordinances regarding loud, offensive, or unreasonable noises.

4.13 Signs

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 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 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 nuisance 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.

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

(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.

(2) **Change**

Any change in the content of a nonconforming sign shall not constitute a change requiring the sign's compliance with the current sign standards in this Section 4.13 provided that, the

sign is not a prohibited sign under subsection 4.13.2.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 Use or Activity**

If a sign becomes nonconforming because the associated use or activity it identifies is terminated the sign face shall be removed within 30 days after the date the use or activity is terminated. If the sign face is not reused by another use or activity occupying the same site within one (1) year after the termination of the previous use, the entire sign, including all mountings, brackets, poles, sign faces, and other signage material, shall be removed.

(4) **New Signs and Waivers**

New signs may be proposed for a site that contains nonconforming signs, provided that all new signs comply with this Section 4.13. The Review Authority may waive sign standards to allow new signs on a site containing nonconforming signs provided it finds that extenuating circumstances render compliance with this Section 4.13, 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 site by bringing the overall site into closer compliance with the requirements of this Section 4.13.

(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 4.13.3.D.

(3) Moving signs, including but not limited to inflatable/expandable object signs, wind/feather signs, streamers, pennants, large bundles of balloons [more than six (6)] and other signs with moving parts meant to attract the attention of the general public.

(4) Roof signs.

(5) Portable signs.

(6) Distracting glare signs.

(7) Signs located in, on, or projecting over any public right-of-way with the exception of signs as permitted in Subsection 4.13.2.D.

D. **Exemption of 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.

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 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 Growth Residential or any Rural zoning district are 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 zoning districts.

(3) **Tube Illuminated Signs**

Tube illuminated signs, including neon signs, shall not result in excessive light trespass or glare in accordance with Subsection 4.14.1.J.

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.

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. **Campus-Type Signs**

The following signage is permitted on parcels of land developed in a campus-type environment and shall supersede standards for the specific sign type.

(1) **Vehicle Entrance Signs**

A freestanding pole or monument sign may be located at main vehicular entrances to the campus. 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.

c. 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 multiple vehicular entry points, additional vehicle entrance signs, installed in accordance with Subsections a through c above, may be sited at each vehicular entry point.

(2) **Interior Campus Signs**

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

a. Interior campus signs shall not exceed 15 square feet in size nor exceed ten (10) feet in height.

b. Interior campus 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 not exceeding a total sign area of six (6) square feet nor ten (10) feet in height are exempt from the requirement of obtaining a sign permit.

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:

(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.

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) zoning districts.

(2) Each sign shall meet the dimensional requirements per Section 4.13 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) 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 Department of Planning and Development office.

(5) Such signs shall not be visible from a controlled-access highway or ramp.

E. **Multi-tenant Signs**

Multi-tenant signs are permitted at major entrances to multi-tenant developed properties and shall comply with the sign type standards in this Ordinance and may exceed such standards as follows:

(1) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and GI zoning districts a multi-tenant sign may consist of 25 square feet per tenant; not to exceed a cumulative sign area of 200 square feet nor 15 feet in height.

(2) In the GM6, GM8 (excluding Bath Road frontage lots) and RM zoning districts a multi-tenant sign may consist of 18 square feet per tenant, not to exceed a cumulative sign area of 54 square feet nor 12 feet in height.

F. **Monument Signs**

(1) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and GI zoning 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 GC2 and 3, GM6, GM8 (excluding Bath Road frontage lots) and RM zoning 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.

(3) In all other zoning districts the height of a monument sign shall not exceed six (6) feet nor 12 square feet in size.

(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.

G. **Tube illuminated Window Signs**

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

H. **Multiple-Driveway Signs**

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

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), GC2 and3, and RM zoning 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.

J. **Projecting Signs**

(1) In all Growth Residential (GR) zoning districts, GM6, and GM8 (excluding lots with Bath Road frontage) zoning districts, Growth College (GC) zoning districts, and Rural Area zoning 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 zoning districts, the size of a projecting sign shall not exceed 25 square feet.

(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.

(5) Projecting signs shall not be placed above the first story of a structure unless it is 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.

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), and GI zoning districts, each 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 façade occupied by that establishment, whichever is greater.

(3) In the GM6, GM8 (excluding lots with Bath Road frontage), GC2, GC3 and RM zoning 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 zoning districts, each 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 façade 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 shall be made of durable materials (i.e., not of cardboard or paper).

(2) Such signs shall be placed to allow at least five (5) feet of sidewalk width for unrestricted pedestrian movement and shall not create a vehicular traffic hazard.

(3) Such sign shall not exceed eight (8) square feet in size per side.

(4) Only one (1) sign per establishment is permitted and shall be removed each day at the close of business.

B. **Freestanding/Yard Signs**

(1) The size of a freestanding/yard sign shall not exceed eight (8) square feet in GN, GR1-10, RR, RN, RF and RP1-2 Districts nor 24 square feet in all other zoning districts.

(2) With the exception of political signs, a 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.

(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.

(4) Freestanding/yard signs are prohibited to be located within a public right-of-way.

C. **Window Signs**

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

D. **Flag Signs**

A flag sign is allowed in all zoning districts so long as such sign is attached to a structure.

4.13.5. Special Event Signs Requiring Notice to Codes Enforcement Officer

A. Prior to installing any special event 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 install a special event sign for more than 90 days within a calendar year, provided that special event or notice signs for an event 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 (b) 180 days per calendar year, whichever is less, upon written approval by the Codes Enforcement Officer.

C. Special event signs shall not interfere with pedestrian or vehicular access.

D. Special event signs shall be located on the property of which the special event 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. **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 zoning 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.

(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: General**

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.

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: [1] The maximum equivalent sound level measured in dBA for any activity shall be computed based on representative samples during hours of operation over a one hour period. Daytime hours extend from 6:00 am to 8:00 pm. [2] The sound level meter must be calibrated using manufacturing standards before and after conducting the measurement. The meter shall meet Type I or Type II specifications for ANSC standards.		

(3) If a lot abuts a district requiring a lower noise level, the maximum permitted level for the lot shall be reduced by five (5) dBA, provided, however, that the sound level shall not exceed 55 dBA or whichever is lower at the affected lot boundaries.

(4) Adequate provisions shall be made to control unnecessary noise from and at the development site. The Review Authority may require the developer to establish pre- and post-development noise levels.

(5) Noise associated with construction may achieve a maximum equivalent sound level measured in dBA of 75 between the hours of 7:00 am and 7:00 pm.

D. **Specific Standard: Smoke and Particulate Matter**

In all cases, air pollution control and abatement shall comply with applicable minimum Federal, State, and local requirements, including receipt of all required permits. The maximum permitted density of smoke, dust, and other particulate emissions during normal operations of any activity shall not exceed the maximum allowable under the regulations of the Maine Department of Environmental Protection.

E. **Specific Standard: Dust and Fumes**

(1) Emission of dust, dirt, fly ash, fumes, vapors or gasses that could cause injury to human health, animals, vegetation, or property, or that could soil or stain persons or property at any point beyond the lot line of the use creating that emission, shall be prohibited.

(2) The developer shall apply and maintain asphalt, water, or calcium chloride on dirt roads, driveways, parking lots, and other surfaces to control the level of airborne dust and other particles associated with construction of the development.

F. **Specific Standard: Odors**

No use may, as a result of normal operation, regularly emit odors that are offensive or harmful by reason of their character, intensity, or duration, and that are perceptible beyond the lot line. No odor may be considered offensive if it is commonly associated by way of character, intensity, or duration with a permitted use in the zoning district in which it is located. Odors commonly associated with a permitted use may not be perceptible beyond the zoning district boundary unless the use is permitted in an adjacent zoning district.

G. **Specific Standard: Vibrations**

No use or activity shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

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: 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.

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.

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.

4.15.4. Specific Standards: Parking Area Maintenance

All surface parking lots areas shall be maintained in a clean and neat condition. Potholes and surface breaks shall be promptly repaired, and litter and debris shall be removed on a regular basis.

4.15.5. Specific Standards: Outdoor Lighting Maintenance

A. All outdoor lighting installed on all property shall be maintained in compliance with the standards in Section 4.10 (Outdoor Lighting) and with any conditions attached to a development approval.

B. Any lighting required to be installed pursuant to this Ordinance that becomes non-functional shall be promptly repaired or replaced so that it complies with the standards in Section 4.10 (Outdoor Lighting) and with any conditions attached to a development approval.

4.16 Financial and Technical Capacity

4.16.1. General Standard

The applicant has adequate financial and technical capacity to meet the standards of the proposed development.

4.16.2. Specific Standards:

A. The applicant must show that they have right, title or interest in the development parcel.

B. The applicant must show documentation from an independent third-party as to applicant's financial capacity.

4.17 Administrative Adjustments / Alternative Equivalent Compliance

4.17.1. Administrative Adjustment

A. **Purpose**

An administrative adjustment by the Review Authority is intended to allow minor deviations, or adjustments, to certain dimensional or numerical standards in this Ordinance based on specific criteria. The intent is to provide relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards of this Ordinance and the Town of Brunswick 2008 Comprehensive Plan, as amended, and is compatible with surrounding development.

B. **Applicability**

The Review Authority may grant an applicant's request for an administrative adjustment for one (1) or more of the standards identified in the table below, up to the limits set forth in the table for the type of standard.

Table 4.17.1.B: Allowable Administrative Adjustments

Standard	Allowable Administrative Adjustment
Lot area or width, minimum	10%
Building frontage, minimum	10%
Front, side, or rear setback, minimum	10%

Table 4.17.1.B: Allowable Administrative Adjustments	
Standard	**Allowable Administrative Adjustment**
Encroachment into required setbacks, maximum	10%
Impervious surface coverage or building footprint, maximum	10%
Building height, maximum	10%
Number of off-street vehicle parking spaces, minimum	10%
Walking distance between shared or off-site parking and primary pedestrian entrance to building served	10%
Fence or wall height, maximum	1 ft.
Lighting height, maximum	10%

C. **Standards**

A Review Authority may grant a request for an administrative adjustment only after finding that the adjustment falls within the limitations in Table 4.17.1.B and that:

(1) The administrative adjustment is consistent with the character of development in the surrounding areas, and will not result in incompatible development.

(2) Any potential adverse impacts resulting from the administrative adjustment will be mitigated to the greatest extent practicable.

(3) The administrative adjustment is either:

a. Required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally;

b. Proposed to protect sensitive natural resources or save healthy existing trees; or

c. Required to eliminate a minor inadvertent failure to fully comply with a standard.

(4) The administrative adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to public health or safety.

4.17.2. Alternative Equivalent Compliance

A. **Applicability**

The Review Authority may grant an applicant's request for an alternative equivalent compliance determination related to a proposed alternative design for standards in Section 4.6. (Landscaping), Section 4.8 (Circulation and Access), and Section 4.9 (Parking and Loading). The Review Authority shall not, however, have the authority to approve an alternative equivalent compliance proposal that includes violation or waiver of a street or stormwater engineering design standard applicable within the Town.

B. **Alternative Equivalent Compliance Review Standards**

A request for an alternative equivalent compliance shall be approved only if the Review Authority finds that:

(1) The proposed alternative design will achieve the intent of the standard(s) from which a deviation is sought to the same or a higher degree than the subject standard(s);

(2) The proposed alternative design is consistent with the Town of Brunswick 2008 Comprehensive Plan, as amended, and advances the goals of this Ordinance to the same or a higher degree than the standard(s) from which a deviation is sought; and

(3) The proposed alternative design will impose no greater impacts on adjacent lands than would occur through compliance with the standard(s) from which a deviation is sought.

Chapter 5 - Administration

5.1 General Provisions

5.1.1. Reviewers and Decision-Makers

A. **Town Council**

(1) **Membership**

The Town Council consists of nine (9) members elected for terms of three (3) years.

(2) **Powers and Duties**

a. The Town Council shall review and approve all zoning Ordinance amendments upon recommendation by the Planning Board.

b. The Town Council shall have the option to exercise jurisdiction regarding any Planning Board approved Special Permit in accordance with Subsection 5.2.3.A.

B. **Planning Board**

(1) **Membership**

The Planning Board consists of seven (7) members appointed by the Town Council for terms of three (3) years.

(2) **Powers and Duties**

a. The Planning Board shall review all Conditional Use Permits, Special Permits, Major Development Review applications, and any Minor Development Review application for which the applicant requests Planning Board review. The Planning Board may conduct Minor Development Review if recommended by either the Director or the Staff Review Committee.

b. The authority of the Planning Board to review certain Minor Development Review applications is hereby delegated to the Staff Review Committee in accordance with the provisions of Subsection 5.1.1.E. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Staff Review Committee.

C. **Zoning Board of Appeals**

(1) **Membership**

The Board of Zoning Appeals consists of five (5) full members and four (4) associate members appointed by the Town Council for terms of three (3) years.

(2) **Powers and Duties**

The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Codes Enforcement Officer, the Planning Board or Village Review Board, and to authorize variances in specific cases.

D. **Village Review Board**

(1) **Membership**

a. The Village Review Board consists of seven (7) members appointed by the Town Council for terms of three (3) years.

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

(2) **Powers and Duties**

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

a. Review new construction, additions, alterations, relocations and demolitions within the Village Review Zone, and issue a Certificate of Appropriateness for applications satisfying the requirements of this Subsection.

b. Develop, regularly update, and consult the Village Review Zone Design Guidelines in review of applications for Certificates of Appropriateness.

c. Act in an advisory capacity to the Town Council, Planning Board and other Town entities regarding the protection of historic sites, structures, and artifacts.

d. Review and comment upon proposed National Register of Historic Places nominations for properties within the Town.

e. Maintain and update the existing historic building/structure survey using forms and guidelines established by the Maine Historic Preservation Commission.

f. Provide educational and informational opportunities for Brunswick residents and businesses regarding historic preservation.

g. Adopt rules of procedure and shall establish appropriate meeting times.

E. **Staff Review Committee**

(1) **Membership**

The Staff Review Committee consists of the Director, Public Works Director, Codes Enforcement Officer, Town Planner, Parks and Recreation Director, Fire Chief, Police Chief, Town Assessor, Marine Resource Officer/Harbor Master, General Manager of the Brunswick and Topsham Water District, and the General Manager of the Brunswick Sewer District, or their official designees. For the review of projects in the GR1, GA, GO, GI (within former BNAS), GN, GM7 Districts, the Staff Review Committee is expanded to include one (1) nonvoting staff representative from the Midcoast Regional Redevelopment Authority (MRRA)designated in writing by the Executive Director of MRRA. .

(2) **Powers and Duties**

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

a. Development Review.

When acting in its Development Review capacity:

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

ii. Actions by the Staff Review Committee to approve an application, with or without conditions, require the approval of three (3) members or a majority of those members present and voting, whichever is greater. A quorum shall

consist of three (3) members. The Staff Review Committee may waive provisions of this Chapter, in accordance with Subsection 5.2.9.M (Waiver Provisions).

iii. All appeals from a Staff Review Committee decision shall be heard by the Planning Board.

iv. The Staff Review Committee provides recommendations to the Planning Board for any project undergoing Major Development Review. Individual members of the Committee may, in addition, submit letters of recommendations to the Planning Board.

F. **Director of Planning and Development and Codes Enforcement Officer**

Powers and Duties

(1) **Minor Change of Use.** The Codes Enforcement Officer may approve Changes of Use that do not exceed the thresholds required for Development Review shown in Table 5.2.9.B.

(2) **Minor Modifications.** The Director may approve a minor modification to an approved Site Plan, Subdivision, Conditional Use Permit, or Special Permit, in consultation with the Town Planner, Codes Enforcement Officer, and the Public Works Director, as provided in Subsection 5.2.10.B (Minor Modifications).

