



Town of Brunswick, Maine

PLANNING BOARD

85 UNION STREET, BRUNSWICK, ME 04011

**PLANNING BOARD AGENDA
BRUNSWICK TOWN HALL
85 UNION STREET
TUESDAY, APRIL 28, 2020, 7:00 P.M.**

THIS MEETING IS BEING CONDUCTED VIA ELECTRONIC DEVICES WITH PLANNING BOARD MEMBERS PARTICIPATING FROM REMOTE LOCATIONS.

THERE IS NO OPPORTUNITY FOR THE PUBLIC TO VIEW THIS MEETING IN PERSON.

THE PUBLIC CAN VIEW OR LISTEN TO THE MEETING ON TV3 (CHANNEL 3 ON COMCAST) OR VIA LIVE STREAM FROM THE TOWN'S WEBSITE: <http://tv3hd.brunswickme.org/CablecastPublicSite/watch/1?channel=1>

**THE PUBLIC MAY PROVIDE COMMENT VIA EMAIL (mpanfil@brunswickme.org) PRIOR TO THE MEETING OR THEY MAY PROVIDE LIVE COMMENT VIA ZOOM VIDEO CONFERENCING AT:
<https://zoom.us/j/5097993796?pwd=ekZMdEJpY3pQejByV0lERTFKZlcvdz09>**

OR VIA TELEPHONE AT: (929)205-6099; MEETING ID: 509 799 3796

- 1.** The Planning Board will hold a **PUBLIC HEARING** to review and provide a recommendation to the Town Council on a Zoning Ordinance Text Amendment to Section 4.1. – Applicability of Property Development Standards and the Maximum Building Footprint per Structure Standard for the Growth Mixed-Use 5 (GM5) Zoning District in Table 4.2.3 – Dimensional and Density Standards for Growth Area Zoning Districts of the 2017 Brunswick Zoning Ordinance.
- 2. Other Business**
- 3. Approval of Minutes**
- 4. Adjourn**

This agenda is mailed to owners of property within 200 feet of proposed development sites and 300 feet for Conditional Use or Special Use Permits. Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521. This meeting will be televised.

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Matt Panfil, AICP CUD, Director of Planning & Development

DATE: April 28, 2020

SUBJECT: Public Hearing – Zoning Ordinance Update – Municipal Uses and Maximum Building Footprint Standards

I. INTRODUCTION:

At the direction of Brunswick Town Council (see Attachments A and B), the Planning Board held a workshop on April 14, 2020 to discuss a potential zoning ordinance amendment to accommodate a proposed fire station exceeding the maximum 20,000 square foot building footprint established for the Growth Mixed-Use 5 (GM5) Zoning District in *Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts*. Five (5) options were presented to the Planning Board at the workshop and Department of Planning and Development staff were asked to provide additional information pertaining to the different options prior to a public hearing.

1. Additional Information from the Brunswick Fire Department

A representative from the Fire Department will be available to answer questions during the public hearing.

2. Contact Maine Municipal Association and the Regional Council of Governments to Identify How Other Maine Municipalities Conduct Development Review for Municipal Structures

Staff contacted the Maine Municipal Association and Brunswick's regional council of governments (COG) the MidCoast Economic Development District (although adjacent to the Androscoggin Valley Council of Governments, Brunswick is not a member). At the time of writing, staff has not received a response from either entity.

Staff also sent an email to the Maine Association of Planners (MAP) e-mail group for information. Responses varied from at least partial exemption to an interpretation that there is no room for exemption within the M.R.S.A. Responses are included in Attachment C. An email from the Town Attorney expressing their opinion on the matter is included as Attachment D.

3. Identify Corner Lots within the GM5 Zoning District

Maps of the corner lots, and their dimensions, within both GM5 Zoning Districts are included as Attachment E.

For Planning Board reference, all five (5) zoning ordinance amendment options are provided in the subsequent pages.

