

**BRUNSWICK TOWN COUNCIL
REVISED Agenda - May 4, 2020
Regular Meeting – 6:30 P.M.
MEETING VIA ELECTRONIC DEVICES**

*THIS MEETING CONDUCTED VIA ELECTRONIC DEVICES
WITH TOWN COUNCIL MEMBERS, TOWN STAFF, AND THE PUBLIC, PARTICIPATING
FROM REMOTE LOCATIONS*

HOW TO SUBMIT PUBLIC COMMENT

Public Comments must be submitted through the Zoom platform by dialing +1 646 876 9923 and entering the Meeting ID number 81188732528 and the password 457141 when prompted. Please be advised message and data rates may apply. The Council Chair will make an announcement when it is time for public comment.

All Votes Taken Via Roll Call

Roll Call of Members/Acknowledgement Notice

Pledge of Allegiance

Adjustments to Agenda

MANAGER’S REPORT

- a) Mid Coast Parkview Health
- b) Municipal Budget and CIP
- c) Farmers Markets

PUBLIC HEARING

61. The Town Council will hear public comments on an amendment to the Shoreland Protection Overlay (SPO) map regarding a change in mapped wetland boundary to reflect field-verified conditions, and will take any appropriate action. (Planning Board)

HEARING/ACTION

62. The Town Council will hear public comments regarding a Community Development Block Grant (CDBG) for Natural Selection, Inc., d/b/a Wild Oats, and will take any appropriate action. (Town Manager Eldridge)

HEARING/ACTION

63. The Town Council will hear public comments regarding amendments to Chapter 7, “Fire Prevention and Protection”, of the Brunswick Town Ordinance, and will take any appropriate action. (Town Manager Eldridge)

HEARING/ACTION

64. The Town Council will hear public comments on amendments to Chapter 11 – Marine

Activities, Structures and Ways regarding student licensing definitions, to be enacted on a regular and emergency basis, and will take any appropriate action. (Town Clerk)

HEARING/ACTION

65. The Town Council will hear public comments on Shellfish licensing authorizations for the 2020-21 Licensing period, to be enacted on an emergency basis, and will take any appropriate action. (Town Clerk)

HEARING/ACTION

NEW BUSINESS

66. The Town Council will consider setting a public hearing for May 18, 2020 regarding adoption of a text amendment to increase the maximum square foot building footprint established for Growth Mixed-Use 5 (GM5) Zoning District, and will take any appropriate action. (Town Manager Eldridge)

ACTION

67. The Town Council will consider setting a public hearing for June 1, 2020 for the 2020-2021 budget and the 2021-2025 Capital Improvement Program, and will take any appropriate action. (Town Manager Eldridge)

ACTION

68. The Town Council will discuss ideas to promote absentee voting at the July and November elections, and will take any appropriate action. (Chair John Perreault)

DISCUSSION/ACTION

CONSENT AGENDA

- a) Approval of a proclamation for Arbor Week
- b) Approval of a Utility Location Permit for Sills Drive
- c) Approval of a proclamation for Town Commons Day
- d) Approval of renewal of Cumberland County HOME Consortium

INDIVIDUALS NEEDING AUXILIARY AIDS FOR EFFECTIVE COMMUNICATION SHOULD CONTACT THE TOWN MANAGER'S OFFICE AT 725-6659 (TDD 725- 5521)

To email Town Council: towncouncil@brunswickme.org

Brunswick Town Council Agenda
May 4, 2020
Council Notes and Suggested Motions

MANAGER'S REPORT

- a) **Mid Coast Parkview Health:** Lois Skillings, CEO Mid Coast Parkview Health and Mid Coast Hospital, along with Dr. Chris Bowe, Chief Medical Officer of Mid Coast Hospital, will provide a brief update on their response to the COVID-19 pandemic.
- b) **Municipal Budget and CIP:** The budget and CIP public hearing is proposed for June 1, 2020, with adoption on June 15, 2020. Unless the Council would like staff to, we will not include a question on the ballot asking if the budget is too high, too low, or just right. A copy of the revised budget calendar for May and June is included in the packet.
- c) **Farmers Markets:** The Crystal Spring Farmer's Market has relocated to the high school parking lot for the season, and the Mall Farmer's Market has temporarily relocated to St. John's church parking lot, while changes to Park Row are completed.

PUBLIC HEARING

- 61. **Notes:** The Planning Board held a public hearing on February 25, 2020 and unanimously recommended the Town Council amend the Shoreland Protection Overlay (SPO) map with a 75-foot shoreland area associated with streams and remove the 250-foot nonforested freshwater wetland boundary at the subject parcel, Map 17, Lot 1 and Map U34 Lots 15 and 19. It is not understood why the Forested Wetlands are included in the boundaries when, according to the Town of Brunswick Ordinances, a 125-foot setback is only needed around Freshwater Wetlands. Staff has concurred that the wetlands and associated Shoreland Overlay area are not consistent with the ordinances, and a site visit by Atlantic Environmental indicates that the subject parcel contains a small stream. A copy of a letter from Sitelines, along with an evaluation and report done in 2018 by Atlantic Environmental, with maps, are included in the packet.

Option for the Council if they choose to vote this evening - suggested motion:

Motion to suspend the Council Rules to allow the Council to vote on this item at this meeting.

Suggested Motion:

Motion to adopt proposed amendments to the Shoreland Protection Overlay (SPO) regarding a change in mapped wetland boundary to reflect verified field conditions.

- 62. **Notes:** As part of the financing package for Natural Selection, Inc., d/b/a Wild Oats, related to their expansion project at Brunswick Landing, the Town is asked to sponsor Wild Oats' application for a Community Development Block Grant (CDBG) in the amount of \$500,000 for production/manufacturing equipment. There are financial, economic and service benefits associated with this expansion, including land development, new construction for a currently vacant property to bring it onto the tax rolls, and redevelopment projects with the Tax Increment Financing (TIF) districts, with the resultant improvements not included in the overall valuation for the determination of State Aid to Education, State Revenue Sharing and County taxes during the life of the TIF District. A copy of a memo from Sally Costello, Economic & Community

Development Director, as well as selected pages from the grant application and the draft resolution, are included in the packet.