5.1.2. Pre-Application Meetings

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

A. **Pre-application Meeting with Town Staff**

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

B. **Pre-application Meeting with Review Authority**

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

5.1.3. Applications Required

A. **Application Submission**

(1) Development Review applications shall be submitted to the Director. For applications requiring action by the Staff Review Committee or Planning Board, required application materials are summarized in Appendix D. For each item required to be submitted as part of Development Review applications the applicant shall submit either the requested information or a request for a waiver from the information requirement, pursuant to Subsection 5.2.9.M (Waiver Provisions).Town staff shall provide a dated receipt for each application received.

(2) Village Review Overlay Design Review applications shall be submitted to the Director in accordance with subsection 5.2.8.A (Application for Certificate of Appropriateness).

(3) All other permit applications shall be submitted in accordance with specific procedures stated in Section 5.2 (Specific Procedures).

B. **Notice Provided**

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

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

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

b. This notice shall be published at least two (2) times in a newspaper having general circulation in Town. The date of the first publication must be at least seven (7) days before the hearing.

C. **Public Comment Submittal**

The Review Authority shall take public comment submitted prior to or provided at the Public Hearing and/or at its meetings for all development review applications under its consideration. To ensure distribution of public comment submitted prior to the meeting, digital or hard-copy comments shall be received by the Director no later than noon of the day of the meeting. If the application is for property located within an Aquifer Protection Overlay Zone, the Review Authority shall also review any comments made by the Brunswick and Topsham Water District.

5.1.4. Determination of Completeness

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

B. With the exception of pre-application meetings, no application shall be placed on the Review Authority agenda until the application is complete. As used in this section "complete" shall mean that all submission requirements established by this Ordinance have either been complied with or a waiver has been requested; any additional information requested by the Review Authority at any prior meeting has been provided; and all conditions of any relevant prior approval for the property have been fulfilled (unless the application describes the manner in which unfulfilled conditions will be addressed).

C. An application for Village Review Overlay Design Review shall be determined to be complete in accordance with Subsection 5.2.8.B(2).

5.1.5. Fees Required At Submittal

Application Processing Fee

The applicant shall submit with each application the fees for review of that type of application established by the Town Council.

5.1.6. Fiscal Capacity and Performance Guarantees

A. **Fiscal Capacity**

With the exception of single and two-family dwellings, the Planning Board shall require evidence of fiscal capacity, which shall demonstrate that the applicant has the financial resources to complete the project.

B. **Performance Guarantee**

(1) **When Required**

a. A performance guarantee shall be required prior to the construction of infrastructure that is intended for dedication to the Town, the Brunswick and Topsham Water District or Brunswick Sewer District, or of infrastructure that will be privately owned but will function as the equivalent of public improvements, including, but not limited to, private roads, private sewer systems and private water systems. A performance guarantee may also be required prior to initiation of work within an existing public right of way. A Certificate of Occupancy shall not be issued unless a written approval is granted by the Town Engineer stating that the occupancy of the project or project phase can accommodate occupants without posing a threat to the public's safety.

b. The Review Authority may require financial security for a period not to exceed two (2) years to ensure the replacement of any plantings shown on the landscaping plan that have failed to grow normally, are diseased, or have died.

(2) **Certified Check, Performance Bond or Letter of Credit**

a. The performance guarantee may be a performance bond, irrevocable letter of credit, or an escrow agreement. Such performance guarantee shall be in a form acceptable to the Town Manager, based upon the recommendations of the Director, the Town Engineer, and/or the Town Attorney.

b. The performance guarantee shall be for the full amount of the cost of the subject work, as determined by the Town Engineer, plus an additional ten (10) percent to account for inflation and contingencies.

c. The time for performance under the performance guarantee shall not exceed two (2) years and the full amount secured by the performance guarantee shall remain available to the Town for the entire term of the performance guarantee unless reduced by written agreement between the Town Manager and the applicant.

(3) **Release of Performance Guarantee**

a. The developer may request, at any time, that the performance guarantee be released, in whole or in part. Within 60 days of receiving such a request, the Town Manager, based upon the recommendation of the Director, the Town Engineer and/or Town Attorney, may release all or part of the performance guarantee. In making a determination on the request, the Town Manager shall consider, and the

applicant shall provide, evidence of satisfactory completion of the required improvements such as, but not limited to:

i. A statement by the Town Engineer that all street and storm drain systems have been constructed and completed in compliance with the Final Plan.

ii. A statement from the Brunswick Sewer District and/or the Brunswick and Topsham Water District General Manager that all sewage disposal and water distribution systems have been constructed and completed in conformity with the Final Plan.

iii. A statement by a professional land surveyor, that all permanent boundary monuments have been set in accordance with the Final Plan and current guidelines and standards of the State of Maine Board of Licensure for Professional Land Surveyors Rules at all street corners and angles of all street lines and along intersections, corners or breaks in a straight lot line. The cost of obtaining this statement shall be borne by the applicant.

b. In releasing the performance guarantee, Town staff shall provide the applicant with a Certificate of Compliance signed by the Town Manager.

5.1.7. Property Owners' Associations

All private roads, land and facilities owned in common private ownership shall be managed and controlled by a homeowners' association or property owners' association, in accordance with the following:

A. The documentation for the association shall be completed prior to approval of the Final Plan, and recorded prior to the sale of the first lot or unit. The association shall comply with all applicable provisions of State law.

B. Membership shall be mandatory for each lot or unit owner within the development, who shall be required by recorded covenants and restrictions to pay fees to the association for taxes, insurance, and maintenance of commonly owned land, private roads, and other common facilities.

C. Property owners shall be required to pay their pro rata share of the costs and/or the assessment levied by the association shall become a lien on the property.

D. The association shall be able to adjust the assessment to meet changed needs.

E. Ownership shall be structured so that real property taxing authorities may satisfy property tax claims against the common land and facilities from the association and its members.

5.2 Specific Procedures

5.2.1. Permits

Applications for Building Permits, Certificates of Occupancy, and Changes of Use shall be filed with the Codes Enforcement Officer. All other processes, permits or approvals required by this Ordinance for the type of development involved shall be obtained prior to the issuance of a permit under this Subsection 5.2.1. Each application shall state the intended use of the land and buildings.

A. **Building Permit and Certificate of Occupancy**

(1) No building or other structure subject to the Maine Uniform Building and Energy Code adopted by the Town shall be erected, moved, added to or structurally altered without first obtaining a Building Permit. No Building Permit shall be issued except in conformity with the provisions of this Ordinance and all other applicable Ordinances of the Town

and any conditions imposed pursuant to those Ordinances. Where applicable, a Building Permit shall not be issued unless the proposed construction or renovations to an existing structure comply with Section 4.11 (Architectural Compatibility) standards. A Building Permit secured under the provisions of this Ordinance shall expire if the work or change is not begun within one (1) year of the date the permit is granted, and if the work or change is not completed within two (2) years of the date on which the permit is granted. All Building Permits heretofore issued shall be subject to the provisions of this paragraph.

(2) All applications for Building Permits for the erection or enlargement of any new or existing building shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the sizes and locations on the lot of buildings already existing, if any, the location and dimensions of the proposed building or alteration, and the proposed sewage disposal system as required by the Maine State Plumbing Code. The application shall include such other information as may be required by the Codes Enforcement Officer to determine conformance with and to provide for the enforcement of this Ordinance. The Codes Enforcement Officer shall maintain a public record of all Building Permits issued.

(3) Upon completion of the work permitted by the Building Permit, the Codes Enforcement Officer shall issue the Certificate of Occupancy upon finding that the building, structure or land and the use or occupancy thereof comply with the provisions of this Ordinance, with all conditions of any development review approval by the Review Authority. The Codes Enforcement Officer shall maintain a public record of all Certificates of Occupancy which are issued.

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

B. **Change of Use Permit**

(1) **Change of Use Defined**

Change of Use is a change from one (1) use to another use of any structure or portion thereof that is permitted in the base zoning district (and overlay zoning district, if applicable) where the property is located. A change within the same category of permitted use (for example a change from one (1) restaurant to another, or a change from one (1) retail store to another) shall not be considered to be a Change of Use. A change in use from a vacant structure to an occupied structure shall be considered a Change of Use, unless the use is a resumption of a prior use. For the purposes of this section, the prior use includes the last occupied use of the vacant structure for at least a six (6) month time period; provided that such use has primarily occurred for a time period of not less than 12 consecutive months during the prior three (3) years.

(2) **Permit Required**

Any Change of Use shall require a Change of Use Permit. The Codes Enforcement Officer shall issue the Change of Use Permit upon the submission of a completed application and payment of the required fee unless the Codes Enforcement Officer determines that Development Review is required in accordance with Subsection 5.2.9, (Development Review). If Development Review and/or a Village Review Zone Certificate of

Appropriateness is required, the Codes Enforcement Officer shall not issue the Change of Use Permit until the required Development Review has been conducted.

(3) **Departmental Review**

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

5.2.2. Conditional Use Permit

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

A. **Review Procedure**

(1) Applications for Conditional Use Permits shall include those materials required by Appendix D - (Summary of Application Requirements) showing that the application satisfies the standards in Subsection 5.2.3.B below

(2) When an application is filed, a public hearing will be scheduled in accordance with Subsection 5.1.3.B (Notice Provided).

(3) Any Brunswick resident, property or business owner shall have the opportunity to provide written comments for consideration by the Planning Board in accordance with Subsection 5.1.3.C.

(4) The Planning Board may approve, approve with conditions or deny the Conditional Use Permit application. Decisions of the Planning Board shall be made by written Findings of Facts and Conclusions that set forth the reasons for the decision based on all standards of Subsection 5.2.3.B below and shall be made within 14 days after the public hearing. Such Findings of Fact and Conclusions shall include a plan submitted by the applicant and a permit that outlines all conditions and requirements, copies of which shall be forwarded to the applicant and any person requesting a copy within 14 days after the public hearing.

(5) Upon approval of the Conditional Use Permit, the proposed development shall be subject to Development Review (Subsection 5.2.9) and to any conditions placed on the permit. The submittal and consideration of a conditional use permit may be handled concurrently with a development review application, if applicable.

B. **Criteria for Approval**

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

(1) The proposed structure and site design comply with all standards of this Ordinance applicable to the zoning district and any overlay district within which the property is located.

(2) The proposed use will not create significantly more vehicular traffic by patrons, residents, or suppliers than the uses and structure currently within 300 feet of the proposed use or structure that generates the most vehicular traffic;

(3) The proposed use will not operate or require deliveries earlier in the morning, or later at night, than the uses and structures currently within 300 feet of the proposed use or structure that operate earliest in the morning and latest at night.

(4) The proposed use shall not create any more adverse impacts on any current use or structure within 300 feet of the lot on which the proposed use or structure would be located.

C. **Time Limits and Effect of Denial**

A Conditional Use Permit shall expire two (2) years after it is approved by the Planning Board if no Certificate of Occupancy is granted for the use in accordance with Subsection 5.2.9.Q(5) (Conditional Use Permit Approval Expiration).

5.2.3. Special Permits for Unclassified and Omitted Uses

Unclassified and Omitted Uses may be allowed upon the issuance of a Special Permit by the Planning Board as follows:

A. **Special Permit Process**

(1) The process for review and decision on an application for a Special Permit shall be the same as that for a Conditional Use Permit in Subsection 5.2.2.A.

(2) In the event that a Special Permit is approved by the Planning Board, notice shall be forwarded within seven (7) days to the Town Council. The notice shall include a brief description of the Special Permit, including the name of the applicant, the street address and tax map reference of the application, the proposed use or uses, and a brief synopsis of the permit. The Planning Board shall also forward Findings of Fact and Conclusions to the Town Council with the notice.

(3) If the Planning Board votes to approve a Special Permit, that approval shall not take effect for 30 days after the Planning Board's vote. During that 30 day period, the Town Council may elect to exercise jurisdiction over the application. Decisions to exercise jurisdiction shall be made by a majority vote of the Town Council during a public meeting.

(4) If the Town Council exercises jurisdiction, it shall, after notice and hearing in the same manner as required for a zoning amendment under Subsection 5.2.11 (Ordinance Text or Map Amendment), ratify, reverse or modify the decision of the Planning Board. If the Town Council ratifies the Special Permit, the Permit takes effect immediately following the affirmative vote to ratify.

(5) If the Town Council does not exercise jurisdiction within 30 days, then the decision of the Planning Board shall be deemed ratified by the Town Council at the end of the 30 day period.

(6) If the Planning Board denies an application for Special Permit, the Planning Board's decision shall not be subject to any appeal, but the applicant may apply to the Town Council for a zoning amendment as provided in Subsection 5.2.11.

(7) After a Special Permit has been granted, the Director shall prepare and submit to the Town Council an analysis of whether and under what conditions the use allowed by the Special Permit should be added to Table 3.2 (Growth Area Permitted Use Table) and/or Table 3.3 (Rural Area Permitted Use Table). The Council may then act to incorporate such use by an amendment to this Ordinance.

B. **Criteria for Approval**

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

(1) The application shall meet the criteria for approval of a Conditional Use Permit in Subsection 5.2.2.B, and in addition, shall meet the following criteria:

a. The application shall further the planning goals the adopted Town of Brunswick 2008 Comprehensive Plan, including but not limited to the planning goals for the Planning Area (Appendix A - Planning Areas) in which the property is located.

b. If the application involves the construction of a new building, or the substantial expansion of an existing building, the size of the resulting building shall meet the applicable zoning district dimensional and density standards as stated in Tables 4.2.3 and 4.2.4 (Dimensional and Density Standards for Growth and Rural Areas respectively).

c. If the proposed use or structure is located in a Planning Area(Appendix A - Planning Areas) where pedestrian oriented character is encouraged, the use shall generate patron or resident activity (not just employee activity) during normal business hours, and the majority of the front façade of the building shall be consistent with existing setbacks on street.

d. The proposed use will not generate more noise at any time of the day or night than any use within 300 feet of the proposed use or structure that currently generates the most noise at that time.

C. **Review of Expansions of Legally Nonconforming Unclassified or Omitted Uses**

Expansion of uses determined to be legally nonconforming in that they have never been granted a Special Permit shall be reviewed and acted upon by the Planning Board in accordance with Subsections 5.2.3.A and B.

D. **Time Limits and Effect of Denial**

A Special Permit shall expire two (2) years after it is ratified or deemed ratified by the Town Council if no Certificate of Occupancy is granted for the use in accordance with Subsection 5.2.9.Q(5) (Special Permit Approval Expiration). If the Planning Board denies an application for a Special Permit, no application by the applicant or related entity for the same unclassified or omitted use for the same parcel, or any portion of such parcel, shall be accepted for filing within one (1) year of the date of the Planning Board's decision.

5.2.4. Special Permits for Nonconforming Building Footprint Expansions

An expansion of a building footprint that is legally nonconforming shall be reviewed as a Special Permit and acted upon by the Planning Board in accordance with Subsections 5.2.3.A and B. The review criteria shall be as follows:

A. The proposed building footprint expansion shall comply with all other applicable zoning district dimensional standards.

B. The proposed expansion shall comply with Section 4.12 (Neighborhood Protection Standards).

5.2.5. Flood Hazard Development Permit Requirements

A. Flood Hazard Development Permit Required

All construction or other development in special flood hazard areas, including the placement of mobile homes, shall require a Flood Hazard Development Permit from the Codes Enforcement Officer. This permit shall be in addition to any other permits which may be required by this Ordinance. No Flood Hazard Development Permit shall be issued until the Codes Enforcement Officer has determined that all other necessary federal, state, and municipal permits have been obtained.

B. Application for Flood Hazard Development Permit

The application for a Flood Hazard Development Permit shall be submitted to the Codes Enforcement Officer and shall include:

(1) The name, address, and phone numbers of the applicant, owner, and contractor;

(2) An address and a map indicating the location of the construction site;

(3) A site plan showing location of existing and/or proposed development including but not limited to, structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and the dimensions of the lot;

(4) A statement of the intended use and cost, including all materials and labor, of the structure and/or development;

(5) A statement as to the type of sewage system proposed;

(6) Specification of dimensions of the proposed structure and/or development;

(7) The elevation in relation to National Geodetic Vertical Datum (NGVD) or to a locally established datum in Zone A only, of the:

a. Base flood at the proposed site of all new or substantially improved structures, which is determined:

i. In Zones A1-30 and V1-30 from data contained in the "Flood Insurance Study - Town of Brunswick, Maine," as described in Subsection 2.3.4.B(2); or,

ii. In Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

b. Highest and lowest grades at the site adjacent to the walls of the proposed building;

c. Lowest floor, including basement; and whether or not such structures contain a basement; and,

d. Level, in the case of nonresidential structures only, to which the structure will be floodproofed.