II. PROPOSED ZONING ORDINANCE AMENDMENTS:

Option 1: Basic Exemption of Municipal Facilities from Development Standards

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Chapter 4 - Property Development Standards
Section 4.1 - Applicability of Property Development Standards

4.1 Applicability of Property Development Standards

4.1.1 Generally

All developments, **except for municipal facilities as defined in Section 1.7.2 of this Ordinance**, shall comply with standards set forth in this Chapter, unless more restrictive standards apply based on the applicability of an overlay district as set forth in Chapter 2. 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. Review criteria as stated within Title 30-A M.R.S. §4404, as amended, are contained in General Standards for each Subsection.

----- OR -----

Option 2: Detailed Exemption of “Essential Services” from Development Standards

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Chapter 4 - Property Development Standards
Section 4.1 - Applicability of 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, unless more restrictive standards apply based on the applicability of an overlay district as set forth in Chapter 2. 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. Review criteria as stated within Title 30-A M.R.S. §4404, as amended, are contained in General Standards for each Subsection.

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. developments shall comply with standards set forth in this Chapter, unless more restrictive standards

4.1.3 Exemption of Essential Services

Certain public and private activities intended and used to promote the public health, safety, and welfare shall be exempt from the regulations of this Chapter. Provided, however, the equipment erected or installed for such uses shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and to those of other authorities having jurisdiction. Exempted activities are as follows:

- (A) Municipal uses and facilities. All municipal uses and facilities, as defined in Section 1.7.2 of this Ordinance, reasonably necessary for the furnishing of adequate municipal services for the public health, safety, and welfare including sewer and water transmission lines and facilities, fire stations, and governmental buildings.

--- IN THIS SCENARIO, FUTURE EXEMPT SERVICES CAN BE ADDED EASILY. FOR EXAMPLE, SOME COMMUNITIES MAY EXEMPT PRIVATE UTILITIES, UTILITY CABINETS, ETC. ---

----- OR -----

Option 3: Exemption of Municipal Facilities within the Growth Mixed-Use 5 (GM5) Zoning District from the Maximum Building Footprint per Structure Standard in Table 4.2.3. Development Standards

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Chapter 4 - Property Development Standards
Section 4.2 - Dimensional and Density Standards

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	Current Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 ^[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN ^[2]
	1997 Zoning District	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I, J-4	MU1, CC	HC1 & 2	TC1, 2, 3	R-CMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3 & R-B&T	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 <i>see definition</i>)	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	10	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	65	50	50	n/a	n/a	
Building frontage, min. (% of lot width)															75 ^[6]											n/a	
Building frontage, max. (% of lot width)															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	15 ^[19]	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	15 ^[19]	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 ^[19]	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	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	55	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 ^[23]	n/a ^[12]	n/a	25% of lot size	n/a	8.5	5 ^[17]	n/a	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	Current Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 ^[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN ^[2]
	1997 Zoning District	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	, R-CMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	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 Subsection 5.2.9.0 (Waiver Provisions).
- [2] Area of new disturbance per parcel shall not exceed 1% of total acreage, measured as of the effective date of this Ordinance.
- [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 Subsection 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. § 4357-A, , as amended, with a Conditional Use Permit approved in accordance with Subsection 5.2.2 (Conditional Permits).
- [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 Subsection 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.
- [23] Except that municipal facilities shall have no maximum building footprint per structure.**

----- OR -----

Option 4: Amend Table 4.2.3. Development Standards, to Allow Corner Lots within the Growth Mixed-Use 5 (GM5) Zoning District a Maximum Building Footprint per Structure Standard of up to 30,000 feet

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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	Current Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 ^[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN ^[2]
	1997 Zoning District	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I, J-4	MU1, CC	HC1 & 2	TC1, 2, 3	, R-CMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	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 <i>see definition</i>)	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	10	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	65	50	50	n/a	n/a	
Building frontage, min. (% of lot width)															75 ^[6]											n/a	
Building frontage, max. (% of lot width)															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	15 ^[19]	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	15 ^[19]	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 ^[19]	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	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	55	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 ^[23]	n/a ^[12]	n/a	25% of lot size	n/a	8.5	5 ^[17]	n/a	n/a	n/a	n/a	n/a	n/a	

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[Unless separate standards approved in Common Development Plan]**