Option for the Council if they choose to vote this evening - suggested motion:

Motion to suspend the Council Rules to allow the Council to vote on this item at this meeting.

Suggested Motion:

Motion to approve a Community Development Block Grant application for Natural Selection, Inc., doing business as Wild Oats.

63. **Notes:** Proposed changes include updated code references to be in line with the state-adopted codes and standards, and updated language to provide a wider scope of inspection to include health and welfare when necessary. The language is very similar to what currently exists for the Codes Officer in Chapter 8 “Housing” of the Brunswick Town Ordinance. A copy of a memo from Deputy Fire Chief Jeff Emerson and the proposed language are included in the packet.

Option for the Council if they choose to vote this evening - suggested motion:

Motion to suspend the Council Rules to allow the Council to vote on this item at this meeting.

Suggested Motion:

Motion to adopt proposed changes to Chapter 7, “Fire Prevention and Protection” of the Brunswick Code of Ordinances.

64. **Notes:** In the fall of 2018, after public comment, the Town Council amended a proposal to the Shellfish Ordinance to expand the student program to the age of 22. It has been discovered that additional amendments need to be in place to accomplish this, by adding a resident definition and the choice of “post secondary” to the application. Staff is requesting the Council set a public hearing for the ordinance amendments for May 18, 2021, and enact the amendments on an emergency basis prior to this year’s licensing process. A memo from Town Clerk Fran Smith and the proposed changes to Chapter 11, Marine Activities, Structures and Ways Student Licensing Definitions, are included in the packet.

Suggested motion:

Motion to adopt amendments to Chapter 11 – Marine Activities, Structures and Ways relative to student licensing definitions, to be enacted on a regular and emergency basis.

65. **Notes:** Due to the Coronavirus pandemic, the Town Hall has been closed, and may be closed when it’s time for shellfish harvesters to pick up their licenses. This items allows the clerk to implement measures to allow for alternate methods for the harvesters to receive their licenses, to preserve social distancing and other safety measures if town hall is still closed. In order to be in effect during the 2020-21 licensing season, this motion must be enacted on an emergency basis. A memo from Town Clerk Fran Smith is included in the packet.

Suggested motion:

Motion, for 2020-21 licensing year, to authorize the Town Clerk to implement measures to allow for shellfish harvesters to apply for and/or pick up licenses in methods other than in person if the Town Clerk and Town Manager deem this to be the best for public safety and if town hall were to be closed to the public, to be enacted on an emergency basis.

NEW BUSINESS

66. **Notes:** The Planning Board has held a workshop and a public hearing 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. The Planning Board studied five (5) options and recommended an option that increased the maximum square foot building footprint per structure to 30,000 square feet for lots with more than one (1) public frontage. They found that the proposed amendment was consistent with the Town's 2008 Comprehensive Plan and the Commercial Connectors Planning Area established in the zoning ordinance. A copy of a memo from Matt Panfil, Director of Planning & Development, documents from the March 16, 2020 Town Council meeting, a Planning Board Workshop memo from April 14, 2020, a Planning Board Public Hearing memo from April 28, 2020, and the proposed Zoning Ordinance Text Amendment are included in the packet. (The meeting notes from the April 28, 2020 public hearing were not available prior to the May 4, 2020 Town Council meeting)

Suggested Motion:

Motion to set a public hearing for May 18, 2020 to consider adoption of the proposed zoning ordinance text amendments increasing the maximum square foot building footprint in Growth Mixed-Use 5 (GM5).

67. **Notes:** This is the charter-required setting of a public hearing for the budget for 2020-2021 and the Capital Improvement Program (CIP) for 2021-2025. Copies of the both the budget and CIP have been provided, and are available on the Finance Department page of the Town's website.

Motion:

Motion to set a public hearing for the 2020-2021 budget and the 2021-2025 CIP for June 1, 2020.

68. **Notes:** The Town Council will discuss ideas for promoting absentee ballots for the July primary and the November election, to reduce public gathering numbers at the polls while social distancing and public gatherings are continued due to the current pandemic.

Suggested Motion:

No motion suggested.

CONSENT AGENDA

- a) **Approval of a proclamation for Arbor Week:** Director of Parks & Recreation Tom Farrell has drafted a proclamation declaring the third full week in May as Arbor Week, which coincides with the State of Maine's annual proclamation and celebration. A

copy of the proclamation is included in your packet, as well as a memo from Tom Farrell with information about the Town's activities for Arbor Week.

- b) **Approval of a Utility Location Permit for Sills Drive:** Maine Natural Gas is requesting approval for a Utility Location Permit (ULP) to install a new gas main along Sills Drive to provide service to the new buildings being constructed at Bowdoin College. A copy of a memo from Town Engineer Ryan Barnes, the application, the utility coordination summary and map are included in the packet.
- c) **Approval of a proclamation for Town Commons Day:** This is the annual proclamation declaring May 19th as Town Commons Day. The vote of May 8, 1719 O.S., to grant land to the Town of Brunswick, occurred before the Gregorian calendar was being used, and May 19^h is the adjusted date, used by the Town Commons Committee. A copy of the proclamation is included in the packet.
- d) **Approval of renewal of Cumberland County HOME Consortium:** Town Manager Eldridge will introduce this item. Brunswick has been part of this consortium of affordable housing initiatives, which makes the Housing Authority eligible for grants.

Suggested motion:

Motion to approve the Consent Agenda.

Suggested Motion:

Motion to adjourn the meeting.

MANAGER'S REPORT

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: April 30, 2020

SUBJECT: Town Manager's Report
May 4, 2020 - Town Council Meeting

Mid Coast Parkview Health (a)

Lois Skillings, CEO Mid Coast Parkview Health and Mid Coast Hospital, along with Dr. Chris Bowe, Chief Medical Officer, Mid Coast Hospital, will be joining the meeting to provide a brief update on their response to the COVID-19 pandemic.

Municipal Budget and CIP (b)

The School Department has delivered its budget booklet to the Town Council. The Department will be making its formal budget presentation at the Council's May 7th workshop. We propose scheduling the public hearing on the budget and CIP for June 1st, with adoption on June 15th. The Charter requires that the budget be adopted by June 15th and the school referendum must be held within thirty (30) days of the Council adoption. The school referendum will be held in conjunction with the State primary on July 14th, so the timing works perfectly.