(8) A description of an elevation reference point established on the site of all new or substantially improved structures;

(9) Either an Elevation Certificate (FEMA Form 81-31) by a Professional Land Surveyor, registered professional engineer or architect, or for non-residential structures to be floodproofed, a Floodproofing certificate (FEMA Form 81-65) completed by a registered professional engineer or architect. These certificates verify that the elevations shown on the application are accurate;

(10) Certification by a registered professional engineer or architect that:

a. Nonresidential structures shall meet the floodproofing criteria in Subsection 2.3.4.D(3) (Nonresidential Structures) and other applicable standards.

b. Construction in coastal high hazard areas, Zones V1-30 shall meet the criteria of Subsection 2.3.4.D(12) (Coastal Floodplains).

c. Engineered hydraulic openings in foundation walls shall meet the standards of Subsection 2.3.4.D(8)a.ii.

d. Bridges shall meet the standards of Subsection 2.3.4.D(9) (Bridges).

e. Containment walls shall meet the standards of Subsection 2.3.4.D(10) (Containment Walls).

(11) A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

(12) A statement of construction plans describing in detail how each applicable development standard in Subsection 2.3.4.D (Additional Requirements for the FPO District) will be met.

C. **Review Standards for Flood Hazard Development Permit Applications**

The Codes Enforcement Officer shall:

(1) Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Subsection 2.3.4.D (Additional Requirements for the FPO District) will be met;

(2) Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Brunswick, Maine," as described in Subsection 2.3.4.B(2). In special flood hazard areas where base flood elevation data are not provided, the Codes Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources.

(3) Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described above;

(4) In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those Federal, State, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.1334;

(5) Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

(6) Issue one (1) of the following Flood Hazard Development Permits based on the type of development:

a. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Codes

Enforcement Officer with a second Elevation Certificate completed by a professional land surveyor, engineer, or architect based on the Part 1 permit construction, "as built" for verifying compliance with the elevation requirements of Subsection 2.3.4.D(2) (Residential Structures), Subsection 2.3.4.D(3) (Nonresidential Structures), Subsection 2.3.4.D(4) (Mobile Homes), or Subsection 2.3.4.D(12) (Coastal Floodplains). Following review of the Elevation Certificate the Codes Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or

b. A Flood Hazard Development permit for floodproofing of nonresidential structures that are new construction or substantially improved nonresidential structures that are not being elevated but that meet the flood proofing standards of Subsection 2.3.4.D(3)a. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or

c. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50 percent of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided in Subsection 2.3.4.D(6) (Accessory Structures), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

(7) Maintain, as a permanent record, copies of all flood Hazard Development Permits issued and data relevant to those permits, including reports of the Zoning Board of Appeals on Variances granted under Subsection 5.2.7.B, and copies of Elevation Certificates, Floodproofing Certificates and Certificates of Compliance required under the provisions of this Ordinance.

5.2.6. Shoreland Protection Overlay District Permits

A. Permit Required

All development or other land use activity within the Shoreland Protection Overlay District shall require a Shoreland Protection Permit from the applicable Review Authority in accordance with Development Review thresholds as stated in Table 5.2.9.B and the following review criteria. This permit shall be in addition to any other permit or plan approvals which may be required by this Ordinance. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

B. Permit Review Criteria

(1) After the submission of a complete application to the Planning Board, Staff Review Committee, or Code Enforcement Officer, the Review Authority shall take action on an application based on the following review criteria:

a. The development or other land use activity will maintain safe and healthful conditions;

b. The development or other land use activity will not result in water pollution, erosion, or sedimentation to surface waters;

c. The development or other land use activity will adequately provide for the disposal of all wastewater;

d. The development or other land use activity will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

e. The development or other land use activity will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

f. The development or other land use activity will protect archaeological and historic resources as designated in the 2008 Comprehensive Plan, as amended;

g. The development or other land use activity will avoid problems associated with floodplain development and use; and

h. The development or other land use activity Is in conformance with standards set forth in Section 2.3 (Shoreland Protection Overlay District) and Chapter 4 (Property Development Standards), as applicable.

(2) If a permit is denied or approved with conditions, the reasons for denial or conditions of approval shall be stated in writing. No approval shall be granted for an application involving an illegally created lot or structure.

C. Special Exceptions for Development within the Shoreland Protection Overlay (SPO) District

In addition to the criteria specified in Subsection 2.3.3.C(3), lots created prior to June 6, 1994, and lie within the minimum setback (250 feet) from salt meadows that are rated “moderate” or “high” value waterfowl and wading bird habitat as shown on the Brunswick Official Zoning Map; and properties that were created prior to December 31, 2008, and lie within the minimum setback (250 feet) from freshwater wetlands or wetlands associated with rivers or that are rated “moderate” or “high” value waterfowl and wading bird habitat established in Subsection above and shown on the Brunswick Official Zoning Map, may be developed with a single family dwelling through the Minor Development Review process if the Staff Review Committee issues a Special Exception, finding that the applicant has demonstrated that all of the following conditions are met:

(1) There is no location on the property, other than a location within the SPO District, where the structure can be built;

(2) The lot was established and recorded in the Cumberland County Registry of Deeds prior to June 6, 1994, November 18, 2002, or December 31, 2008 as applicable based on the description provided at Section 2.3.3.C(3);

(3) All proposed buildings, sewage disposal systems and other improvements are

a. Located on natural ground slopes of less than 20 percent; and

b. Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be one-half (1/2) the width of the 100-year floodplain.

(4) All buildings, including basements, are elevated at least one (1) foot above the 100-year floodplain elevation, and the development is otherwise in compliance with any

applicable floodplain management regulations in Subsection 2.3.4 (Flood Protection Overlay (FPO) District).

(5) The total footprint areas defined, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(6) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body or upland edge of a coastal or freshwater wetland to the greatest extent practicable, but not less than a horizontal distance of 75 feet from a stream and not less than a horizontal distance of 125 feet from a coastal or freshwater wetland or other water body. In determining the greatest extent practicable the Staff Review Committee shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

(7) A Special Exception shall expire one (1) year from the date of issuance if on-site construction has not started during that period. If construction is started within one (1) year from the date of permit issuance, the applicant shall have one (1) additional year from the date of issuance to complete the project. If incomplete at the end of two (2) years, the permit shall expire.

5.2.7. Appeals of Administrative Decisions and Variances

A. Appeals of Administrative Decisions

(1) Making an Appeal

a. Administrative appeals from decisions of the Codes Enforcement Officer, Planning Board or Village Review Board shall be taken no later than 30 days after the decision is rendered. Dimensional variance appeals do not require a prior decision of the Codes Enforcement Officer or a board and are not subject to this time limit.

b. The appeal shall be made by filing in the Office of the Codes Enforcement Officer a written notice of appeal specifying the grounds for such appeal. For an appeal seeking a Variance, the applicant shall submit a sketch drawn to scale or photograph showing lot lines, location of existing buildings and other physical features pertinent to the Variance request, and a concise written statement stating what Variance is requested.

c. Upon being notified of an appeal, the Codes Enforcement Officer, the Planning Board or Village Review Board, as the case may be, shall transmit to the Zoning Board of Appeals all of the documents constituting the record of the decision appealed from. Each appeal shall be accompanied with the fee designated by the Town Council.

d. A copy of each Variance request located in the Flood Protection Overlay (FPO) district, including the application and all supporting information supplied by the applicant, shall be forwarded by the Codes Enforcement Officer to the Commissioner of the Department of Environmental Protection at least 20 days prior to action by the Zoning Board of Appeals. Any comments received from the Commissioner prior to the action by the Zoning Board of Appeals shall be made part of the record and shall be taken into consideration by the Zoning Board of Appeals.

(2) **Procedure on Appeal**

a. The Zoning Board of Appeals shall hold a public hearing on the appeal within 45 days after the filing of the appeal.

b. At least ten (10) days prior to the date set for hearing, the Board shall give similar written notice to all property owners of record whose properties lie within 200 feet of the perimeter of the affected property, the person making the appeal, and the Codes Enforcement Officer, Planning Board, or Village Review Board (whichever made the decision being appealed), and any other person requesting notice. The notice will be sent via U.S. Mail, postage prepaid, to those persons as listed on the Town's tax records.

c. At least seven (7) days prior to the date of the hearing on such appeal, the Zoning Board of Appeals shall cause to be published in one (1) issue in a newspaper of general circulation in Brunswick a notice which includes, the name of the person appealing, a brief description of the property involved, including the street address, a brief description of the decision appealed from, or the nature of a Variance, and the time and place of the Zoning Board of Appeals' hearing.

(3) **Hearings**

a. In hearing an appeal from a decision of the Codes Enforcement Officer, Planning Board, or Village Review Board, the Zoning Board of Appeals shall:

i. Examine all application documents, Ordinance requirements and Finding of Fact and Conclusions prepared by the Codes Enforcement Officer or the Board whose decision is being appealed.

ii. Determine on the basis of the entire record presented whether the Codes Enforcement Officer or such Board, as applicable, could reasonably have found the facts and reached the conclusions upon which the decision under appeal was based.

iii. Determine whether the decision being appealed was based on substantial evidence.

iv. Not substitute the judgment of the Zoning Board of Appeals for the judgment of the Codes Enforcement Officer or the Board whose decision is under appeal.

v. If the Zoning Board of Appeals finds that the Codes Enforcement Officer or the Board was not erroneous in its review of the application, the original determination shall be upheld.

b. The Zoning Board of Appeals may find that all or portions of the decision were faulty, in which case the Board may remand that portion of the application to the Codes Enforcement Officer, Planning Board, or Village Review Board for reconsideration, with recommendations that the Officer or Board make additional Findings of Fact and conclusions to enable the Zoning Board of Appeals to complete its evaluation of the appeal. In the case of a remand, the appeal before the Zoning Board of Appeals shall remain pending until the Codes Enforcement Officer or Board whose decision is on appeal acts on the remand and reports its action to the Zoning Board of Appeals, which shall then made a final decision on the appeal. The decision of the Zoning Board of Appeals to remand is not final action by the Zoning Board of Appeals and is not appealable to Superior Court.

c. At a hearing on any appeal, the appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair of the Board. All persons at the hearing shall abide by the order of the Chair.

d. At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause.

e. If a party does not attend a hearing and is not otherwise represented, its case will be deemed to have been withdrawn without prejudice to refile the appeal. The filing fee will not be refunded to any applicant whose appeal is withdrawn in this manner.

f. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

(4) **Decisions of the Zoning Board of Appeals**

a. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to:

i. Reverse any order, requirement, decision, or determination of the Codes Enforcement Officer, Planning Board or Village Review Board;

ii. Grant a Variance; or

iii. Decide in favor of the applicant on any matter which the Board is required to decide under this Ordinance.

b. The Zoning Board of Appeals shall decide all appeals within at least 30 days after hearing, unless the Board and the applicant agree to a longer time, and shall issue a written decision on all appeals.

c. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, on all the material issues of fact, law or discretion presented, and the order, relief or denial. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Codes Enforcement Officer, Planning Board, or Village Review Board (whichever made the decision appealed from) and the Town Council within seven (7) days of the decision date.

d. For appeal decision located in the Flood Protection Overlay (FPO) district, the Zoning Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Zoning Board of Appeals shall be given to the Planning Board, Codes Enforcement Officer, and the Town Council.

e. A Variance granted by the Zoning Board of Appeals shall expire if the work or change involved is not completed within two (2) years of the date on which the Variance is granted.

f. All Variances granted by the Zoning Board of Appeals shall be recorded in the Cumberland County Registry of Deeds in accordance with Title 30-A M.R.S.A. Section 4353(5).

g. Once an appeal has been denied, a second appeal of a similar nature with regard to the same building or property may not be brought to the Board within six (6) months.

h. Appeals may be taken as permitted by law from any decision of the Zoning Board of Appeals to Superior Court.

B. **Variances**

(1) **General Variance**

A Variance may be granted by the Zoning Board of Appeals for the following provisions of this Ordinance.

a. Any dimensional requirement in Section 4.2 (Dimensional and Density Standards) including the setback for a single family dwelling, but not including an increase in allowed density.

b. Any dimensional requirements in Section 3.4 (Supplementary Use Standards); however, a Variance cannot be granted to allow a use that is not a Permitted Use in the zoning district where the property is located, or to allow a Conditional Use without a Conditional Use Permit pursuant to Subsection 5.2.2, or to allow an Unclassified or Omitted Use without a Special Permit pursuant to Subsection 5.2.3. Variances shall not be granted for establishment of uses otherwise prohibited by this Ordinance.

c. A change to a property containing a dwelling to make that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling (Disability Variance).

(2) **General Criteria for Approval**

Unless subsection c below applies, the Zoning Board of Appeals shall not grant a Variance pursuant to Subsections 5.2.7.B(1)a and 5.2.7.B(1)b unless it finds that strict application of this Ordinance to the applicant and the applicant's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

a. That the land in question cannot yield a reasonable economic return unless a Variance is granted; and

b. The need for a Variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

c. The granting of a Variance will not alter the essential character of the locality; and

d. The hardship is not the result of action taken by the applicant or a prior owner.

(3) **Setback Variance for Single Family Dwellings**

a. The Zoning Board of Appeals may grant a set-back Variance for a single family dwelling only when strict application of this Ordinance to the applicant and the applicant’s property would cause undue hardship. The term “undue hardship” as use in this subsection means:

i. The need for a Variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

ii. The granting of a Variance will not alter the essential character of the locality.

iii. The hardship is not the result of action taken by the applicant or a prior owner.

iv. The granting of the Variance will not substantially reduce or impair the use of abutting property.

v. The granting of the Variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

b. Under this Subsection, the Zoning Board of Appeals may only grant a Variance from a setback requirement for a single family dwelling that is the primary year-round residence of the applicant. A Variance under this Subsection may not exceed 20% of a setback requirement and may not be granted if the Variance would cause the area of the dwelling to exceed the maximum permissible impervious coverage, provided, however, a Variance under this Subsection may exceed the 20 percent of a setback requirement (except for the minimum setbacks from a wetland or a water body required within the Shoreland Protection Overlay District by rules adopted pursuant to M.R.S.A Title 38, Chapter 3, Subchapter I, Article 2-B, as amended), if the applicant has obtained the written consent of an affected abutting landowner.

(4) **Criteria for Approval of a Disability Variance**

a. The Zoning Board of Appeals shall not grant a Variance pursuant to Subsection 5.2.7.B(1)c. unless it finds that all of the following criteria have been met:

i. The Variance is necessary to make a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling.

ii. The Variance only permits the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. For the purposes of this Subsection, a disability has the same meaning as a physical or mental handicap under Title 5 M.R.S.A. § 4553, as amended, and the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

b. The Zoning Board of Appeals may impose conditions on the Variance, including limiting the Variance to the duration of the disability or to the time that the person with the disability lives in the dwelling.