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	1997 Zoning District	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	, R-CMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	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 Subsection 5.2.9.0 (Waiver Provisions).
- [2] Area of new disturbance per parcel shall not exceed 1% of total acreage, measured as of the effective date of this Ordinance.
- [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.
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- [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.
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- [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 Subsection 2.3.7).
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- [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 Subsection 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.
- [23] Except for lots that have more than one (1) public frontage may be increased to up to 30,000 square feet maximum building footprint per structure.**

----- OR -----

Option 5: Amend Table 4.2.3. Development Standards, to Allow All Lots within the Growth Mixed-Use 5 (GM5) Zoning District a Maximum Building Footprint per Structure Standard up to 30,000 feet.

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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	Current Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 ^[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN ^[2]
	1997 Zoning District	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I, J-4	MU1, CC	HC1 & 2	TC1, 2, 3	R-CMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3 & R-B&T	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 <i>see definition</i>)	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	10	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	65	50	50	n/a	n/a	
Building frontage, min. (% of lot width)															75 ^[6]											n/a	
Building frontage, max. (% of lot width)															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	15 ^[19]	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	15 ^[19]	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 ^[19]	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	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	55	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 30	n/a ^[12]	n/a	25% of lot size	n/a	8.5	5 ^[17]	n/a	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	Current Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 ^[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN ^[2]
	1997 Zoning District	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	, R-CMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	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 Subsection 5.2.9.0 (Waiver Provisions).
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- [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 Subsection 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. § 4357-A, , as amended, with a Conditional Use Permit approved in accordance with Subsection 5.2.2 (Conditional Permits).
- [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 Subsection 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.

III. ATTACHMENTS

- A. Memorandum from John Eldridge, Town Manager, to the Town Council, dated March 11, 2020
- B. Cost analysis (via Email from Rob Frank of WBRC Architects and Engineers to John Eldridge) of a one-story versus two-story structure, dated February 28, 2020
- C. Email responses from various members of the Maine Association of Planners (MAP)
- D. Town Attorney's opinion pertaining to the exemption of municipal facilities from development review.
- E. Maps of corner lots within the GM5 Zoning Districts

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: March 11, 2020

SUBJECT: Fire Station Project

The Town has acquired five of the eight lots and has options to purchase the remaining three lots. We expect to close on one of the lots within the month, with closings on two other lots to occur by the first of May.

The architect continues to prepare the design plans and specifications suitable for soliciting competitive construction bids. Part of that work includes the preparation of a site plan to be submitted to the Planning Board for review pursuant to the Brunswick Zoning Ordinance. We have conducted a preliminary review of that plan and have determined that a Zoning Ordinance amendment is required in order to site the project at the selected location. The current ordinance limits the building footprint to 20,000 square feet. Depending on alternative selected, the project as presented to the Council, excluding the add alternatives, has a footprint of at least 23,542 square feet.

We have reviewed the zoning ordinance requirement with the architect to determine whether the design could be modified to limit the footprint to 20,000 square feet. While the building design could be modified to incorporate a second floor, such a configuration was considered by the Fire Station Task Force. It was determined that a second floor would cost more to accommodate the desired level of programming. Further, most likely the sleeping quarters would be located on the second floor. While that has been a traditional fire station design, it is now thought to be less desirable because it presents more injury risk to the firefighters and it may result in slower response times.

The architect was asked, and has provided, an explanation of the cost differential between a one and two story station. That summary is attached.

I also asked Matt Panfil, Director of Planning and Development, to develop potential Zoning Ordinance amendments that would allow the construction of the fire station exceeding 20,000 square feet. He has developed five options. Should the Council be amenable to changing the ordinance, we would recommend that these options be forwarded to the Planning Board for its consideration and recommendation, as any zoning amendment requires a recommendation from the Planning Board.

We are prepared to answer your questions on March 16th.

attachments

John Eldridge

From: Rob Frank (WBRC AE) <rob.frank@wbrcae.com>
Sent: Friday, February 28, 2020 4:18 PM
To: John Eldridge
Cc: Ken Brilliant; Bob@Mitchell-Architects.com; Mat Ward (WBRC AE)
Subject: 4219.01 - Brunswick Fire Station - 1 vs 2 Story Synopsis
Attachments: 1v2 story analysis.pdf

Importance: High

Good afternoon:

Per your request, please consider this response and the attached SOP cost impact a response to converting the Station from 1-story to 2-story to remain below a 20,000 SF footprint.