In previous school referendum elections, the Council asked that we add a second question to the ballot. I refer to this as the Goldilocks question – is the budget too high, too low, or just right. This question is not required and we are not planning to include it on this year's ballot unless directed by the Council.

Farmers Markets (c)

As previously reported, the market that has been held at Crystal Spring Farm is being moved to the High School Parking lot for this season as the parking lot will allow more space between vendors.

The Downtown Market is being moved temporarily to the St. Johns Church Parking Lot on Pleasant Street. Public Works has completed the portion of sidewalk on Park Row, between Green Street and Fitch Place, that will allow the Brunswick Farmers Market to operate as previously discussed with the Council. The cost of the sidewalk and paving is expected to come in at \$20,000. The move to St. Johns will allow the opportunity for the reseeding and sodding of portions of the Mall. It will also provide greater opportunity for social distancing.

MANAGER'S REPORT

A and C

NO BACK UP MATERIALS

MANAGER'S REPORT - B BACK UP MATERIALS

MAY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	1	2
3	<div style="color: red;">Council Meeting</div> <div style="color: green;">Set Budget/CIP</div> <div style="color: green;">Public Hearing</div>	5	6	<div style="color: green;">Council Workshop</div> <div style="color: green;">Budget/CIP</div> <div style="color: black;">School Dept presentation</div>	8	9
10	11	12	13	<div style="color: green;">Council Workshop</div> <div style="color: green;">Budget/CIP</div>	15	16
17	<div style="color: red;">Council Meeting</div>	19	20	<div style="color: green;">Council Workshop</div> <div style="color: green;">Budget/CIP</div>	22	23
24	<div style="color: red;">Memorial Day</div>	26	27	<div style="color: green;">Council Workshop</div> <div style="color: green;">Budget/CIP</div> <div style="color: black;">(if needed)</div>	29	30
31	1	2	3	4	5	6

JUNE 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1 Council Meeting Town Council Budget/CIP Public Hearing	2	3	4 Council Workshop Budget/CIP (if needed)	5	6
7	8	9	10	11 Council Workshop Budget/CIP	12	13
14	15 Council Meeting Town Council Budget/CIP Adoption	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4

ITEM 61
BACKUP

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Town Council

FROM: Jared Woolston, AICP

DATE: March 10, 2020, rev. April 14, 2020

SUBJECT: Planning Board Recommendation SPO Zoning Map Amendment

I. PLANNING BOARD RECOMMENDATION

On February 25, 2020, the Planning Board held a Public Hearing and voted unanimously to recommend the Town Council amend the Official Shoreland Protection Overlay (SPO) map with a 75-foot shoreland area associated with streams as delineated on plans prepared by Atlantic Environmental and described in a memorandum from Tim Forrester to Ann Huffsmith dated June 14, 2019 and revised on December 11, 2019.

The proposed zoning map amendment was requested by the owner of the parcel of land containing the SPO area to be amended. The subject parcel is referenced as Map 17, Lot 1 and Map U34, Lots 15 and 19 and is located between Old Portland Road and Route 1.

II. ZONING MAP REQUEST SUMMARY

Staff review and guidance for the Planning Board is based on material provided in the Town of Brunswick Zoning Amendment Request for Russell and Janet Douglas Survivor's Trust (c/o Paul Douglas) by Sitelines PA (Attn: Curtis Neufeld, PE) and a site visit with the applicant's wetland scientist, Tim Forrester in the fall of 2019. The wetland delineation by Atlantic Environmental indicates the subject parcel contains a small stream as defined in the Brunswick Zoning Ordinance.

While field adjustments may be considered by the local review authority, amending the Official Zoning map to reflect the true field conditions is advised for consistency with the text of the zoning ordinance (i.e. the subject parcel contains streams but not a 10-acre non-forested wetland).

Staff concur with the mapped wetland boundary on the subject parcel and advise adjusting Brunswick's Official Shoreland Protection Overlay (SPO) Map to depict a 75-foot Shoreland Protection Overlay Stream Protection Subdistrict (SPO-SP) for stream(s) and remove the 250-foot non-forested freshwater wetland boundary at the subject parcel.

III. MANDATORY SHORELAND ZONING ACT & BRUNSWICK ZONING CONTEXT

The stream definition and the tributary stream¹ definition require a field evaluation within the SPO

¹ Tributary Stream: For purposes of the Shoreland Protection Overlays (SPO), a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity (amended 8/6/18).

to determine jurisdictional areas. In some cases, Brunswick's mapped SPO contains freshwater wetlands, streams, and tributary streams. Such field evaluations could result in the identification of no freshwater wetlands within the SPO. Some of the wide SPO buffers (i.e. shoreland areas with 250-foot buffers or more) within the Shoreland Protection Overlay - Stream Protection Subdistrict (SPO-SP) indicate the presence of either non-forested freshwater wetlands over 10 acres (and streams or tributary streams) or a vast network of braided streams (and tributary streams). Without a field determination, staff must rely on the mapped SPO for jurisdictional determinations.

From town records, the Official Shoreland Zoning Map was created with the best available Geographic Information System (GIS) data and field reports from staff and citizen scientists at the time of adoption. However, the mapped SPO is occasionally determined to be land areas that are upland area or otherwise not protected by the Brunswick Zoning Ordinance pursuant to the applicable text of the SPO (i.e. definitions and standards). Staff evaluate such land areas within the mapped SPO on a case-by-case basis and are usually able to continue reviewing development proposals for customers based on field reports despite map discrepancies. However, caution is advised from staff discussions with Maine DEP that the Maine Attorney General's office is less likely to provide technical support for a Shoreland Zoning map that contains an extensive discrepancy between mapped and actual SPO conditions (i.e. the presence, absence, or true location of shoreland areas).

Maine Department of Environmental Protection (DEP) Rule Chapter 1000 notes,

"Municipalities are encouraged to incorporate specific written descriptions of district boundaries into the Ordinance so that disputes over district boundaries are minimized. The Maine Supreme Judicial Court has held that the Official Shoreland Zoning Map is the primary tool to which to refer in determining district boundaries under ordinances that are not more explicit in their district descriptions than the language of the Guidelines, and that where there is inconsistency between the Map and these general text descriptions of the shoreland districts as provided in the minimum guidelines, the Map prevails."