(5) **Criteria for Approval of a Disability Variance for Vehicle Storage**

a. The Zoning Board of Appeals shall not grant a Variance pursuant to Subsection 5.2.7.B(1)c. for this purpose unless it finds that all of the following criteria have been met:

i. The Variance is necessary for the owner of a dwelling who resided in the dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose.

ii. The width and length of the structure may not be larger than two (2) times the width and length of the noncommercial vehicle.

iii. The owner shall submit proposed plans for the structure with the request for the Variance pursuant to this paragraph to the Zoning Board of Appeals.

iv. The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.

v. For the purposes of this Subsection 5.2.7.B(1)c, "noncommercial vehicle" means a motor vehicle as defined in Maine Statutes Revised, Title 29-A, Section 101, Subsection 42 with a gross vehicle weight of no more than 6,000 pounds bearing a disability registration plate issued pursuant to Title 29-A, Section 521 and owned by the person with the permanent disability. For purposes of this Subsection, "disability" has the same meaning as a physical or mental disability under Maine Statutes Revised Title 5, Section 4553-A.

b. The Zoning Board of Appeals may impose conditions on the Variance, including limiting the Variance to the duration of the disability or to the time that the person with the disability lives in the dwelling.

(6) **Additional Criteria for Variances in the SPO and FPO Districts**

a. In addition to meeting the criteria in Subsection 5.2.7.B.(2) a. through d., above, as applicable, an application for a Variance on property located in the SPO District shall meet the following additional requirements:

i. The Board shall make a positive finding for each of the following additional criteria, where applicable:

(A) Will not result in unsafe or unhealthful conditions;

(B) Will not result in erosion or sedimentation;

(C) Will not result in water pollution;

(D) Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat

(E) Will conserve shoreland vegetation;

(F) Will conserve visual points of access to waters as viewed from public facilities;

(G) Will conserve actual points of public access to waters;

(H) Will conserve natural beauty; and

(I) Will avoid problems associated with the floodplain development and use, such as erosion, increased risk of flood damage to upstream properties or increased flood damage.

b. In addition to meeting the criteria in Subsection 5.2.7.B.(2) a. through d., as applicable, an application for a Variance on property located in the FPO District shall meet the following additional requirements:

i. Within any designated regulatory floodway will not result in an increase in flood levels during the base flood discharge;

ii. Is supported by good and sufficient cause;

iii. Will not result, should a flood comparable to the base flood occur, in increased flood height, additional threats to public safety, public expense or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or Ordinances;

iv. Will not cause a conflict with other State, Federal or local laws or Ordinances; and,

v. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief, and the Zoning Board of Appeals may impose such conditions to a Variance as it deems necessary.

vi. If the Variance is for new construction, substantial improvements, or other development for the conduct of a functionally dependent use, the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety, and other criteria of Subsection 5.2.5.C (Review Standards for Flood Hazard Development Permit Applications) and Subsection 2.3.4 (Flood Protection Overlay (FPO) District) are met.

vii. If the Variance is for the repair, reconstruction, rehabilitation, or restoration of Historic Structures, the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure, the Variance is the minimum necessary to preserve the historic character and design of the structure, and the development meets the criteria of Subsection 5.2.7.B(2) (General Criteria for Approval).

c. Any applicant who meets the criteria of Subsection 5.2.7.B(2) (General Criteria for Approval) and this Subsection shall be notified by the Zoning Board of Appeals in writing that:

i. The issuance of a Variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

ii. Such construction below the base flood level increases risks to life and property; and,

iii. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the Town against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the Town from any claims the applicant may have against the Town that are related to the use of land located in a floodplain. A statement to this effect shall be a matter of record in an instrument to be recorded by the applicant in the Cumberland County Registry of Deeds within 30 days of approval by the Zoning Board of Appeals.

5.2.8. Village Review Overlay Design Review

A. Application for Certificate of Appropriateness

Application forms for a Certificate of Appropriateness shall be made available in hard copy or online by the Department of Planning and Development. Completed applications shall be submitted to the Department of Planning and Development staff with the following information provided:

(1) Name, address and interest in the property.

(2) Location and nature of the proposed activity.

(3) A brief description of the proposed construction, reconstruction, alteration, relocation or demolition and proposed reuse. The description shall include the reason for the

request, and must demonstrate how the proposal is in compliance with Subsection 5.2.8.C (Review Standards).

(4) Drawings illustrating the design, texture, and location of any construction, alteration, or demolition/relocation for which a certificate is required. The drawings shall include plans and exterior elevations drawn to scale, with sufficient detail to show their relation to exterior appearances and the architectural design of the building. Proposed materials and textures shall be described, including samples where appropriate. Drawings need not be prepared by an architect or engineer, but shall be clear, complete, and specific.

(5) Photographs of the building(s) involved and of immediately adjacent properties. Staff shall provide completed historic building/structure survey forms if available for the structure. For demolition or relocation applications, interior and exterior photographs shall be provided clearly indicating the existing condition of the structure and, if available, the structural condition at the time of purchase by the applicant.

(6) A site plan showing the relationship of proposed changes to walks, driveways, signs, lighting, landscaping, and adjacent properties, if applicable. For relocation or demolition applications, provide post-demolition plans, including a site plan for the property specifying site improvements and a timetable for completion.

(7) The Review Authority may grant a waiver of submission requirements if it finds the submission of that information is not relevant to a determination.

B. **Application Review Process**

(1) **Consultation**

All applicants are encouraged to consult with Department staff prior to submitting an application for a Certificate of Appropriateness at which time a determination can be made as to the level of review required. During consultation, Department staff shall provide appropriate guidance and available resources, including the Village Review Zone Design Guidelines, to the applicant.

(2) **Determination of Completeness**

Within four (4) days of an application being submitted to the Department, staff shall make a determination regarding completeness. If incomplete, staff will notify the applicant of deficiencies. If complete, staff will process the application as either a Minor Activity or Major Activity application.

(3) **Determination of Minor/Major Activity**

a. Exempt Activities include:

i. The independent demolition of incidental noncontributing structures accessory to a contributing resource not visible from a public right-of-way are exempt from review.

ii. The demolition of a noncontributing resource if the proposed demolition is not visible from the public right-of-way.

iii. In-kind replacement of windows, siding, doors and building ornamentation, normal maintenance and painting.

b. Minor Activities (Staff Review) include:

i. Any alterations or additions not visible from a public right-of-way;

ii. Replacement of existing exterior siding or other materials, windows or doors which do not alter architectural or historic character;

iii. Repair, replacement or re-pointing of exterior masonry walls which do not alter architectural or historic character;

iv. Placement of sheds or other outbuildings, fences or dumpsters located in rear yards not visible from a public right-of-way;

v. Any demolitions, partial demolitions or relocations of noncontributing resources not visible from a public right-of-way.

vi. Roof-top appurtenances not visible from a public-right-of-way; and,

vii. Removal of non-historic elements concealing original architectural character-defining features.

c. Major Activities (Village Review Board review) include:

i. Any alterations or additions to existing structures or new construction visible from a public right-of-way;

ii. Any roof-top appurtenances visible from a public right-of-way;

iii. Exterior renovations, alterations or modifications to the structure or site not determined to be minor in nature;

iv. Any demolitions, partial demolitions or relocations of either contributing resources or noncontributing resources visible from a public right-of-way.; and

v. Any alterations or new placement of walks, driveways or new impervious surfaces associated with any of the above major activities.

(4) **Minor Activity Application Review Process**

a. Minor Activity applications for a Certificate of Appropriateness shall be submitted to the Department staff. Staff shall review and either render a decision to the applicant or forward to the Village Review Board for their consideration within ten (10) days of determining the application is complete.

b. The Village Review Board may conduct a review of a Minor Activity application at the recommendation of either the Director or Board Chair. A person with standing may appeal the decision by staff to the Village Review Board by submitting an appeal application to the Director within 30 days of the date of the action. The Village Review Board may hold a public hearing and shall render its decision following the review procedure set forth in Subsection (5) below.

(5) **Major Activity Application Review Process**

a. Major Activity applications for a Certificate of Appropriateness shall be submitted to the Department staff no less than 14 days before the date of the Village Review Board's meeting in which it will be discussed.

b. The Town shall provide notification to all owners of property within a 200 foot radius of the boundaries of the property under review in the proposed application, giving a general description of the activity and specifying its location. Notifications shall be distributed by first class mail at least ten (10) days prior to a scheduled review, stipulating the time and place of the Board's meeting. The Board may also schedule a publicly noticed site visit of the subject property prior to their meeting.

c. Within 30 days of the Town's receipt of a complete application, the Village Review Board shall hold a public meeting and make a determination as to the completeness of the application. Once the Board determines that the application is complete, it shall review the application. After completing its review, the Board shall vote to deny, approve or approve the application with conditions. The Village Review Board shall set forth the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the applicant and any interested member of the public of the basis for the decision. The date of approval, denial, or approval with conditions shall be the date that the Board votes on an application for a Certificate of Appropriateness.

d. A written notice of the determination of the Village Review Board, including Findings of Fact, Approved Motions and Certificate of Appropriateness, shall be sent by regular mail to the applicant and to the Planning Board or Staff Review Committee within ten (10) days of the Village Review Board's determination.

e. The Village Review Board, by a majority vote, may request an independent peer review of the application or portion thereof at their discretion. All costs associated with the peer review shall be borne by the applicant. Peer review shall not be undertaken unless it is necessary for an informed review of the submitted materials and at a reasonable cost. Estimated costs for the peer review shall be disclosed to the applicant prior to undertaking such review. The Town shall require an applicant to deposit funds into an escrow account to be held for the purpose of reimbursing peer review costs. The applicant shall be entitled to an accounting of the use of all funds, as well as to a refund of all funds not expended upon final approval, denial or withdrawal of an application.

(6) **Additional Processing Requirements for Relocation or Demolition Activities**

In addition to the provisions of Subsections 5.2.8.B(1) through (5) above, additional processing requirements for Major Activity applications for demolition or relocation of contributing resources, as well as noncontributing resources visible from public right-of-way, are listed as follows.

a. A permit for demolition or relocation of a contributing resource, a noncontributing resource visible from a public right-of-way or portions thereof, within the Village Review Zone shall not be issued unless a Certificate of Appropriateness has been approved. No exterior demolition work and interior demolition work rendering the structure uninhabitable, or relocation of the resource may commence until the expiration of the 30-day decision appeal period or, if an appeal is taken, upon final disposition of the appeal.

b. Applications to demolish or relocate contributing resources individually listed on the National Register of Historic Places or deemed eligible by the Maine Historic Preservation Commission, and contributing resources located within a National Register-listed Historic District shall adhere to a 90-day delay period. The Village Review Board may impose a 90-day delay period for contributing resources of local and regional significance. Such 90-day delay period shall commence when the application is deemed complete by the Village Review Board.

c. During the 90-day delay period, the applicant shall:

i. Consult with the Village Review Board and Maine Preservation or Maine Historic Preservation Commission in seeking alternatives to demolition, including the reuse and/or relocation of the contributing resource.

ii. Consult with and notify other related organizations of intent to demolish the contributing resource, as identified during consultations with Village Review Board and Maine Preservation or Maine Historic Preservation Commission.

iii. Document "good faith" efforts in seeking an alternative, including relocation and/or reuse, resulting in the preservation of the contributing resource. Such efforts shall include posting a visible sign on the property, listing the property for sale and/or relocation, and publishing a notice of availability in a general circulation local newspaper. The notice of the proposed demolition shall be forwarded to the Village Review Board, Pejepscot Historical Society, Town Council, and Review Authority.

iv. Thoroughly photo or video document the contributing resource and provide photo/video and written documentation to the Town and Pejepscot Historical Society. Any significant architectural features shall be salvaged, reused and/or preserved as appropriate.

v. Provide post-demolition plans, including a site plan for the property specifying site improvements and a timetable for completion.

d. If at the end of the 90-day period, no satisfactory alternative has been found, the Village Review Board shall either grant or deny a Certificate of Appropriateness to demolish or relocate the resource, applying the criteria set forth in Subsection 5.2.8.C(4) (Demolition and Relocation).

C. **Review Standards**

(1) **General Standard**

a. All Certificates of Appropriateness for new construction, additions, alterations, relocations or demolition shall be in accordance with applicable requirements of this Ordinance.

b. In meeting the standards of this Ordinance the applicant and Village Review Board in its review shall be informed by guidance from the U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings and the Village Review Zone Design Guidelines.

(2) **New Construction and Additions and Alterations to Existing Structures**

a. In approving applications for a Certificate of Appropriateness for new construction or additions or alterations to contributing resources, the Review Authority shall make findings that the following standards have been satisfied:

i. Any additions or alterations shall be designed in a manner to minimize the overall effect on the historic integrity of the contributing resource.

ii. Alterations shall remain visually compatible with the existing streetscape.

iii. Concealing of distinctive historic or architectural character-defining features is prohibited. If needed, the applicant may replace any significant features with in- kind replacement and/or accurate reproductions.

iv. New construction or additions shall be visually compatible with existing mass, scale and materials of the surrounding contributing resources.

v. When constructing additions, the applicant shall maintain the structural integrity of existing structures.

b. In approving applications for a Certificate of Appropriateness for new construction, additions or to commercial, multifamily, and other non-residential structures, the Review Authority shall make findings that the following additional standards have been satisfied:

   i. Parking lots shall be prohibited in side and front yards, unless the application involves the renovation of existing structures where such a configuration currently exists and no other placement alternative exists. In cases where such parking configurations exist, the parking area shall be screened from the public right-of-way with landscaping or fencing.

   ii. Site plans shall identify pedestrian ways and connections from parking areas to public rights-of-way.

   iii. All dumpsters and mechanical equipment shall be located no less than 25 feet away from a public right-of-way, unless required by a public utility, and shall be screened from public view.

   iv. Roof-top-mounted heating, ventilation, air conditioning and energy producing equipment shall be screened from the view of any public right-of-way or incorporated into the structural design to the extent that either method does not impede functionality. Parapets, projecting cornices, awnings or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.

   v. The use of cinder-block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.

   vi. The use of vinyl, aluminum or other non-wood siding is permitted as illustrated in the Village Review Board Design Guidelines. Asphalt and asbestos siding are prohibited.

   vii. Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.

   viii. No building on Maine Street shall have a horizontal expanse of more than 40 feet without a pedestrian entry.

   ix. No building on Maine Street shall have more than 15 feet horizontally of windowless wall.

   x. All new buildings and additions on Maine Street shall be built to the front property line. This may be waived if at least 60 percent of the building's front facade is on the property line, and the area in front of the setback is developed as a pedestrian space.

   xi. If more than 50 percent new floor area is added to a structure located on Maine Street, the addition shall be at least two (2) stories high and/or not less than 20 feet tall at the front property line.

   xii. The first floor facade of any portion of a building that is visible from Maine Street shall include a minimum of 50 percent glass. Upper floors shall have a higher percentage of solid wall, between 15 percent and 40 percent glass.

c. Proposed additions or alterations to noncontributing resources shall be designed to enhance or improve the structure’s compatibility with nearby contributing resources as compared to the existing noncontributing resource.

(3) **Signs**

Signs shall comply with Section 4.13 (Signs) with consideration given to the Village Review Zone Design Guidelines.

(4) **Demolition and Relocation**

a. Demolition or partial demolition or relocation of a contributing or, if visible from a public right-of-way, a noncontributing resource, excluding incidental or noncontributing accessory buildings and structures not visible from the public right-of-way, located on the same property, shall be prohibited unless the application satisfies at least one (1) of the following criteria:

i. The structure poses an imminent threat to public health or safety. An application must be accompanied by a report from a qualified structural engineer for review by the Codes Enforcement Officer and photographs depicting the current condition of the building.

ii. The condition of the structure is such that it cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, resulting in a reasonable economic return, regardless of whether that return represents the most profitable return possible, provided that the applicant can document he/she has not contributed significantly to the deterioration of the structure. An opinion shall be provided from an architect, licensed engineer, developer, real estate consultant or appraiser or from a professional experienced in historic rehabilitation, as to the economic feasibility for restoration, renovation, or rehabilitation of the contributing resource versus demolition or relocation of same.

iii. The proposed replacement structure or reuse of the property is deemed to be as appropriate and compatible with the existing streetscape and surrounding contributing resources.

b. Demolition, partial demolition or relocation of a noncontributing resource visible from a public right-of-way, shall be approved by the Village Review Board if it is determined that the proposed replacement structure or reuse of the property is deemed more appropriate and compatible with the surrounding contributing resources than the resource proposed for demolition.