We have identified the three following issues related to safety, cost, and functionality for a 2 vs 1 story building.

Item No. 1 – Safety concerns: In addition to the risks inherent with fighting fires, firefighters face dangers that include exposure to carcinogenic byproducts of combustion and accidents that occur in the fire station. From the beginning of this project, the design of the Brunswick fire station has been focused on providing the safest workplace and workflow for the firefighters. Fundamental to this is having the path of movement from living space to fire apparatus as safe as possible. This is especially the case when alarms occur at night where a sleeping firefighter would be required to navigate stairs or a pole immediately upon waking, regardless of the stage of sleep the firefighter is in. The best solution is having the living quarters on the first floor, and avoiding vertical movement by stairs or pole altogether.

Item No. 2 – Cost Impacts: Designing a station that contains between 24 and 30 KSF of program area to the desired budget identified during the conceptual study phase required selections of room size, circulation, and positioning that was most cost-effective, including provisions for alternate bid items. Per the attached cost impact breakdown, we anticipate that 1,971 SF of additional space would be required for horizontal and vertical circulation (stair towers, elevator, elevator machine room, etc.), not including potential space for janitor, laundry, or storage conveniently located to support a fully functional second floor. In addition, costs associated with structural fireproofing and elevator equipment are identified. We did not carry increased costs to upgrade foundations and structural systems per IBC for a 2-story critical use facility, noting that we would realize some cost savings for reduced foundations and roof area in exchange. The rough estimate of this impact to budget is \$815,900 +/- 10%.

Item no. 3 – Fully functional program and future expansion exceeding 20 ksf: If we relocate the residential/exercise spaces to the second floor to allow first floor functions to remain as-is, we anticipate a ground floor footprint of 19,404 SF. If we include the alternate bid bunk rooms on the second floor, that does not change footprint. However, if we add either alternate space for the additional apparatus bay or museum-lobby we will exceed 20,000 sf of footprint. While museum-Lobby and additional bunk rooms could be added after completion of the base bid construction, adding the apparatus bay requires acceptance and construction at the same time of the base bid construction due to positioning (between) other program areas. This would suggest that if favorable bids are received and the apparatus bay is chosen to advance as part of the upcoming construction effort, we would again be faced with requesting a footprint exceeding 20,000 SF during a 45 day-window when competitive bids are held open for acceptance.

Please call if questions.

Best regards,

Robert M. Frank, III, P.E., LEED AP

COMMERCIAL/CIVIC STUDIO DIRECTOR, PRINCIPAL

Maine Licensed Professional Engineer, also licensed in NV, NY and N.B.



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Brunswick Fire Station 1 Story vs 2 Story Comparison
2/28/2020

Area	1 Story Base Bid	2 Story Option Base Bid	1 Story Alternate Bid	2 Story Option Alternate Bid
First Floor	23,542 SF	19,404 SF	26,258 SF	19,404 SF
Office Admin/Assembly	5,835 SF	5,835 SF	6,574 SF	5,835 SF
Apparatus Bay	8,315 SF	8,315 SF	9,608 SF	8,315 SF
Residential/Exercise	4,725 SF	SF	5,409 SF	SF
Storage/Mechanical	4,667 SF	4,624 SF	4,667 SF	4,624 SF
Stair 1	0 SF	225 SF	0 SF	225 SF
Stair 2	0 SF	225 SF	0 SF	225 SF
Elevator/Machine Room	0 SF	180 SF	0 SF	180 SF
Mezzanine	1,810 SF	1,810 SF	1,810 SF	1,810 SF
Second Floor	0 SF	6,109 SF	0 SF	6,793 SF
Residential/Exercise	0 SF	4,768 SF	0 SF	5,452 SF
Stair 1	0 SF	200 SF	0 SF	200 SF
Stair 2	0 SF	200 SF	0 SF	200 SF
Elevator	0 SF	100 SF	0 SF	100 SF
Circulation	0 SF	841 SF	0 SF	841 SF