Brunswick's **stream**² definition is as follows:

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.*

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the SPO of the receiving water body or wetland.

² Brunswick Zoning Ordinance, p. 1-35

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.

Within the Rural Protection Stormwater Management Overlay (RPSMO) District, the edge of the stream is at the bankfull stage of the upper level high water flows. The bankfull stage shall be identified at the break in slope of the stream bank at which water starts to flow over the depositional surface of the floodplain. (Amended 10/7/19)

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

Brunswick's **freshwater wetland**³ definition is as follows:

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.

IV. **RECOMMENDATION**

Staff have consulted with Maine Department of Environmental Protection (DEP) staff and understand the proposed SPO map amendment will require DEP approval to be effective. Email correspondence is provided with this memo between staff and the Assistant Shoreland Zoning Coordinator, Jeff Kalinich dated March 13, 2020 advising the anticipated zoning map amendment will meet Maine's Shoreland Zoning standards.

On the advice of the Planning Board, staff recommend setting a public hearing for the Town Council to review and approve the requested Shoreland Zoning Map amendment. Should the Town Council approve the requested SPO Map Amendment, staff will submit the amended map to DEP for final approval.

³ Brunswick Zoning Ordinance, p. 1-39



November 19, 2019

3914

Mr. Jared Woolston
Town Planner
Town of Brunswick
85 Union Street
Brunswick, ME 04011
<via email>

**RE: Request for Shoreland Protection Overlay Change
Old Portland Road
Tax Map 17, Lot 1 and Tax Map U34, Lots 15 and 19**

Dear Jared:

On behalf of Paul Douglas and Ann Huffsmith, trustees for the Russell and Janet Douglas Survivor's Trust, Sitelines is requesting the Town of Brunswick revise the Shoreland Protection Overlay (SPO) boundaries on Tax Map 17, Lot1 and Tax Map U34 Lots 15 and 19. Almost the entirety of the two parcels is mapped as being within a the SPO. The SPO is based on a wetland delineation from several years ago that did not consider large areas of uplands with the overall perimeter. A new wetland delineation was completed by Atlantic Environmental (Tim Forrester) that identified the upland areas and other differences in the shape and extent of the wetland areas. A comparison of the previous and recent delineations is enclosed for reference.

In addition to the refined wetland boundaries, the wetlands have been identified as 'forested' wetlands. Section 2.3.3 of the Zoning Ordinance states a SPO district consists of:

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 tributary stream (*amended 8/6/18*).

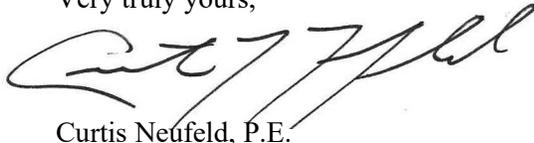
The wetland areas identified on the applicant's parcels do not meet the above definition and the SPO is not appropriate. There is stream traversing the parcel, and the SPO Stream Protection Sub-District (SPO-SP), including all areas within 75-feet from the edge of the stream is applicable and should be identified on the Zoning Map where appropriate.

This information was submitted for review by staff and it is our understanding that staff concur the wetlands and associated SPO are not consistent with section 2.3.3. The potential for significant vernal pools within the parcels was also evaluated and none were found.

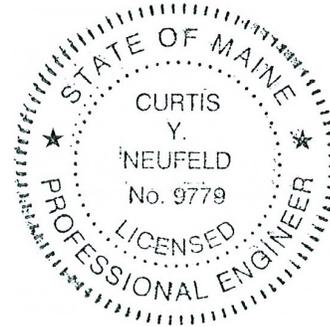
We request this matter be brought to the Town of Brunswick Planning Board for consideration and recommendation to the Town Council to amend the SPO as depicted on the Zoning Map and GIS database to reflect the field verified conditions. This amendment will allow areas ranging from 0.5 acres to three (3) or more acres of land to be available for appropriate development within the zone.

We look forward to meeting with the Town Planning Board at their December 10, 2019 meeting to discuss this request as a workshop item. Should you have any questions regarding this proposal, please contact me.

Very truly yours,



Curtis Neufeld, P.E.
Vice President



Enclosure

cc: Paul Douglas, The Russell and Janet Douglas Survivor's Trust
Matt Panfil, Director of Planning and Development
Tim Forrester, Atlantic Environmental

Request for Shoreland Overlay Amendment
Tax Map 17, Lot 1 and Tax Map U34. Lot 19

Attachment A
2019 Wetland Delineation and Vernal Pool Survey

A copy of the vernal pool survey and wetland mapping are enclosed.

A

Wetland Delineation



135 River Road • Woolwich, ME 04579
tim@atlanticenviromaine.com 207-837-2199
www.atlanticenviromaine.com

~~June 14, 2019~~
(Revised) December 11, 2019

Ms. Ann Huffsmith
Old Portland Road
Brunswick, ME 04011

Re: Wetland Delineation, 0 Portland Road, Brunswick, Maine and follow up site with the Town of Brunswick.

Dear Ms. Huffsmith,

At your request, Atlantic Environmental, LLC. (AE) completed a wetland delineation of three (3) parcels that total 30.4 acres and are identified as Lot #1 on Tax Map #17, and Lot #15 and Lot #19 on Tax Map #U34 in the Town of Brunswick, Maine. The wetland delineation was done in accordance with the U.S. Army Corps of Engineers, Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Regions (Version 2.0). The wetland delineation was performed on May 22, 2019 and May 31, 2019 and all wetlands were flagged with pink, numbered flagging and located with a Global Positioning System (GPS) Trimble® GEO 7X unit by AE staff. A subsequent site visit with Town of Brunswick was held on November 20, 2019.