D. **Expiration of Certificate of Appropriateness**

If two (2) years after issuance of a Certificate of Appropriateness, the approved work is not found to be complete by the Codes Enforcement Officer, the approval shall lapse. The applicant may, at any time before the date of approval expiration, make a written request to the Village Review Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if the Board grants an extension. The Board may consider any changes to this Ordinance or any other new information relevant to the application when considering an extension request.

5.2.9. Development Review

A. **In General**

(1) Development review includes Subdivision and Site Plan review, and certain changes of use and other procedures as outlined in Subsection 5.2.9.B(2) (Development Activities Subject to Development Review).

(2) All time frames for Development Review expressed in this Subsection are minimums. The Town's staff and reviewing entities shall make every effort to conduct reviews as expeditiously as possible.

B. **Applicability**

(1) **Development Activities Not Subject to Development Review**

Development Review does not apply to:

a. Single or two-family dwellings, and uses or structures accessory to single or two-family dwellings.

b. Agricultural land management practices, including farm and woods roads developed in accordance with "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices," as amended, unless located within the Shoreland Protection Overlay Resource Protection District.

c. Unpaved trails and paths developed in accordance with "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices," as amended, unless located within the Shoreland Protection Overlay Resource Protection District. (Groups or individuals planning such trails and paths are encouraged to consult with the Planning and Development Department prior to construction).

d. The initial non-military re-occupancy of a building in the Brunswick Landing area existing as July 20, 2009, provided all of the following are met:

i. The new use is a permitted use in the zoning district in which it is located.

ii. In addition to the use restrictions contained in the Permitted Use Tables and related Supplemental Use Standards (Chapter 3 – Property Use Standards), development of former Brunswick Naval Air Station (BNAS) lands shown in Appendix G shall comply with all existing covenants and deed restrictions as contained in conveyance documents issued by the US Navy at the time of transfer and subsequently recorded. Such covenants and deed restrictions may include, but shall not be limited to, groundwater extraction, soil disturbance, and the ongoing maintenance of hazardous material remediation monitoring facilities as needed. Development of transferred former BNAS lands identified by the US Navy as being within Soils and Groundwater Management Zones shall comply with Land Use Controls established for specific sites with mapping and land use controls, as amended, provided as reference material to this Ordinance.

iii. The re-occupancy maintains the pre-existing pattern of use of the site including the general location of the building and parking and service areas.

iv. The usable floor area of the building is not increased by more than 2,000 square feet, within the existing building footprint.

v. The amount of impervious surface on the project site is not increased by more than 2,000 square feet.

vi. There is adequate parking available for the new use in accordance with Section 4.9 (Parking and Loading).

vii. The re-occupancy of the building will not change the primary use of the building from residential to non-residential or from non-residential to residential.

viii. The initial non-military re-occupancy of a building shall not be considered a Change of Use even if it does not meet the vacancy time limits of Subsection 5.2.1.B(1) (Change of Use Defined). All subsequent re-occupancy of buildings in the Growth Districts applied to former BNAS lands shall be subject to the Change of Use review requirements of Subsection 5.2.1.B (Change of Use Permit) as applicable.

e. The Change of Use of a building in the Brunswick Landing area with less than 10,000 square feet of floor area, provided that the new use does not significantly intensify the use of the property compared to its previous use. A new use that increases the required off-street parking required by Section 4.9 (Parking and Loading) by more than 20 percent, or that increases the number of peak hour vehicle trips based upon the current edition of the ITE Trip Generation Manual, as amended, by more than 20 percent, or that meets any of the review thresholds of Subsection 5.2.9.B(2) (Development Activities Subject to Development Review) shall be considered to significantly intensify the use. If the Codes Enforcement Officer determines that there will be a significant intensification of the use, the activity shall be deemed to be a minor development subject to Development Review.

(2) **Development Activities Subject to Development Review**

a. The activities listed in Table 5.2.9.B shall be subject to Development Review based on the applicable thresholds.

b. Activities that do not meet the thresholds may still require additional review and/or permitting by the Codes Enforcement Officer or as required within applicable zoning overlay zones.

c. A Certificate of Appropriateness from the Village Review Board is required if the proposed development is within the Village Review Overlay Zone.

Thresholds for development review apply only to new or "add-on" construction, except as indicated in Subsection 5.2.9.C (Cumulative Development and Amendments). If development is proposed on two (2) or more lots and the Director finds that the development functions as a single project, thresholds for development review shall be applied to the project as though the lots on which it is located is a single lot.

Table 5.2.9.B
Development Review Threshold Criteria

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
Construction of New Floor Area	All GR, GC and Rural Districts; GM1, GM2, GM5, GM6, GM8	Less than 1,000 sq. ft.	Building Permit	Code Enforcement Officer
		1,000 – 5,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 5,000 sq. ft.	Major Development Review	Planning Board
	All Other Zoning Districts	Less than 2,000 sq. ft.	Building Permit	Codes Enforcement Officer
		2,000 - 10,000 sq. ft.	Minor Development	Staff Review

Table 5.2.9.B Development Review Threshold Criteria				
Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
			Plan	Committee
		Over 10,000 sq. ft.	Major Development Review	Planning Board
Net New Impervious Surface	All GR, GC and Rural Districts; GM1, GM2, GM5, GM6, GM8	Less than 1,000 sq. ft.	Building Permit	Codes Enforcement Officer
		1,000 - 5,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 5,000 sq. ft.	Major Development Review	Planning Board
	All Other Zoning Districts	Less than 2,000 sq. ft.	Building Permit	Code Enforcement Officer
		2,000 - 10,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 10,000 sq. ft.	Major Development Review	Planning Board
	All Zoning Districts	Development Subject to Conditional Use Permit or Special Permit creating less than 5,000 sq. ft.	Minor Development Review	Staff Review Committee
		Development Subject to Conditional Use Permit or Special Permit creating 5,000 or more sq. ft.	Major Development Review	Planning Board
Net Cumulative Total of New Floor Area and New Impervious Surface	All GR, GC and Rural Districts; GM1, GM2, GM6, GM8, GN	Less than 1,500 sq. ft.	Building Permit	Codes Enforcement Officer
		1,500 – 7,500 sq. ft.	Minor Development Review	Staff Review Committee
		Over 7,500 sq. ft.	Major Development Review	Planning Board
	GM3, GM4, GM5, GI	Less than 3,000 sq. ft.	Building Permit	Code Enforcement Officer
		3,000 – 15,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 15,000 sq. ft.	Major Development Review	Planning Board
	GM7, GA, GI, GO	Less than 3,000 sq. ft.	Building Permit	Code Enforcement Officer
		3,000 - 20,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 20,000 sq. ft.	Major Development Review	Planning Board
Change of Use	All Zoning Districts	Less than 10,000 sq. ft.	Change of Use Permit	Codes Enforcement Officer
	All Zoning Districts outside of Brunswick Landing	Over 10,000 sq. ft.	Major Development Review	Planning Board
	GM7, GA, GI, GO Districts within Brunswick	10,000 – 20,000 sq. ft.	Minor Development Review	Staff Review Committee
		Over 20,000 sq. ft.	Major Development Review	Planning Board

Table 5.2.9.B Development Review Threshold Criteria				
Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
	Landing			
	All Growth Residential Districts	Conversion of single or two-family residence to any other use	Major Development Review	Planning Board
Construction of Multi Family Dwelling Units that does not create a subdivision	All Zoning Districts	Less than 3 units	Building Permit	Code Enforcement Officer
	All Zoning Districts	3-5 units	Minor Development Review	Staff Review Committee
	All Zoning Districts	Over 5 units	Major Development Review	Planning Board
Traffic	All Zoning Districts	An activity generating more than 100 peak hour vehicle trips, based on ITE Trip Generation Manual, as amended, unless previously addressed as part of an approved plan, or upon recommendation by the Town Engineer.	Major Development Review	Planning Board
Mobile Home Park development or expansion	All Zoning Districts	All	Major Development Review	Planning Board
Development on a Road with a Level of Service of "F"	All Zoning Districts	Construction of new floor area of over 2,000 sq. ft., creation of new impervious surface of over 2,000 sq. ft. or cumulative total of new floor area and impervious surface of over 3,000 sq. ft.	Major Development Review	Planning Board
New Road Construction	All Zoning Districts	New private or public Road proposed as part of development application	Major Development Review	Planning Board
Subdivision	All Zoning Districts	Subdivision as defined by Title 30-A M.R.S.A. Subsection 4401, as amended	Major Development Review	Planning Board
Mineral Extraction	All Zoning Districts	Pursuant to Section 3.4.1.T	Major Development Review	Planning Board
Ultra-Light Airpark	All Zoning Districts	All	Major Development Review	Planning Board
Solar Energy Collection Facilities, Ground-Mounted	Where Permitted (See Tables 3.2 and 3.3)	Large Scale Facilities	Major Development Review	Planning Board
Hours of Operation	Residential Districts	Non-residential use with operating hours between 11pm and 7am	Major Development Review	Planning Board
For Shoreland Protection Overlay (SPO):				
Filling and Earthmoving Activity	Shoreland Protection Overlay	Over 10 cubic yards	SPO Permit	Codes Enforcement Officer
	Shoreland	10 cubic yards or less	SPO Permit	Code Enforcement

Table 5.2.9.B Development Review Threshold Criteria				
Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
	Protection Overlay-Resource Protection District			Officer
		10 to 100 cubic yards	Minor Development Review	Staff Review Committee
		Over 100 cubic yards	Major Development Review	Planning Board
	Shoreland Protection Overlay-Stream Protection District	10 cubic yards or less	SPO Permit	Code Enforcement Officer
		10 to 100 cubic yards	Minor Development Review	Staff Review Committee
		Over 100 cubic yards	Major Development Review	Planning Board
Forest management activities including timber harvesting and land management roads	Shoreland Protection Overlay	All	Yes	Maine Bureau of Forestry
Clearing or removal of vegetation for activities other than timber harvesting	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
	Shoreland Protection Overlay-Resource Protection District	All	SPO Permit	Code Enforcement Officer
	Shoreland Protection Overlay-Stream Protection District	All	SPO Permit	Code Enforcement Officer
Piers, docks, wharfs, bridges, and other structures and use activities extending over or below the normal high-water line or within a wetland	Shoreland Protection Overlay	Temporary	SPO Permit	Code Enforcement Officer
		Permanent	Major Development Review	Planning Board
Principal and Accessory Structures or uses other than functionally-water dependent	Shoreland Protection Overlay	Outside structure setback	SPO Permit	Code Enforcement Officer
	Shoreland Protection Overlay-Resource Protection District	Within structure setback	See Section 1.6 (Nonconformities)	Code Enforcement Officer
	Shoreland Protection	Within structure setback	See Section 1.6 (Nonconformities)	Code Enforcement Officer

Table 5.2.9.B Development Review Threshold Criteria				
Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
	Overlay-Stream Protection District			
Agriculture	Shoreland Protection Overlay	All	Yes, unless otherwise stated in Subsection 2.3.3.C(5)	Code Enforcement Officer
Conversion of seasonal residences to year-round residences	Shoreland Protection Overlay	All	Change of Use Permit unless residential use is prohibited within zoning district.	Code Enforcement Officer
Home Occupations	Shoreland Protection Overlay	All	Performance Standard in Subsection 3.4.2.C	Code Enforcement Officer
Aquaculture	Shoreland Protection Overlay	All	Yes, unless otherwise stated in Subsection 2.3.3.C(6)	Code Enforcement Officer
Mineral Exploration	Shoreland Protection Overlay	All	Yes, unless otherwise stated in Subsection 2.3.3.C(14)	Code Enforcement Officer
Fire Prevention Activity	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Motorized vehicular traffic on existing roads and trails	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Wildlife Management Activity	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Soil and water conservation Activity	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Surveying and Resource Analysis Activity	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Emergency Operations	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Signs	Shoreland Protection	All	Yes	Code Enforcement Officer

Table 5.2.9.B Development Review Threshold Criteria				
Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
	Overlay			
Service drops, as defined, to permitted uses	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Road construction	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
	Shoreland Protection Overlay – Resource Protection	All	No	N/A
	Shoreland Protection Overlay – Stream Overlay	All	Major Development Review	Planning Board
Parking facilities	Shoreland Protection Overlay	All	No	N/A
	Shoreland Protection Overlay – Resource Protection	All	No	N/A
	Shoreland Protection Overlay – Stream Overlay	All	No	N/A
Marinas	Shoreland Protection Overlay	All	Major Development Review	Planning Board
	Shoreland Protection Overlay – Resource Protection	All	No	N/A
	Shoreland Protection Overlay – Stream Overlay	All	Major Development Review	Planning Board
Uses similar to permitted uses	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Uses similar to uses requiring CEO approval	Shoreland Protection Overlay	All	Yes	Code Enforcement Officer
Uses similar to uses requiring Staff Review Committee approval	Shoreland Protection Overlay	All	Minor Development Review	Staff Review Committee

Table 5.2.9.B
Development Review Threshold Criteria

Impact Criteria	Zoning District	Threshold	Level of Review	Reviewing Authority
Uses similar to uses requiring Planning Board approval	Shoreland Protection Overlay	All	Major Development Review	Planning Board

Notes:
[1] Development Review Thresholds for those uses or activities within the Shoreland Protection are described as follows:
Yes - Permitted land use or activity. No permit required but the land use or activity must comply with all applicable zoning district standards and Shoreland Protection Overlay district standards)
No - Prohibited land use or activity.

C. **Cumulative Development and Amendments**

(1) Development Review thresholds shall be based upon cumulative development totals over a five (5) year period. If any threshold is exceeded during any five (5) year period, all development within that time period shall be subject to review.

(2) Amendments to approved plans shall be subject to the appropriate level of review.

D. **Joint Meeting, Hearing, and Application**

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

E. **Effect of Violations on Application**

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

F. **Restrictions on Activities During Review**

(1) **Pending Application**

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

a. The expiration of Sketch Plan approval, in accordance with Subsection 5.2.9.Q (Expiration of Development Review Approval);

b. The receipt of the applicant's written statement withdrawing the application submitted to the Director; or

c. The failure of the applicant to respond to requests for additional information, appear at Board meetings or hearings, or otherwise maintain the application in an active state for a period of four (4) months or more.

(2) **Regulation of Activities While Application is Pending**

a. While an application is pending, the following activities are prohibited and the Code Enforcement Officer shall not issue permits for demolition, excavation, filling, grading, removal of topsoil, and clearing of vegetation on any portion of the subject property. Failure of the applicant to comply with these activity prohibitions, as determined by the Code Enforcement Officer, may cause the application to be denied. If an application is denied pursuant to this Subsection, the application process shall be terminated. If the applicant chooses to reapply for the same proposal or submit a new application for a different proposal, the applicant must submit a detailed plan for remediation of any adverse impacts of the prohibited activity.

b. While an application is pending, the following activities are permitted and, if necessary, the Code Enforcement Officer may issue permits for:

i. Activities related to the development of a lot not included in a subdivision or proposed subdivision, unless such lot is subject to a pending Development Review, Change of Use, Conditional Use Permit, or Special Permit application;

ii. Activities required for the routine maintenance of existing structures or uses or to remedy a health or safety hazard;

iii. Activities incidental to the gathering of information needed for the pending application for Development Review (e.g., land surveying, soils testing and mapping, etc.), provided that such activities be undertaken in a manner that minimizes disruption of the site;

iv. Activities unrelated to the pending application, as determined by the Code Enforcement Officer.