Total Bldg Area	25,352	27,323	28,068	28,007
Total Bldg Foot Print	23,542	19,404	26,258	19,404
ABI 1 Apparatus Bay 1,293SF	NIC	NIC	Included	NIC
ABI 2 Bunkrooms 684SF	NIC	NIC	Included	Included
ABI 3 Musuem 739SF	NIC	NIC	Included	NIC

Base Bid 2 Story Additional SF	1,971 SF
Construction Est. Cost/SF	\$348
Add SF cost	\$685,908
Fire proof 2nd floor structure \$9/SF	\$54,981
Elevator	\$75,000

2 Story Option Estimated Total Cost Increase **\$815,889** +/- 10%

19,404 Plus
 ABI-1 = 20,697 footprint
 ABI-3 = 20,143 SF
 Both 1&3 = 21,436 SF footprint
Acceptance of EITHER ABI #1 or #3 exceeds 20,000 SF



ATTACHMENT C - AUGUSTA

From: maineassociationofplanners@yahoogroups.com on behalf of [Matt Nazar matt.nazar@augustamaine.gov](mailto:Matt.Nazar.matt.nazar@augustamaine.gov)
[\[maineassociationofplanners\]](mailto:maineassociationofplanners@yahoogroups.com)
To: ["maineassociationofplanners@yahoogroups.com"](mailto:maineassociationofplanners@yahoogroups.com)
Subject: [maineassociationofplanners] RE: Public facilities zoning exemptions
Date: Tuesday, April 21, 2020 11:25:43 AM

Augusta has exempted all government entities (state, county, local) from local sign ordinances, and our attorney bought into the idea. But I argue strongly every time a new sign comes up to abide by the regulations of the district where the city is placing the sign. The politics of "what's good for the goose is good for the gander" is a tough one to counter when local businesses start claiming the government is being hypocritical. Because contract zoning allows a municipality to deal with site specific issues, I'd use that route rather than a straight exemption for municipal buildings. That's an option open to any developer, as long as it's part of your comp plan. That way everyone is playing by the same rules.

Matthew Nazar, Director of Development Services

City of Augusta

16 Cony Street

Augusta, ME 04330

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ph: (207)626-2365

fax: (207)626-2520

From: maineassociationofplanners@yahoogroups.com
[mailto:maineassociationofplanners@yahoogroups.com]
Sent: Tuesday, April 21, 2020 10:39 AM
To: maineassociationofplanners@yahoogroups.com
Subject: {Disarmed} [maineassociationofplanners] Public facilities zoning exemptions

Good morning,

Have any Maine municipalities (or counties) approved local zoning exemptions for their facilities? For example, no maximum building size for municipal buildings.

The zoning ordinance statute in [Section 4352\(5\)](#) requires county and municipal governments and districts to be subject to any zoning ordinance. Does this mean any zoning exemption would still need to be consistent with Chapter 187 (i.e. comprehensive plans)?

Jared Woolston, AICP

Town Planner

Town of Brunswick

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Brunswick, ME 04011

(207) 725-6660, ext. 4022 (v)

(207) 725-6663 (f)

jwoolston@brunswickme.org

www.brunswickme.org

Posted by: Matt Nazar <matt.nazar@augustamaine.gov>

ATTACHMENT C - BELFAST

From: [Jared Woolston](#)
To: [Matt Panfil](#)
Subject: FW: Municipal Uses and Zoning Standards
Date: Tuesday, April 21, 2020 12:06:33 PM

FYI

From: Jared Woolston
Sent: Tuesday, April 21, 2020 12:06 PM
To: 'Wayne Marshall' <wmarshall@cityofbelfast.org>
Subject: RE: Municipal Uses and Zoning Standards

Wayne,

Thanks for following up to my email and sorry about those listserv troubles. This is what we have in Brunswick – municipal facilities are a permitted use everywhere but all other standards apply (including development review). Thank you, this is helpful information. -Jared

From: Wayne Marshall <wmarshall@cityofbelfast.org>
Sent: Tuesday, April 21, 2020 12:01 PM
To: Jared Woolston <jwoolston@brunswickme.org>
Subject: Municipal Uses and Zoning Standards

Jared

While I still receive emails through the list serve I am having trouble responding to such, thus, my direct email to you.