SITE DESCRIPTION

The entire area is approximately thirty (30) acres in size and is located off Portland Road in the Town of Brunswick. The site is undeveloped and includes forested uplands, forested wetlands and a stream. According to the U.S. Department of Agriculture, *Soil Survey of Cumberland and Part of Oxford County, Maine*, there are several soil types mapped within the project areas. They include Belgrade very fine sandy loam – 0 – 8% slopes (BgB), a moderately well-drained soil, Biddeford mucky peat – 0 – 3% slopes, a very poorly drained soil, Lamoine silt loam – 3 – 8% slopes (BuB), a somewhat poorly drained soil, Lyman-Abram complex – 8 – 15% slopes, very rocky (HsC), a somewhat excessively drained soil, and Scantic silt loam – 0 – 3% slopes (Sn), a poorly drained soil.

SITE VIST WITH JARED WOOLSTON, TOWN PLANNER, TOWN OF BRUNSWICK

At the request of Jared Woolston, Town Planner for the Town of Brunswick, a site visit was conducted on Wednesday November 20, 2019. The focus of the site visit was to review the location of the stream channel as depicted on the Town's shoreland zoning map in comparison to the stream channel shown on AE's wetland delineation map. The subject parcels, as well as, the area between the

I-295 on/off ramps and the area north of the I-295 on ramp were walked. The Town's map indicated a stream channel extends from Old Portland Road northwest off the parcel. AE's map indicated a stream channel begins at Old Portland Road (in the same location as the Town's map) and extends north/northeast to the I-295 off ramp. As a result of that site visit, AE has revised its map to include an additional short channel that extends to the west off of the main channel that runs north. Additionally, the main stem of the channel does not extend all the way to the I-295 off ramp and has been shortened. This discrepancy is an over estimation of the length of the stream channel based on a review of aerial imagery. The wetland to the north of the stream channel is dominated by red maple, speckled alder, winterberry and sensitive fern (see Photograph Nine).

DESCRIPTION OF WETLANDS

AE identified five (5) wetlands and the canopy and shrub layers in each of these wetlands are dominated by Red Maple (*Acer rubrum*) and Speckled Alder (*Alnus incana*). The herbaceous layer includes Sensitive Fern (*Onoclea sensibilis*), High Bush Blueberry (*Vaccinium corymbosum*), Interrupted Fern (*Osmunda claytoniana*), Japanese Honeysuckle (*Lonicera japonica*), Jewelweed (*Impatiens capensis*), and Horsetail (*Equisetum arvense*). The adjacent uplands are dominated by White Pine (*Pinus strobus*), Red Oak (*Quercus rubra*), and Bracken Fern (*Pteridium aquilinum*). The primary hydrology indicators are Saturation (A3) and Water Stained Leaves (B10). Soils within the wetland were identified as hydric within the upper ten (10) inches of the soil profile with a value or three (3) or less and a chroma of two (2) or less. Wetland One (W1) contains a stream channel.

Potential Vernal Pools

AE looked for potentially significant vernal pools that are regulated under Chapter 335 of the Natural Resources Protection Act (NRPA) on April 22, May 22, and May 31, 2019. Based on our assessment, there was an area located off Portland Road in W1 that contained twenty-nine (29) spotted salamander egg masses and twelve (12) wood frog egg masses. However, this area was part of a manmade ditch/wetland area and does not meet the definition of a significant vernal pool as defined in Chapter 335 of the NRPA. Data sheets have been submitted to the Maine Department of Inland Fisheries and Wildlife (MDIFW). If MDIFW agrees with our assessment, the pool location will be recorded as non-significant.

MDIFW and the DEP have signed off that the pool is anthropogenic (manmade) and will not be subject to Significant Vernal Pool regulations.

STATE AND FEDERAL REGULATORY REVIEW -

All wetlands are regulated by the Maine Department of Environmental Protection (DEP) under the Natural Resources Protection Act (NRPA) and by the U.S. Army Corps of Engineers (Corps) under the Programmatic General Permit (PGP). The DEP also defines specific types of wetlands as Wetlands of Special Significance (WOSS) if they meet the specific criteria of Section 4 of Chapter 310 of the NRPA. Based on AE's assessment of the wetlands, the wetlands that are adjacent to the stream meet the definition of a WOSS. There were no WOSS identified in W2 – W5. Under the NRPA, Section 480-Q, a one-time wetland impact less than 4,300 sq. ft. do not require a permit from the DEP. If the proposed project alters more than this amount, AE suggests that impacts to these wetlands and/or the associated

buffers should be reviewed by the U.S. Army Corps of Engineers and the Maine Department of Environmental Protection before any soil disturbance onsite.

TOWN OF BRUNSWICK -

Based on the Town of Brunswick’s Zoning Map, The area is mapped as Growth Mixed-Use (GM3). In addition, the majority of the parcels are mapped in the Stream Protection Subdistrict of the Shoreland Protection Overlay Zone – see Figure One. All new principal and accessory structures shall be setback seventy-five (75) feet from the edge of a stream or tributary stream and one hundred and twenty-five (125) feet from the upland edge of a freshwater wetland. AE highly recommends that you contact the Town of Brunswick Planning Department to discuss any proposed development of these parcels.

In addition to the zoning requirements, the Town of Brunswick regulates Freshwater Wetlands as, “a freshwater swamp, marsh, bog, or similar area other than a forested wetland which is:

A. Of ten or more contiguous acres; or of less than ten 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 acres; and

B. 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.

All five wetlands are forested wetlands less the 10 acres in size and therefore do not meet the Town’s definition as a freshwater wetlands.