G. **Minor, Major and Streamlined Major Development Review Procedures**

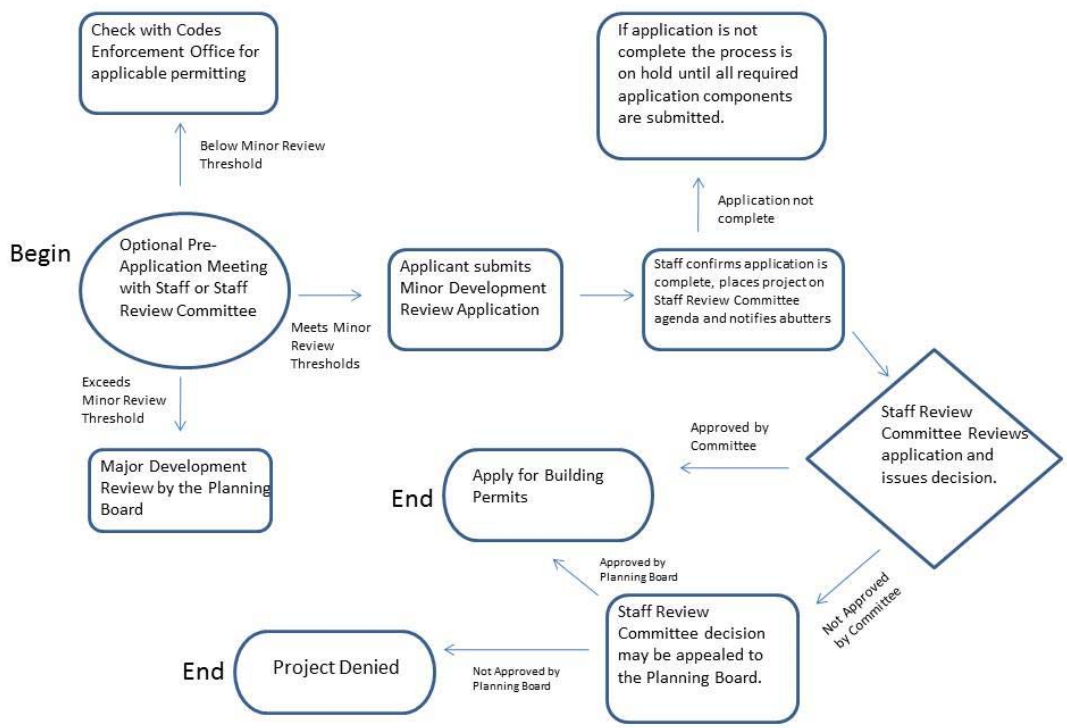
This section outlines the review procedures for Minor Development Review, Major Development Review, and the Streamlined Major Development Review process required for Subdivision or Site Plan approval.

(1) **Minor Development Review Procedure**

a. This section outlines the review procedures for Minor Development Review Applications. Development Review shall be conducted in accordance with the Development Review Time and Processing Requirements, Table 5.2.9.I and further illustrated by Figure 5.2.9.G.1. In reviewing the application, the Staff Review Committee shall first determine whether or not to grant any requested submission waivers, based upon criteria set forth in Subsection 5.2.9.M.(Waiver Criteria). The Director shall make recommendations concerning any requested waiver. If a waiver request is denied, the application shall be deemed incomplete at which time the applicant may either revise or withdraw the pending application.

Figure 5.2.9.G.1: Minor Development Review Procedures

This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 5.2.9.G.1.



b. When Staff makes a determination that an application for Minor Development Review is complete, in accordance with Subsection 5.1.4, the Director shall so notify the applicant. The Director shall also request the applicant to submit ten (10) additional copies of the complete application materials to the Department of Planning and Development for distribution to Staff Review Committee members. Such materials shall be received at least 14 days prior to the Staff Review Committee meeting.

c. In issuing its decision to deny or approve the application, the Staff Review Committee shall make written findings of fact in accordance with the criteria in Subsection 5.2.9.O (Review Criteria). The date of plan approval, denial or conditional approval shall be the date of Staff Review Committee action.

d. The Staff Review Committee shall take public comment at its meeting for all applications under its consideration in accordance with Subsection 5.1.3.C.

e. The applicant or an abutter may appeal the decision of the Staff Review Committee to the Planning Board by submitting an appeal application to the Director within 30 days of the date of the action. The Planning Board shall render its decision following the procedures in Subsection 5.2.9.N (Findings of Fact and Approved Motions by Review Authority).

f. All references to the Staff Review Committee shall be construed to be the same as references to the Planning Board if the Planning Board conducts the Minor Development Review.

(2) **Major Development Review Procedures**

This section outlines the review procedures for Major Development Review Applications. Major Development Review shall be conducted in accordance with the Development Review Time and Processing Requirements, Table 5.2.9.I and further illustrated by Figure 5.2.9.G.2. An applicant may submit a site plan application using the Streamlined Major Development Review procedure (Subsection 5.2.9.G(3)); however, for larger projects, an applicant is strongly encouraged to use the two-step Major Development Review procedure.

a. **Sketch Plan**

The Planning Board shall review the sketch plan and provide direction to the applicant in accordance with all pertinent provisions of this Ordinance. After completing its review of the application, the Planning Board shall vote to deny, approve, or approve the application with conditions. The date of Sketch Plan approval, denial or conditional approval shall be the date that the Planning Board takes action on the application.

b. **Final Plan**

i. The Planning Board shall review the final plan application. After completing its review of the application, the Planning Board shall vote to deny, approve or approve the application with conditions. The date of Final Plan approval, denial, or approval with conditions shall be the date that the Planning Board votes on a Final Plan application.

ii. If an application for Major Development Review is denied, the Planning Board's decision may be appealed in accordance with Subsection 5.2.7.

c. **Public Hearings**

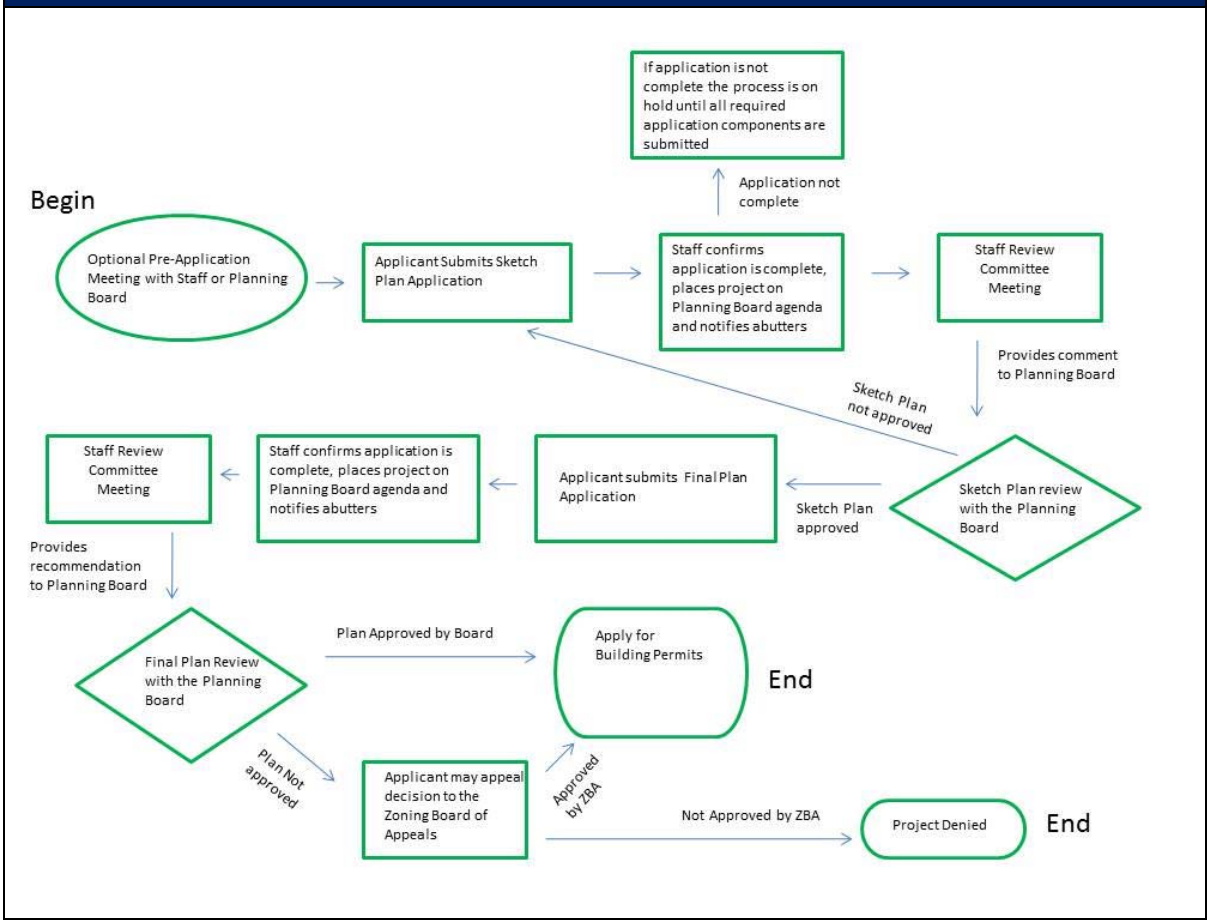
The Planning Board shall conduct a public hearing for any residential development containing more than 20 units, and for any non-residential development resulting in the new development of 30,000 or more square feet of impervious coverage, in accordance with Subsection 5.1.3.B.

d. **Public Comment**

The Planning Board shall take public comment at its meetings for all development review applications under its consideration in accordance with Subsection 5.1.3.C.

Figure 5.2.9.G.2: Major Development Review Procedures

This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 5.2.9.G.2

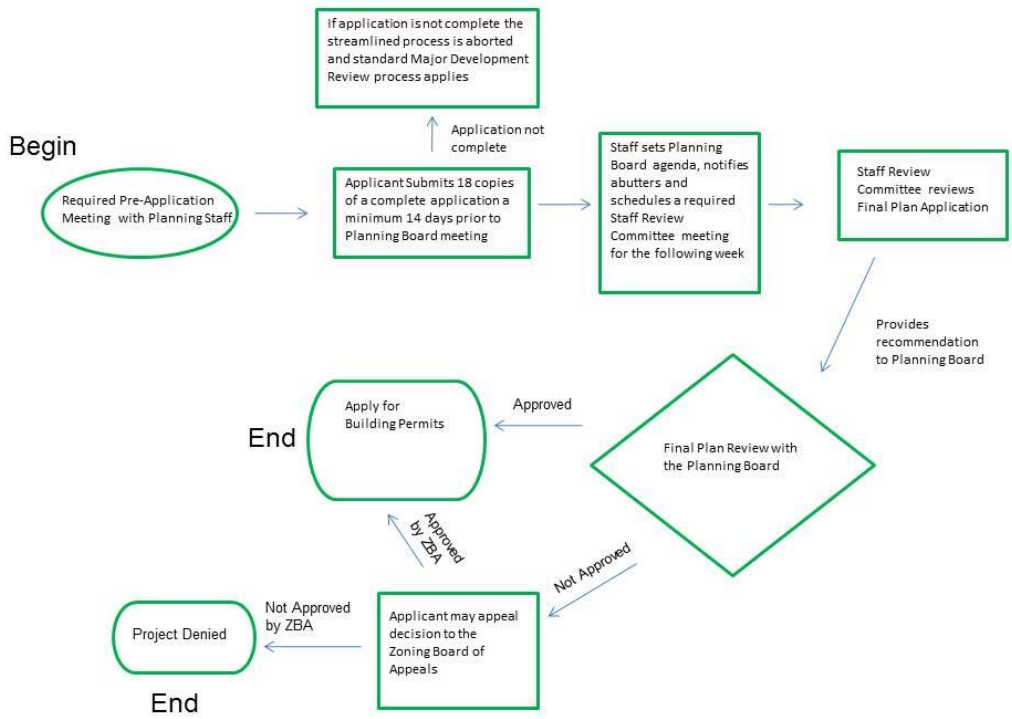


(3) **Streamlined Major Development Review Procedures**

The following outlines the review procedure for Streamlined Major Development Review. Development review shall be conducted in accordance with this subsection and further illustrated by Figure 5.2.9.G(3).

Figure 5.2.9.G(3): Streamlined Major Development Review Procedures

This flowchart is for informational purposes only. The standards in the Zoning Ordinance regulating this flowchart are found in Section 5.2.8.G.3



a. For a proposed development to qualify for Streamlined Major Development Review it must be within the Town's designated Growth Area as defined by the Brunswick 2008 Comprehensive Plan, as amended.

b. The applicant shall meet with Department staff prior to submitting an application.

c. Applicant shall follow the Major Development Review Procedures in Subsection 5.2.9.G(2) except that no Sketch Plan is required.

d. If application is not complete at Staff's determination of completeness under Subsection 5.2.9.K(2) (Determination by Staff of Completeness of Application) the streamlined process is terminated and the standard Major Development Review process applies.

H. Common Development Plan

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

requirements are summarized in Appendix D - Summary of Development Application Requirements.

(1) **Criteria for Designation as a Common Development Plan**

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

a. The proposed development shall be located within the Town's designated growth area as defined by the Brunswick 2008 Comprehensive Plan, as amended.

b. All buildings and structures shall be part of, and consistent with, a common pattern of development. The relationship of the buildings to public and private streets and to parking areas shall result in a unified pattern;

c. The development shall incorporate private or public amenities that enhance the development's pedestrian friendly environment;

d. There shall be common vehicular and pedestrian circulation systems that create a pedestrian friendly environment for the entire development and that integrate the individual buildings into an overall pattern; and

e. There shall be an overall design theme or treatment of site improvements including lighting, signs, paving, site furniture, and landscaping.

(2) **Designation Approval Process**

A Common Development Plan designation shall be optional and voluntary, except in the case of village center type development as defined in the Cook's Corner Design Standards. If designated, all applicable zoning dimensional standards shall be established for the development by the Planning Board as part of the Major Development Review process, shall be consistent with the Brunswick 2008 Comprehensive Plan, as amended. If the proposed area for designation is within or abuts a Growth or Rural Residential District, the established zoning dimensional standards shall comply with Subsection 4.12 (Neighborhood Protection) and shall not deviate from the applicable zoning district dimensional standards by more than 20 percent The zoning dimensional standards established for the Common Development Plan designated area shall supersede the dimensional standards for the underlying zoning district. Any property owner or applicant for development review may request that a development be designated as a Common Development Plan in accordance with the following process:

a. An application requesting a development to be designated as a Common Development Plan shall be submitted 21 days prior to the Planning Board meeting and shall be accompanied by the materials set forth in Appendix D: Submission Requirements.

b. A request may be made by the owner of the property or by any party having valid right, title or interest in the property including an option to purchase or a purchase and sale agreement.

c. The request to be designated as a Common Development Plan shall be submitted prior to any applications for development

d. Within 60 days of the date on which a complete request is submitted, the Planning Board shall decide if the proposed development conforms to the criteria and shall be designated as a Common Development Plan. If the Board finds that the criteria

are met, it shall approve the designation. If not, the Board shall deny the designation and indicate the reasons for its denial.

e. Within 90 days of Planning Board approval, the Common Development Plan shall be recorded in the Cumberland County Registry of Deeds by the applicant. Said Plan shall note any conditions and the applicable dimensional standards for the development area imposed by the Planning Board.

(3) **Post-Designation**

a. Once a development has been designated as a Common Development Plan, all subsequent applications for Development Review for buildings or structures within the area covered by the designation shall be consistent with the Common Development Plan reviewed by the Planning Board in making the determination.

b. An owner or applicant may request that a project that has been designated as a Common Development Plan be revised based upon new information using the same procedure as used for the initial designation. If a project is revised, the revised project shall be consistent with any existing development approval and the Town of Brunswick 2008 Comprehensive Plan, as amended.

c. Prior to the start of construction of the first building or structure within a designated Common Development Plan, the owner or applicant may request that the designation be vacated and no longer apply to the project. Once construction is started on the first building under the designation of a Common Development Plan, the designation may not be vacated but may be revised.

I. **Development Review Time Requirements**

Table 5.2.9.I details the required time limits for Development Review applications. All time limits are expressed in calendar days. In cases where the date prescribed in this Table is a legal holiday, all deadlines shall apply to the previous working day.