Belfast has an Ordinance provision that has been in place for 30+ years. The list of permitted uses for every zoning district has a standard that lists a municipal use as a permitted activity, subject to the City Council (Belfast is a Council form of government) having conducted a public hearing on the proposed use a minimum of 10 days in advance of issuance of a permit by the CEO. As the Council needs to award funds for the municipal use, this means that the Council is the most appropriate decision maker regarding the appropriateness of the proposed use/activity.

That said, our standard does not exempt any municipal use from the need to comply with all dimensional and performance standards that any other activity/use would need to satisfy.

Our Ordinance does make it clear that the CEO and not the Planning Board reviews and issues the permit, regardless of the size or location of the project.

Belfast also has a design review process for all nonresidential uses located in the Inside the Bypass area; our downtown and adjacent waterfront area as well as most of the traditional

neighborhood areas. City Ordinances do not exempt a municipal building from the need to comply with design review guidelines.

Hope that this information is helpful.

Wayne

Wayne Marshall, Director

Code and Planning

City of Belfast

131 Church St

Belfast, ME 04915

(207) 338-1417 x 125

wmarshall@cityofbelfast.org

ATTACHMENT C - PLANNING DECISIONS , INC.

From: [Jared Woolston](#)
To: [Matt Panfil](#)
Subject: FW: Municipal facilities
Date: Wednesday, April 22, 2020 10:10:55 AM

FYI

From: Mark Eyerman <markplanme@gmail.com>
Sent: Tuesday, April 21, 2020 2:24 PM
To: Jared Woolston <jwoolston@brunswickme.org>
Subject: Municipal facilities

Jared:

It seems that the state law is pretty clear - municipal facilities are subject to the same requirements as any other use in the district within which they are located. And this is a classic example of do as I say not as I do. The municipality should do what it asks any other property owner in the same situation to do.

Mark Eyerman

ATTACHMENT C - CAPE ELIZABETH

From: maineassociationofplanners@yahogroups.com on behalf of "Maureen O'Meara"
maureen.omeara@capeelizabeth.org [[maineassociationofplanners](#)]
To: [MAP](#)
Subject: Re: [maineassociationofplanners] Public facilities zoning exemptions
Date: Tuesday, April 21, 2020 12:18:35 PM

Jared,

In our Town Center District, we established some dimensional standards for government that are different from other uses and the existing built environment supports that approach.

In frustration, I have suggested to my boss that we just exempt municipal projects, which was soundly rejected on principle. All projects should have the same review regardless of who the applicant is. Funny how that principle is forgotten every time a municipal project has to be reviewed.

We share your pain.

Maureen

On Tue, Apr 21, 2020 at 10:39 AM Jared Woolston jwoolston@brunswickme.org [[maineassociationofplanners](#)]
<maineassociationofplanners@yahogroups.com> wrote:

Good morning,

Have any Maine municipalities (or counties) approved local zoning exemptions for their facilities? For example, no maximum building size for municipal buildings.

The zoning ordinance statute in [Section 4352\(5\)](#) requires county and municipal governments and districts to be subject to any zoning ordinance. Does this mean any zoning exemption would still need to be consistent with Chapter 187 (i.e. comprehensive plans)?

Jared Woolston, AICP

Town Planner

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--

Maureen O'Meara, AICP
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

Posted by: "Maureen O'Meara" <maureen.omeara@capeelizabeth.org>

ATTACHMENT C - BANGOR

From: maineassociationofplanners@yahoogroups.com on behalf of [Anne Krieg annemkrieg@gmail.com](mailto:Anne.Krieg.annemkrieg@gmail.com)
[\[maineassociationofplanners\]](mailto:maineassociationofplanners@yahoogroups.com)
To: maineassociationofplanners@yahoogroups.com
Subject: Re: [maineassociationofplanners] Public facilities zoning exemptions
Date: Tuesday, April 21, 2020 11:46:13 AM

Hi there -

We have a zoning district that's called Government and Institutional District so that covers city property. We do have to go to Planning Board for site plan review but there's no conditional uses and the dimensional controls are limited. It works well because people are somewhat amenable to what is happening in their city.