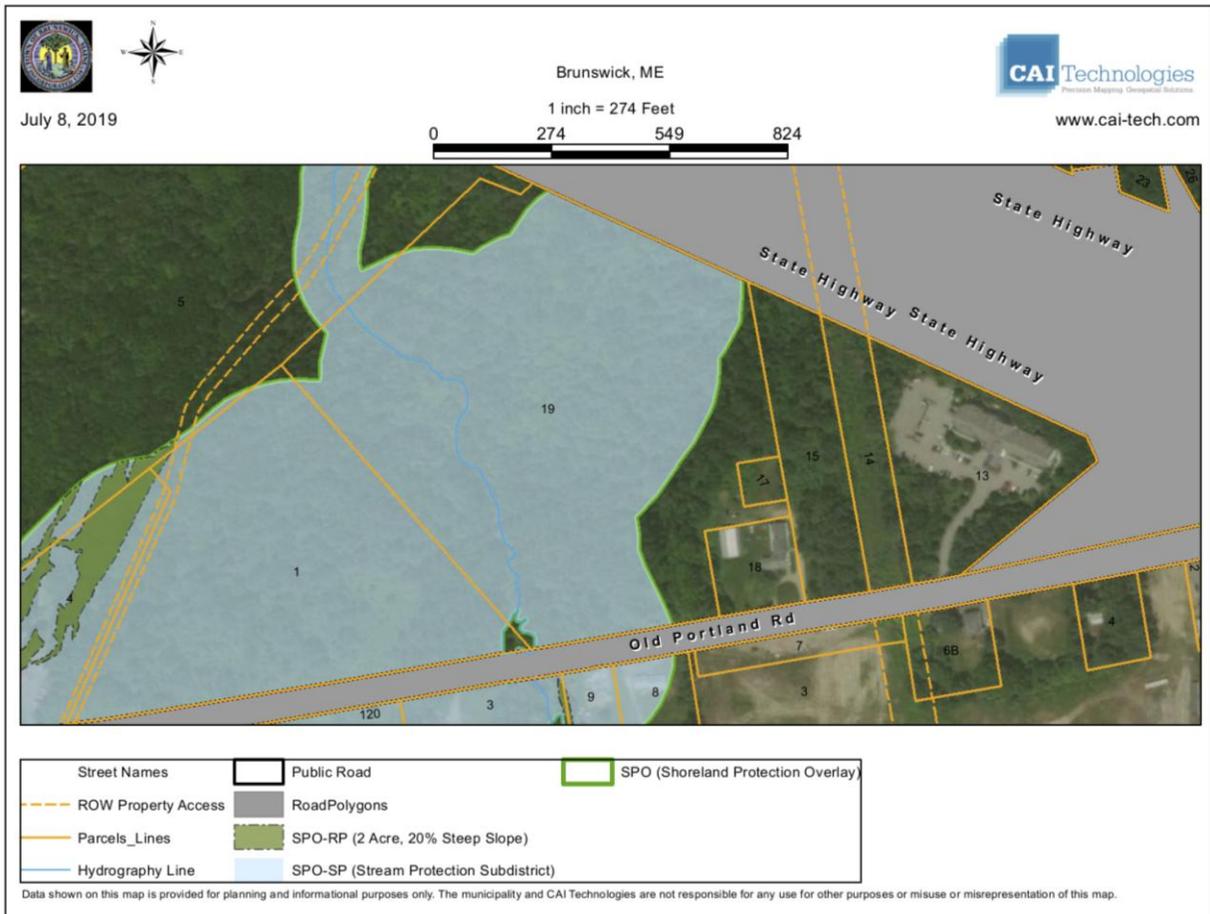


Figure One. Town of Brunswick Zoning Map for subject parcels. Note blue area delineating Stream Protection Subdistrict of the Shoreland Zoning Overlay Zone.

The Town also regulates streams and associated wetlands as-

Stream: A channel between defined banks 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 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 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. Stream does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.

Based on our field assessment, portions of the area mapped in W1 contain a stream as defined by the DEP and the Town. The Town does require a setback from the edge of the associated wetland of that stream. AE suggests you contact the Town of Brunswick Planning Department prior to any soil disturbance onsite.

Thank you for the opportunity to work with you on this project. Should you have any additional questions, please do not hesitate to contact me at 207-837-2199 or via email at tim@atlanticenviromaine.com.

Sincerely,
Atlantic Environmental LLC.



Timothy A. Forrester, Owner
PWS #1933



Photograph One. View of Wetland One showing portion of delineated wetland. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.



Photograph Two. Additional View of Wetland One. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.



Photograph Three. Partial View of Area containing egg masses – note Portland Road in background. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.



Photograph Four. Wetland Area showing egg masses. Photographer: Lisa Vickers, Atlantic Environmental, LLC. Date: May 22, 2019.



Photograph Five. View of Wetland Two. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.



Photograph Six. View of Wetland Three. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.



Photograph Seven. View of Wetland Four. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.