Table 5.2.9.I: Development Review Time and Processing Requirements

Timing	Minor Development Review (Staff Review Committee)	Standard Major Development Review (Planning Board)	Streamlined Major Development Review (Planning Board)
21 days prior to Review Authority Meeting		Deadline for filing one (1) copy of application for Planning Board consideration.	No less than 21 days prior to Planning Board consideration, applicant shall meet with Department staff to discuss application.
No less than 14 days prior to Review Authority meeting	Deadline for filing one (1) copy of application for Staff Review Committee consideration. Staff confirms that application is complete within three (3) working days and all owners of property within a 200 ft. radius of the proposed development are notified. The applicant then supplies 12 copies of all application materials and one (1) electronic copy.	Within five (5) working days, staff confirms that application is complete and all owners of property within a 200 ft. radius of the proposed development are notified of the Staff Review Committee and Planning Board meetings. The applicant then supplies 12 copies of all application materials and one (1) electronic copy for Staff Review Committee distribution.	Deadline for filing one (1) copy of application for Planning Board consideration. [1] Staff confirms that application is complete and all owners of property within a 200 ft. radius of the proposed development are notified of the Staff Review Committee and Planning Board meetings. The applicant then supplies 12 copies of all application materials and one (1) electronic copy for Staff Review Committee distribution.

Table 5.2.9.I: Development Review Time and Processing Requirements			
Timing	**Minor Development Review (Staff Review Committee)**	**Standard Major Development Review (Planning Board)**	**Streamlined Major Development Review (Planning Board)**
No less than seven (7) days prior to Review Authority meeting		The application shall be brought before the Staff Review Committee for comments and recommendation. Within five (5) days following the Staff Review Committee meeting, the applicant shall supply nine (9) copies of the revised plans and one (1) electronic version for distribution to Planning Board. If a Public Hearing is required, the first of two (2) required notices shall appear in a newspaper of general circulation no less than seven (7) days prior to the hearing.	The application shall be brought before the Staff Review Committee for comments and recommendation. Within five (5) days following the Staff Review Committee meeting, the applicant shall supply nine (9) copies of the revised plans and one (1) electronic version for distribution to Planning Board. If a Public Hearing is required, the first of two (2) required notices shall appear in a newspaper of general circulation no less than 7 days prior to the hearing.
No less than three (3) days prior to Review Authority meeting	The Director shall issue preliminary Findings of Fact based on Subsection 5.2.9.O and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed, or hand delivered to the Staff Review Committee and the applicant.	The Director shall issue preliminary Findings of Fact based on Subsection 5.2.9.O and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed, or hand delivered to the Planning Board and the applicant.	The Director shall issue preliminary Findings of Fact based on Subsection 5.2.9.O and shall issue a draft set of conditions of approval, if any. This material shall be mailed, emailed, faxed or hand delivered to the Planning Board and the applicant.
No more than seven (7) days after decision by Review Authority	The Staff Review Committee shall transmit its written decision and Findings of Fact to the applicant.		
No more than 30 days after decision by Review Authority if Public Hearing held, or no more than 60 days if no public hearing is held.		The Planning Board shall transmit its written decision and Findings of Fact to the applicant.	The Planning Board shall transmit its written decision and Findings of Fact to the applicant.
No more than 30 days after application is deemed complete by staff.	The Review Authority shall consider an application unless postponement is requested or agreed to by applicant.		
NOTES: 1. If application lacks any required submittal materials, the streamlined process shall be terminated and the application shall revert back to the Major Development Review process.			

J. **Submission Requirements**

The submission requirements contained in Appendix D - (Summary of Application Requirements) shall apply to all Minor Development, Major Development, and Streamlined Major Development Review applications, unless a waiver is granted. Proposed development applications shall be submitted to the Director. For each item listed in Appendix D the applicant shall either submit the requested information or request a waiver from the information requirement, pursuant to Subsection 5.2.8.M (Waiver Provisions).

K. **Town Processing of Development Review Applications**

(1) **Receipt**

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

(2) **Determination by Staff of Completeness of Application**

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

(3) **Required Notification**

The Town shall notify the owners of all property located within a 200 foot radius of the boundaries of the proposed development in accordance with Subsection 5.1.3.B

L. **Review Process: General Provisions**

(1) **Additional Studies**

The Review Authority may undertake or require the applicant to undertake any study that it reasonably deems essential to ensure that the development can satisfy the Review Criteria set forth in Section 5.2.9.O (Review Criteria). The reasonable cost of any such study shall be paid by the applicant.

(2) **Street Names**

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

(3) **Peer Review**

Peer review is a professional evaluation conducted by a consultant of the Review Authority to assist in determining whether an application submission satisfies the Review Criteria set forth in Subsection 5.2.9.O (Review Criteria). The Review Authority may, by majority vote, select a consultant to perform a peer review for the Review Authority at the applicant's expense. Peer review shall not be undertaken unless it is necessary for an informed review of the application materials and its costs are reasonable, considering the nature and the scope of the application. Estimated costs for peer review shall be disclosed to the applicant prior to undertaking such review. The Town shall require an applicant to deposit funds into an escrow account to be held for the purpose of reimbursing the peer review costs. The applicant shall be entitled to an accounting of the use of all funds, and shall be entitled to a refund of all funds not expended upon final approval, denial or withdrawal of an application. The Review Authority reserves the right to deny any application due to a lack of information necessary to deem the proposal in compliance with Subsection 5.2.9.O (Review Criteria).

(4) **Contract Consulting Services**

The Town of Brunswick may employ independent professional consultants to assist staff in the review of applications for development review, conditional or special permits, village review overlay district, or natural resource related determinations to evaluate if the proposal meets all applicable provisions of this Ordinance and other related codes and Ordinances as part of the application review process. Fees associated with the use of such consultant(s) shall be borne entirely by the applicant. Estimated costs for peer review shall be disclosed to the applicant prior to undertaking such review and the Department shall oversee the consultant's work. The Town shall require an applicant to deposit funds into an escrow account to be held for the purpose of reimbursing the peer review costs. The applicant shall be entitled to an accounting of the use of all funds, and shall be entitled to a refund of all funds not expended upon final approval, denial or withdrawal of an application.

M. **Waiver Provisions**

(1) **Authority to Grant Waivers**

The Review Authority may waive requirements of the Development Review Process or Review Criteria set forth in this Subsection 5.2.9.O. The Director shall make recommendations in writing to the Review Authority concerning any requested waiver.

(2) **Waiver Criteria**

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

a. The waiver shall be consistent with the Review Criteria in Subsection 5.2.9.O and the goals of the applicable Planning Area, as described in Appendix A - Planning Areas.

b. A waiver may be granted if the requested information or submission requirement(s) is found by the Review Authority to be either not relevant to the application or not necessary to determine compliance with the Review Criteria in Subsection 5.2.9.O.

N. **Findings of Fact and Approved Motions by Review Authority**

(1) The Review Authority may approve, deny, or approve with conditions an application for Development Review after it has reviewed the Review Criteria in Subsection 5.2.9.O.

(2) Findings of Fact and Approved Motions shall be made in writing and shall be sufficient to apprise the applicant and any interested party of the basis for the decision. The Findings of Fact and Approved Motions shall include the following:

a. A report prepared by the Director evaluating the application proposal based upon the Review Criteria in Subsection 5.2.9.O.

b. Any supporting documentation, including, as appropriate, Staff Review Committee and/or staff review and recommendation, and Village Review Board actions and recommendations from other Town appointed Boards, Commissions, and Committees;

c. Any conditions of approval imposed by the Review Authority.

O. **Review Criteria**

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

(1) Complies with all requirements and conditions of approval of any prior development permits or approvals;

(2) Complies with any applicable standards in Chapter 2 -(Zoning Districts), Chapter 3 -(Property Use Standards), and Chapter 4 -(Property Development Standards);

(3) Complies with all other applicable standards in this Ordinance, Town Ordinances, and State and federal laws; and

(4) Is consistent with the Brunswick 2008 Comprehensive Plan, as amended.

P. **Post Approval Provisions**

(1) **Plan Approval Does Not Equal Acceptance**

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

(2) **Recording**

All Subdivisions for which Final Plan approval has been granted, and any conditions of approval that have been imposed by the Planning Board for the Subdivision or Final Plan, shall be filed in the Cumberland County Registry of Deeds by the applicant. No building permits associated with a Subdivision shall be issued until applicant provides proof of recording. Any deeds issued after the granting of Subdivision approval must reference the plan and any conditions imposed upon it. If the applicant fails to record the Subdivision plan within 90 days after Subdivision approval by the Planning Board, the approval shall expire.

(3) **Phasing of Development**

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

(4) **Submission of Digital Data**

Digital data produced for any approved subdivision shall be submitted to the Town in DWG file format prior to issuance of the first certificate of occupancy for a development. Such digital submission shall include: development name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of all existing and proposed streets; profiles of centerlines of proposed streets, of a horizontal scale of one (1) inch = 50 feet and a vertical scale of one (1) inch = five (5) feet, with all elevations referred to U.S.G.S. datum and appropriate GIS reference. Digital transfer of any subdivision data in GIS format on the Town's Horizontal Datum: Maine State Plane

Coordinate System: Maine West Zone 4101, FIPS Zone 1802, North American Datum 1983; Units: Feet; Vertical Datum: North American Vertical Datum of 1988 (NAVD 1988). The requirement of submission of digital data may be waived, upon the recommendation of the Town Engineer, for subdivisions of limited scope. Subdivision plans drawn by hand do not need to meet this requirement.

(5) **Subdivision Lot Sales Prohibited**

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

(6) **Vesting**

a. Applications for Development Review approval shall be reviewed under the Ordinance provisions in effect at the time a full application is submitted to the Director per submission requirements contained in Appendix D: Summary of Development Application Requirements.

b. Development approvals shall be fully vested from the date the application is determined to be complete by the Review Authority until the expiration of such approval. After such expiration, the applicant shall have no rights to develop according to the expired Final Plan and shall be subject to any adopted amendments to this Ordinance.

c. In any partially completed phased development, if the commencement of any phase is delayed by three (3) years, the Review Authority may declare the development approval expired as to all uncompleted phases, upon 60 days written notice to the property owner/applicant. The owner may request an extension of the phasing plan at any time, which shall be granted if the property owner/applicant shows good cause for the delay and the Review Authority determines that continuing the development as approved is consistent with this Ordinance as amended.

Q. **Expiration of Development Review Approval**

(1) **General**

a. The expiration of plan approval date for any Development Review, Conditional Use Permit, Special Permit and Village Review Overlay Zone applications shall be based upon the date the Review Authority voted to approve the application.

b. Where construction and/or completion of improvements or fulfillment of conditions required in an approved plan, has not occurred within the time limits stated below, a Site Plan, Subdivision, Conditional Use Permit, Special Permit or Village Review Overlay Zone approval shall expire.

c. The applicant may, at any time before the date of expiration, make a written request to the Review Authority for a time extension. This request shall explain the reasons why the improvements or fulfillment of conditions have not been completed and indicate how the applicant expects to complete the development if the Review Authority grants a time extension.

d. The Review Authority may consider any amendments to this Ordinance affecting the development since first approved when considering a request to extend any approval.

(2) **Site Plan Approval Expiration**

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

(3) **Subdivision Approval Expiration**

a. **Sketch Plan**

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

b. **Final Plan**

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

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

(4) **Conditional Use Permit Approval Expiration**

A Conditional Use Permit shall expire three (3) years after it is approved by the Planning Board according to the approval provisions in Subsection 5.2.2 unless a Certificate of Occupancy has been granted for the approved use prior to that date.

(5) **Special Permit Approval Expiration**

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

R. **Site Plan and Subdivision Re-approval Process**

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

(1) The applicant shall submit an application and ten (10) copies of the approved plan to the Director along with a cover letter addressing why the improvements/development have not been completed and giving a time schedule to complete the development if reapproved.

(2) The Review Authority may reapprove the original approval, reapprove the original approval with additional conditions or deny the re-approval. The Director shall provide the applicant with a decision in the form of Findings of Fact within seven (7) days of the Review Authority's action.

(3) The Review Authority shall consider any amendments to this Ordinance affecting the development since first approved when considering a request for re-approval.

5.2.10. Revisions to Approved Development Plans

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

A. **General**

(1) An application to revise a previously approved Site Plan shall follow the procedure initially required unless the revision is found not to require Site Plan approval pursuant to Subsection 5.2.1.B (Change of Use Permit) or is deemed to be a minor modification. If the Director determines that the scope of the revisions will either increase the scale of a minor development to that of a major development or will be the functional equivalent of creating another major development, the procedure for Major Development Review shall be followed. Any amendment to a Subdivision plan, with the exception of minor modifications that qualify under Subsection B below, shall be subject to Major Development Review by the Planning Board.

(2) The applicant shall submit a copy of the approved plan, as well as copies of the proposed revision and other information required to process the application. The proposed changes to the approved plan shall be clearly indicated on the revised plan. The application shall include information sufficient to allow the Review Authority to make a determination as to whether or not the revisions meet the standards of this Ordinance. A plan revision shall not be approved unless the applicant is in full compliance with all relevant terms and conditions of the previously approved plan, other than those terms and conditions sought to be amended.

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

B. **Minor Modifications**

(1) Minor Modifications to approved Site Plans, Subdivisions, and Conditional Use and Special Permits may be granted by the Director, in consultation with the Town Planner, Code Enforcement Officer, and the Public Works Director, within 30 days after submittal. The Director may deem a plan modification to be a minor modification on finding that the modification:

a. Does not materially alter the layout or scale of the development or its impact on its surroundings; and

b. Does not increase the number of lots or dwelling units; and

c. Does not violate provisions of any Town Ordinance; and

d. Does not reduce the effectiveness of the approved landscaping, screening or buffering of the site; and

e. Does not significantly alter on-site vehicular circulation; and

f. Does not significantly alter drainage patterns.

(2) The procedure for processing requests for Minor Modifications shall be as follows:

a. The applicant shall submit five (5) copies of the plan showing the proposed revisions and shall pay the established fee.

b. Within ten (10) days, the Director shall determine if the application constitutes a minor modification as defined in Subsection (1) above.

c. If the application is a minor modification, written notification of the proposed modification shall be provided to all owners of adjoining property at least ten (10) days prior to a decision being rendered by the Director.

d. If the application is found not to be a minor modification, the applicant's request shall be forwarded to the applicable Review Authority for consideration.

5.2.11. Ordinance Text or Map Amendment

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

A. When initiating an amendment, the person or entity requesting the amendment shall submit a written request to the Town Council. The Town Council shall decide whether to forward the requested amendment to the Planning Board.

B. If the Town Council forwards the requested amendment, the Planning Board shall conduct at least one (1) public hearing. The Planning Board shall give notice of hearing in accordance with the requirements of Title 30-A M.R.S.A. § 4352.9, and where applicable, § 4352.10.

C. The Planning Board shall prepare a written recommendation to the Town Council. In making its recommendation, the Board shall review whether the requested amendment is compatible with the Planning Area (as listed in Appendix A) in which the zoning district is located and Brunswick 2008 Comprehensive Plan as amended. The written recommendation shall include draft zoning language.

D. The Town Council, on receipt of the written recommendation from the Planning Board, shall follow the provisions regarding Ordinance amendments pursuant to the Town Charter.

E. Notwithstanding the provisions of Subsection A above, the Planning Board may initiate the amendment process by recommending an Ordinance amendment without prior referral from the Town Council.

5.3 Violations, Enforcement, and Penalties

5.3.1. Violations

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

A. The disturbance of any land within the Town;

B. The division or re-division of any land within the Town into lots for sale;

C. The construction, expansion, or modification of any structure within the Town;

D. The use of any land or structure within the Town;

E. The operation or maintenance of any land or structure within the Town.

5.3.2. Enforcement

A. General

(1) The Codes Enforcement Officer shall enforce this Ordinance. In deciding applications, taking enforcement action or undertaking any other activity which the Codes Enforcement Officer is authorized to perform under this Ordinance, the Codes Enforcement Officer may interpret the provisions of this Ordinance.