Before this, I was not a fan of municipalities having to go to site plan or be subject to zoning because I have seen it used as another crack to kill a project that people didn't want funded (that is, they lost the vote at town meeting to fund it, so they try to bash it in permitting) - it can get pretty ugly

I see Town Meeting as the ultimate authority so if Town Meeting approved the funding for a project in a certain location, then why would they need permitting at lower level? That's the response I used anyway when trying to convince people when they said *why doesn't the town have to follow their own rules* - the response is, *they already are if town meeting approved the project!*

And yes, we also exempt signs, that is pretty standard though

If municipalities have their facility projects in the comp plan, and we should, then that's even better to support exempting them from zoning (as the comp plan went to town meeting too.)

That's not to say that a municipality, before doing construction or even finalizing the plans, shouldn't be a good neighbor and meet with the abutters to talk about site plan elements like entrances/exits, building location and the like as part of the design process, but it shouldn't be under the authority of the Planning Board.

It's a strong opinion, I know, and I haven't gotten very far with it (lol) - but I think at least to create a zoning district for municipal or institutional uses helps.

Anne Krieg AICP
Bangor Planning Officer

On Tue, Apr 21, 2020 at 10:39 AM Jared Woolston jwoolston@brunswickme.org [maineassociationofplanners] <maineassociationofplanners@yahoogroups.com> wrote:

Good morning,

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The zoning ordinance statute in [Section 4352\(5\)](#) requires county and municipal governments and districts to be subject to any zoning ordinance. Does this mean any zoning exemption would still need to be consistent with Chapter 187 (i.e. comprehensive plans)?

Jared Woolston, AICP

Town Planner

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ATTACHMENT D - EMAIL FROM TOWN ATTORNEY

From: [Collins, Kristin M.](#)
To: [Matt Panfil](#)
Subject: Re: Public facilities zoning exemptions
Date: Wednesday, April 22, 2020 4:49:44 PM

Hi, Matt -

I interpret Sec. 4352(5) as requiring the ordinance - as written - to be applied to local governments. So, if the ordinance - as written - applied different or no standards to municipal projects, that would be okay because the ordinance is still being applied. As you mentioned, the bigger concern with that approach is conformance with the comprehensive plan, e.g. what is the basis for treating a municipal project differently than a commercial project with similar impacts?

Is there something specific you're contemplating?

Thanks,
Kristin

Kristin M. Collins

Attorney
207.791.3292 Tel
kcollins@preti.com
[Bio](#) | [LinkedIn](#) | [Twitter](#) | [preti.com](#)

PretiFlaherty
45 Memorial Circle
P.O. Box 1058
Augusta, ME 04332-1058

From: Matt Panfil <mpanfil@brunswickme.org>
Sent: Wednesday, April 22, 2020 4:23 PM
To: Collins, Kristin M.
Subject: FW: Public facilities zoning exemptions

Note: *** This email originated from outside of Preti. Please do not click on any links or open attachments unless you can verify the sender and content.***

Kristin:

Below is a question we sent to the Maine Association of Planners (MAP). The responses were varied from exempting all government entities (Augusta) to those who state M.R.S.A [Section 4352\(5\)](#) is

clear that municipalities cannot exempt themselves from any elements of their zoning ordinance.
Your thoughts on this?

Thank you,

Matt Panfil, AICP CUD, LEED AP BD+C
Director of Planning and Development
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From: maineassociationofplanners@yahoogroups.com
<maineassociationofplanners@yahoogroups.com>
Sent: Tuesday, April 21, 2020 10:39 AM
To: maineassociationofplanners@yahoogroups.com
Subject: [maineassociationofplanners] Public facilities zoning exemptions

Good morning,

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For example, no maximum building size for municipal buildings.

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Jared Woolston, AICP
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Posted by: Jared Woolston <jwoolston@brunswickme.org>