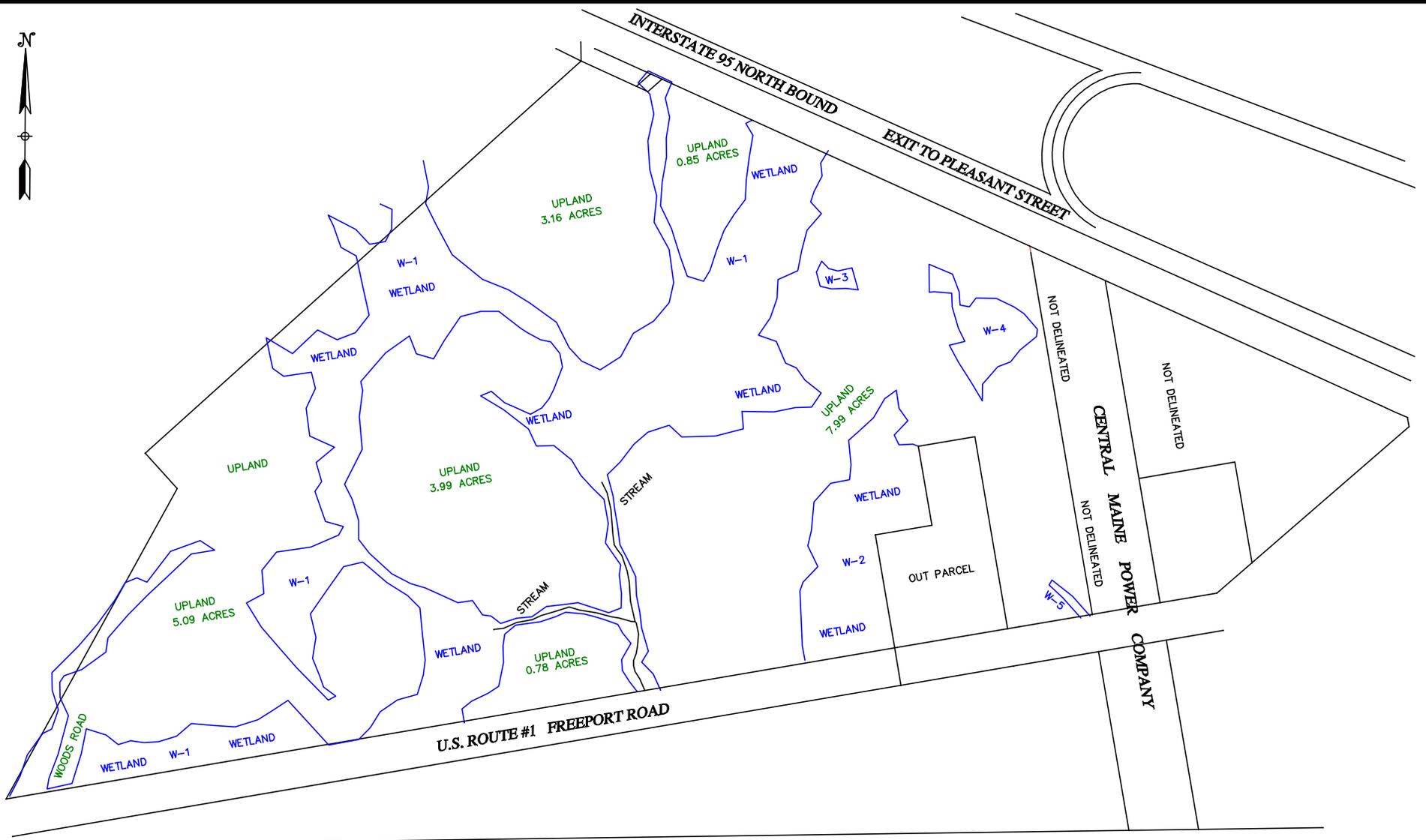


Photograph Eight. View of Wetland Five. Photographer: Tim Forrester, Atlantic Environmental, LLC. Date: June 13, 2019.



Photograph Nine. View of Wetland One from the end of the stream channel.
Photographer: Tim Forrester, Atlantic Environmental, LLC.

Date: November 20, 2019.



SCALE IN FEET
-125 0 125 250 375 500
1 INCH = 250 FEET

 **ATLANTIC ENVIRONMENTAL LLC.**
Environmental Consultants
135 River Road, Woolwich, ME 04579
(207) 837-2199
tim@atlanticenviromaine.com

Date: 6/22/2019
Revised: 12/6/2019
Project: Ann Huffsmith
Drafted By: TAF

Wetland Map for 0 Old Brunswick Road, in Brunswick, Maine. Prepared for Ann Huffsmith.
Base Plan provided by Sitelines, PA. This is not a boundary survey and should be used for planning purposes only. Wetland features were GPS located in the field. Property lines are assumed. No delineations were performed east of the CMP line.

Sheet
One
of
One



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

July 26, 2019

Tim Forrester
Atlantic Environmental, LLC
135 River Road
Woolwich, ME 04579

Re: Vernal Pool Significance Determination, Pool ID # 3738–Brunswick

Dear Tim Forrester:

Vernal pools are temporary to semi-permanent wetlands occurring in shallow depressions that typically fill during the spring and dry during the summer or in drought years. They provide important breeding and foraging habitat for a wide variety of specialized wildlife species including several rare, threatened, and endangered species.

Based on your field survey, it has been determined that the vernal pool identified above on the property of Anne Huffsmith is NOT SIGNIFICANT because either: 1. the feature does not meet the definition of a vernal pool under the Significant Wildlife Habitat rules, 06-096 CMR 335(9) or 2. the vernal pool does not meet the biological standards for exceptional wildlife use of the Significant Wildlife Habitat rules, 06-096 CMR 335(9)(B). Therefore, activities within 250 feet of the pool are not regulated under the Natural Resources Protection Act (NRPA) unless there are other protected natural resources nearby such as streams or freshwater wetlands. I have attached a copy of the database printout that verifies the State's findings with respect to your survey.

I want to also advise you that the pool area on the property can be considered a freshwater wetland and therefore direct pool alterations may require permitting under the NRPA.

The Department will notify the landowner of the pool status under separate cover. If you have any questions or need further clarification, please contact me at (207) 530-0965 or email at:

Nick.Livesay@maine.gov

Sincerely,

Nick Livesay, Director
Bureau of Land Resources

cc. town file

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

IFW Recommendations for Significant Vernal Pool Determinations

The following is a list of pools and IFW's recommendations for whether or not they qualify as Significant Vernal Pools, one of Maine's Significant Wildlife Habitats.

Data current as of: Friday, July 26, 2019

IFW's Pool ID: 3738	Twp: Brunswick	UTM Coordinates of Pool Center: 418754 E, 4862458 N
Observer's ID: Portland Road - Brunswick		ProjectType: Portland Road Wetland Delineation - Brunswick
Landowner: Anne Huffsmith	Contact: Tim Forrester - Atlantic Environmental, LLC	
2899 Blackhawk Court	135 River Road	
Steamboat Springs, CO 80487	Woolwich, ME 04579	
(407) 865-1332	(207) 837-2199 tim@atlanticenvironmain	

Survey Date: 4/22/2019 Additional Survey Dates: 05/22/2019, 06/27/2019

IFW's Recommendation: RED: NOT SIGNIFICANT, does not meet the vernal pool definition

IFW Comments: Pool provides habitat for wood frogs and significant habitat for spotted salamanders, but does not meet MDEP criteria (unnatural -ditch)

Attachment B
Wetland Comparison

A comparison of the old and 2019 wetland limits is included for reference.

B

Wetland comparison

X:\LAND PROJECTS\3914 DOUGLAS OLD PORTLAND RD BRUNSWICK\DWG\3914 EXHIBIT.DWG, EX COND-DEMO, 10/2/2018 8:00 PM, CURTIS NEUFELD, THIS DRAWING IS THE PROPERTY AND INSTRUMENT OF SITELINE PA. NO MODIFICATIONS OR CHANGES MAY BE MADE TO THIS DRAWING WITHOUT THE EXPRESS WRITTEN PERMISSION OF SITELINE PA. ANY MODIFICATION, CHANGE OR USE OF THIS DRAWING WITHOUT THE EXPRESS WRITTEN PERMISSION OF SITELINE PA. IS VOIDFUL AND IS AT THE USER'S RISK.