(2) In addition to any other actions, the Codes Enforcement Officer, upon determination that a violation exists in a special flood hazard area, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

a. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

b. A clear and unequivocal declaration that the property is in violation of a cited State and local law, regulation, or Ordinance;

c. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

d. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

e. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

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

B. Complaints

When any person files a complaint with the Codes Enforcement Officer that this Ordinance is being violated, the Codes Enforcement Officer shall examine the subject of the complaint and take appropriate action within a reasonable amount of time not to exceed five (5) working days. The Codes Enforcement Officer shall keep a record of these complaints and his action on them, and report to the complainant, upon request. If the Codes Enforcement Officer declines to take action on a complaint, neither that non-action nor any written record or report on the complaint constitutes an order, requirement, decision or determination which can be appealed to the Zoning Board of Appeals. Whether or not to take action on a complaint is committed to the sole and exclusive discretion of the Codes Enforcement Officer.

C. Violation Procedure

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

D. **After the Fact Reductions**

(1) The Codes Enforcement Officer may issue a certificate reducing minimum setback requirements to validate the site of mislocated single and two-family residential structures and related accessory structures that are not otherwise legally sited and which were in existence on [insert Ordinance adoption date], provided that:

a. The use of the property is and will remain as a single or two-family dwelling,

b. The reduction will not be more than ten (10) feet, and

c. The encroachment is the result of the inadvertent misplacement of a structure.

(2) If a reduction is approved, the Codes Enforcement Officer shall provide the applicant with a signed instrument in recordable form indicating the minimum setback reduction granted under the terms of this Subsection. The applicant shall be responsible for the recording of this instrument in the Cumberland County Registry of Deeds. If the reduction is not approved, the Codes Enforcement Officer shall advise the applicant of the right to seek an appeal through the Zoning Board of Appeals.

5.3.3. Penalties

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

Appendix A - Planning Areas

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

A.1 Growth Areas

A.1.1. Town Core

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

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

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

A.1.2. Town Residential

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

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

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

A.1.3. Town Extended Residential

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

In general, appropriate uses include a range of residential uses, retirement housing, assisted living, nursing homes, small-scale neighborhood compatible businesses, limited medical and professional uses within the

Growth-Mixed Use (GM8) District (former medical use overlay zone), and recreational facilities. The focus of development standards is to maintain the livability of established neighborhoods while accommodating new development of moderate density and intensity.

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

A.1.4. Cook's Corner Commercial Hub

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

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

A.1.5. Cook's Corner Extended Area

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

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

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

A.1.6. Brunswick Naval Air Station (BNAS) Reuse

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

Within the Growth Area, generalized land uses include walkable live-work neighborhoods, educational institutions, business and professional office, business and technology industries, a fully functioning general aviation airport and related industries, community mixed uses and indoor/outdoor recreational facilities. Development standards shall be flexible in design to accommodate changes in market conditions and be consistent with smart growth principles. Buffering of natural areas and habitats located within and outside the Growth Area and identified in the Environmental Impact Statement shall be required. In addition, land

use controls established by conveyance deeds will be used to mitigate environmental hazards. Conveyances to the Town of Brunswick will serve as a mix of active and passive recreation area.

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

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

A.1.7. Commercial Connectors

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

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

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

A.1.8. Exit 28-Mixed Use Development Area

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

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

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

A.1.9. Industrial Areas

The Industrial Planning Areas include lands appropriate for industrial and other types of more intensive, non-residential uses (excluding large retail uses). This includes the three (3) current industrial areas:

- Industry Road Industrial Park

- Church Road Industrial Area
- East Bath Road Industrial Area

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

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

A.2 Rural Areas

A.2.1. Farm and Forest Planning Areas

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

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

A.2.2. Coastal Protection Planning Areas

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

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

A.2.3. Route One Mixed Use Area

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

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

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

Appendix B - Street Standards

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

B.1 Public Dedication Roadway Standards

All streets proposed for public dedication shall be designed and constructed in accordance with Article VI of the Brunswick Code of Ordinances, Street Acceptance and Standards Ordinance, as amended. The cost of all road construction including the upgrading of a private way for public acceptance shall be paid by the applicant.

B.2 Private Street Standards

The following standards are an alternative to be used for roadways not proposed for public dedication. These requirements relate only to Local and Minor Streets, as defined in Subsection 4.8.1.A

Table B.2: Private Street Standards

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

B.3 Brunswick Landing Street Standards

All private streets in the Brunswick Landing area shall conform to the provisions of the Subsection 4.8.1.A. and Appendix B.2 (Private Street Standards) except as provided for in this Subsection. Where the provisions of this subsection differ from the provisions of Subsection 4.8.1.A or Appendix B.12, the standards of this subsection shall apply. All streets proposed for public dedication shall be designed and constructed in accordance with Article VI of the Brunswick Code of Ordinances, Street Acceptance and Standards Ordinance, as amended.

B.3.1. Existing Streets

The Planning Board may approve a subdivision or development proposal that includes a private street that existed as of the date of adoption of this subsection even if the existing private street does not conform to the requirements of Subsection 4.8.1.A, Appendix 2, and this subsection including, but not limited to, the standards for minimum right-of-way width, minimum pavement width, and minimum distance between intersections, if the Planning Board finds that the layout and design of the private street conforms to the standards to the maximum extent practical and will provide for safe traffic movement and emergency access given the anticipated use of the private street.

B.3.2. On-Street Parking

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

B.3.3. Standards for Private Streets

In the Brunswick Landing area, certain standards for private streets are as follows. The provisions of Table B.2 (Private Street Standards) shall apply to all standards not addressed in the following table:

Table B.3.3: Brunswick Landing Area Private Street Standards

Standard		Collector or Commercial Street	Local Street	Minor Street
Minimum Right-of-Way Width, Curbed	no on-street parking	50 feet	50 feet	50 feet
	on-street parking on one side of the street	58 feet	54 feet	52 feet
	on-street parking on both sides of the street	66 feet	60 feet	58 feet
Minimum Right-of-Way Width, Uncurbed	no on-street parking	60 feet	54 feet	50 feet
	on-street parking on one side of the street	66 feet	60 feet	56 feet
	on-street parking on both sides of the street	74 feet	66 feet	62 feet
Minimum Pavement Width, Curbed	no on-street parking	26 feet	24 feet	22 feet
	on-street parking on one side of the street	32 feet	30 feet	28 feet
	on-street parking on both sides of the street	40 feet	36 feet	34 feet
Minimum Pavement Width, Uncurbed	no on-street parking	26 feet	22 feet	20 feet
	on-street parking on one side of the street	32 feet	28 feet	24 feet
	on-street parking on both sides of the street	40 feet	34 feet	30 feet
Minimum Centerline Radius (see Note 1)		200 feet	140 feet	100 feet
Minimum Shoulder Width (Uncurbed)		2 feet	2 feet	2 feet
Minimum Curb Radius		15 feet - 30 feet	15 feet – 30 feet	10 feet – 25 feet
Note 1: The Planning Board may approve the layout of streets with L-Turns or right angle turns that do not meet these requirements if the design of the turn conforms to the standards for an intersection and the turn is part of a street network.				

Appendix C - Contributing Historic Structures

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

C.1 Federal Street Historic District

Table C.1: Contributing Historic Structures - Federal Street Historic District

	Street Address			Street Address	
U07-50	1	Federal St	U08-94	80	Federal St
U07-51	3	Federal St	U08-93	82	Federal St
U13-130	4	Federal St	U08-90	83	Federal St
U07-52	5	Federal St	U08-92	86	Federal St
U13-129	6	Federal St	U08-91	88	Federal St
U07-53	7	Federal St	U08-104	3	Bath Rd
U07-54	9	Federal St	U08-105	5	Bath Rd
U13-128	8&10	Federal St	U08-106	7	Bath Rd
U07-55	11	Federal St	U08-107	9	Bath Rd
U13-140	12/14	Federal St	U08-108	15	Bath Rd
U07-56	13	Federal St	U08-100	8	Cleaveland St
U07-57	17	Federal St	U08-112	9	Cleaveland St
U13-152	20	Federal St	U08-99	10	Cleaveland St
U07-60	25	Federal St	U08-98	12	Cleaveland St
U07-62	29	Federal St	U08-113	15	Cleaveland St
U07-63	31	Federal St	U08-97	16	Cleaveland St
U13-172	32	Federal St	U08-114	17	Cleaveland St
U08-16	33	Federal St	U08-96	18	Cleaveland St
U13-171	34	Federal St	U08-95	22	Cleaveland St
U13-170	36	Federal St	U13-202	4	Green St
U13-169	38	Federal St	U13-201	6	Green St
U13-168	40	Federal St	U16-23	216	Maine St
U13-180	42	Federal St	U16-43	217	Maine St
U08-35	43	Federal St	U16-41	218	Maine St
U08-68	45	Federal St	U16-42	226	Maine St
U13-179	46	Federal St	U13-176	153	Park Row
U13-199	52	Federal St	U13-175	155/157	Park Row
U08-69	53	Federal St	U13-177	159	Park Row
U13-197A	54	Federal St	U13-186	163	Park Row
U13-197	56	Federal St	U13-187	165	Park Row
U13-196	58	Federal St	U13-188	167	Park Row
U08-78	59	Federal St	U13-189	169	Park Row
U13-195	60	Federal St	U13-190	173	Park Row
U08-83A	61	Federal St	U13-192	179	Park Row
U13-194	62	Federal St	U08-109	181	Park Row
U08-84	63	Federal St	U08-110	183	Park Row
U13-193	64	Federal St	U08-185	185	Park Row
U08-86	69	Federal St	U13-184	8	School St
U08-118	70	Federal St	U13-165	11	School St
U08-87	71	Federal St	U13-166	13	School St
U08-117	72	Federal St	U13-183	14	School St
U08-116	74	Federal St	U13-167	15	School St
U08-88	75	Federal St	U13-182	16	School St

Table C.1: Contributing Historic Structures - Federal Street Historic District					
	Street Address			Street Address	
U08-89	79	Federal St	U13-181	18	School St
			U08-34	22	School St

C.2 Lincoln Street Historic District

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

C.3 Brunswick Commercial Historic District

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

C.4 Individually Listed Properties

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

Appendix D - Summary of Application Requirements

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

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
	environmentally sensitive areas					
	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		X	X	X	
	Location of proposed utilities; water, sewer, electrical lines, and profiles of underground facilities. Tentative locations of private wells.		X	X	X	
	Proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability		X	X	X	
	Proposed locations, widths and profiles of sidewalks		X	X	X	
	Locations and dimensions of proposed vehicular and bicycle parking areas, including proposed shared parking arrangement if applicable.		X	X	X	X
Infrastructure - Proposed	Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swells, and ground cover or other means of stabilization		X	X	X	
	Storm water management plan for the proposed project prepared by a professional engineer		X	X	X	
	The size and proposed location of water supply and sewage disposal systems		X	X	X	
	Where a septic system is to be used, evidence of soil suitability		X	X	X	X
	A statement from the General Manager of the Brunswick Sewer District as to conditions under which the Sewer District will provide public sewer and approval of the proposed sanitary sewer infrastructure		X	X	X	X
	A statement from the Fire Chief recommending the number, size and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken		X	X	X	X
	A statement from the General Manager of the Brunswick and Topsham Water District as to conditions under which public water		X	X	X	X

		Sketch Plan	Final Plan	Streamlined	Common Development Plan	Conditional Use or Special Permit
	will be provided and approval of the proposed water distribution 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 plan 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

Appendix E - 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 Brunswick Naval Air Station (BNAS) facility and obtain the use of a ball field at BNAS 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 ten (10) acres of park and recreation land per 1000 residents or 0.010 acres per capita. The Town currently provides ten (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 ten (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:

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

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RECREATION INVENTORY

	Map/Lot	Total Area	Recreation Area	Park Area	Open Space/Pas Rec Area	Future Rec Area	Total Park, Rec & OS	Acres per Capita (HH)	Other
ACTIVE RECREATIONAL FACILITIES									
Androscoggin River Bicycle Path		32	18.8		13.2		32		Paved bikeway, picnic area, 2 outhouses, soccer field, dog park
Barnes Point Landing		0.17	0.17				0.17		Boat launch, parking (4). Scenic overlook
Bay Bridge Landing Wetland Park		5.93	1.99		3.94		5.93		Walking loop, parking
Coffin Pond Recreation Area		40.9	10.99		29.91		40.9		Freshwater swimming area w/ slide and building, lighted skating rink, playground, fishing, trails, parking
Coffin's Ice Pond		6.26	0.94		5.32		6.26		trail, pedestrian footbridge
Cox Pinnacle		103.4	7.67		95.73		103.4		
Edward's Field		11	11				11		3 multi-use athletic fields, basketball court, playground, Running track, concession stand, benches, parking (75)
Fish Viewing Facility		0	0				0		Parking (8)
Furbish Preserve		591	9.9		581.1		591		Trails (by golf course only)
Greater Commons		144.63	10.37		134.26		144.63		Trails
Hambleton Avenue Playground		0.67	0.67				0.67		Playground
Harriet Beecher Stowe gym		0.24	0.24				0.24		Oversize gym.
Lishness Park (on land leased from the Brunswick Sewer District)		15.7	9.58		6.12		15.7		2 multi-use athletic fields (one lighted), Ice rink, consession stand, children's trail, parking (80)
Longfellow Playground		0.4	0.4				0.4		Playground, basketball court
Maquoit Bay Conservation Land		124.6	4.48		120.12		124.6		Trails, parking lot
Maquoit Landing		6	0.91		5.09		6		Boat launch
McKeen Street Housing common areas		8.95	8.95	0			8.95		Paved basketball court, 4 playground locations, little league baseball field, paved paths
Mere Point Boat Launch		7.47	7.47				7.47		Deep water boat launch, parking, scenic overlook.
Mill Street Canoe Portage		3.4	3.4				3.4		
Nathaniel Davis Park		2.4	2.4	0	0	0	2.4		Playground;
Orion Field		1.58	1.58				1.58		Softball field
Princes Point Boat Launch (State)		1	1		0		1		Boat Launch
Recreation Center		7.3	7.3				7.3		Large indoor gym and track space, parking lots, preschool
Sawyer Park		21.4	6.1		15.3		21.4		Boat launch, trails, picninc area, parking, access road
Senior Gardens		1.01	1.01				1.01		Community garden plots.
Shulman Park		18.55	6.26		12.29		18.55		Soccer field, Parking (63)
Simpson's Point		0.4	0.4				0.4		Boat Launch
Town Commons		71	6.33		64.67		71		Trails, parking lot
Water Street Landings		3.04	3.04				3.04		Boat launches, large parking lot
Wildwood Field		3.82	3.82				3.82		soccer field, parking
High School			12.9				12.9		Tennis courts, track w/infield, 3 athletic fields
Jordan Acres School			1.93				1.93		Athletic field
Hawthorne School			0.13				0.13		Playground
Coffin School			0.36				0.36		Playgrounds
Junior High School			3.9				3.9		Athletic fields
Crimmins Field			6.82		7.18		14		2 multi-use athletic fields, school access paths
Stowe Field			3.86				3.86		Lighted multi-use athletic field, large playground
Subtotal Active Recreational Facilities		**1234.22**	**177.07**	**0**	**1094.23**	**0**	**1271.3**	**0.0686**	
PARKS									
Maine Street Station		0.32	0.32	0			0.32		Intown park w/benches and performing area
Mall - Upper and Lower		7.06	7.06	0			7.06		Gazebo, large event lawn space, Benches, lighted skating rink
Swinging Bridge Park		0.16	0.16	0			0.16		Scenic overlook, benches, parking
Subtotal Parks		**7.54**	**7.54**	**0**	**0**	**0**	**7.54**	**0.0004**	
Total Recreation and Parks		***1241.76***	***184.61***	***0***	***1094.23***	***0***	***1278.84***	***0.069***	

Appendix F - US Navy Land Use Controls Implementation Plan and Mapping

[To be Inserted]