2019 WETLAND DELINEATION

OLD WETLAND DELINEATION

TITLE:	WETLANDS EXHIBIT
PROJECT:	SHORELAND MAPPING CHANGE
PREPARED FOR:	PAUL DOUGLAS 2899 Blackhawk Ct, Steamboat Springs, CO 80487

CALL DIG SAFE UTILITY LOCATION
1-888-344-7233
 STATE LAW REQUIRES ADVANCE NOTICE OF AT LEAST 3 BUSINESS DAYS BEFORE YOU DIG, GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND UTILITIES

GRAPHIC SCALE
 100 0 50 100 200
 (IN FEET)
 1 inch = 100 ft.
 ISSUED FOR:
 PERMITTING REVIEW

PROGRESS PRINT
 THIS PLAN IS ISSUED FOR REVIEW AND INFORMATION PURPOSES ONLY. THIS PLAN IS SUBJECT TO CHANGE AND IS NOT FOR PRICING OR CONSTRUCTION. PRICING BASED ON THIS PLAN IS NOT BINDING UNLESS SIGNED BY BOTH CONTRACTOR AND OWNER.

SITELINES
 119 PURINTON ROAD, SUITE A
 BRUNSWICK, MAINE 04011
 207.725.1200
 CIVIL ENGINEERS • PLANNERS • LAND SURVEYORS

FIELD WK:	SCALE: 1"=100'	SHEET:
DRN BY: CYN	JOB #: 3914	
CH'D BY: CYN	MAP/LOT: 17/1 & U4	
DATE: 09-15-19	FILE:	

Attachment C
Supporting Graphics

C

A copy of the Shoreland Overlay from the Town GIS and tax maps are included for reference.

Supporting Graphics



SHORELAND OVERLAY

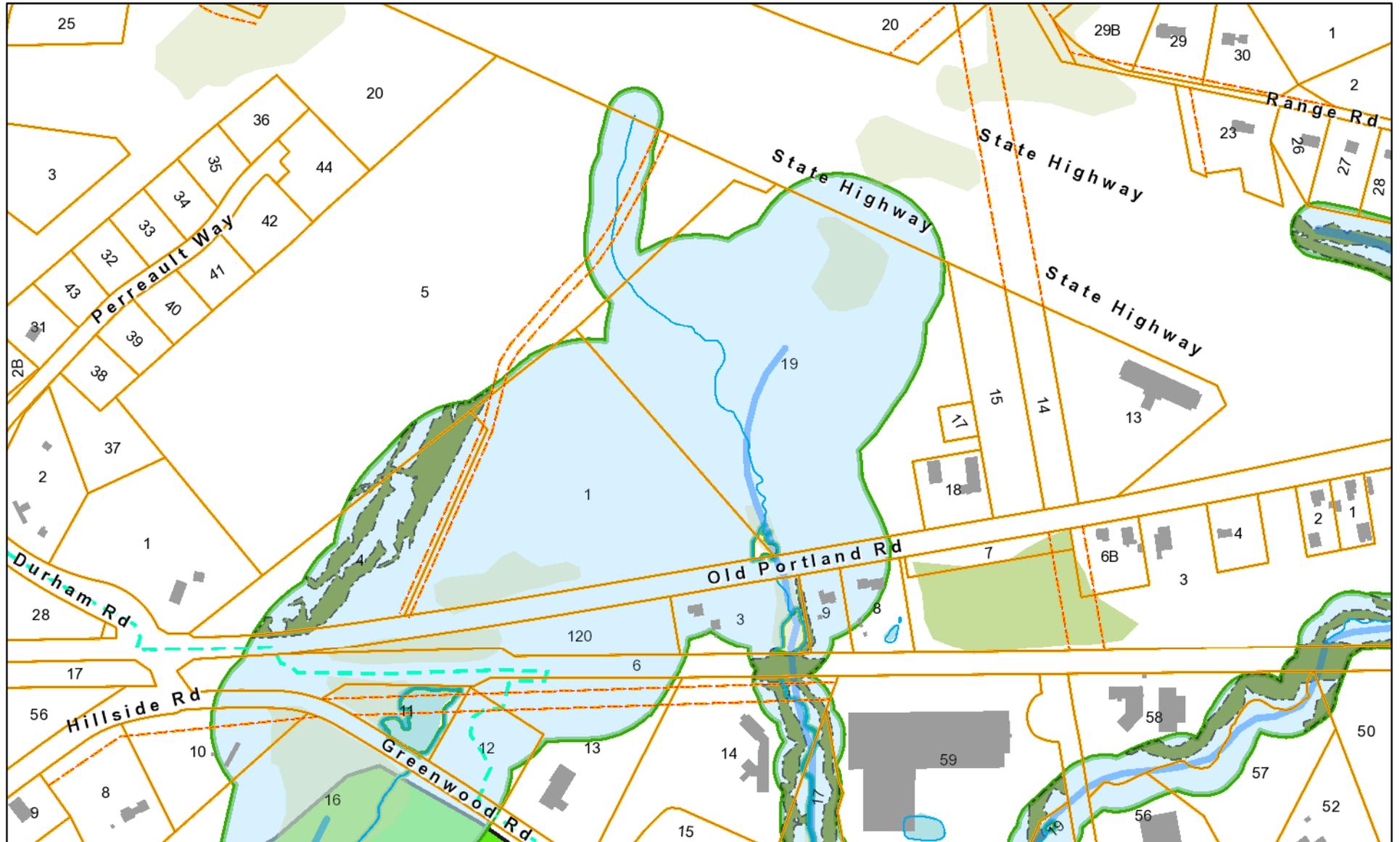
DOUGLAS PARCEL



October 3, 2019

1 inch = 400 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Town of
BRUNSWICK
Maine



Legend

- Lines_Other
- Other Road
- Hydrography Line
- ROW Property Access
- Town Boundary
- Other Lot Boundary
- Parcels_Lines
- Public Road
- Private Road
- ROW
- Water

Disclaimer:
The information is provided as a reasonably accurate point of reference, but is not guaranteed and is not to be used for conveyances. The Town of Brunswick shall not be held responsible for the accuracy or misuse of this data.
Copyright Town of Brunswick.



1 inch = 300 feet

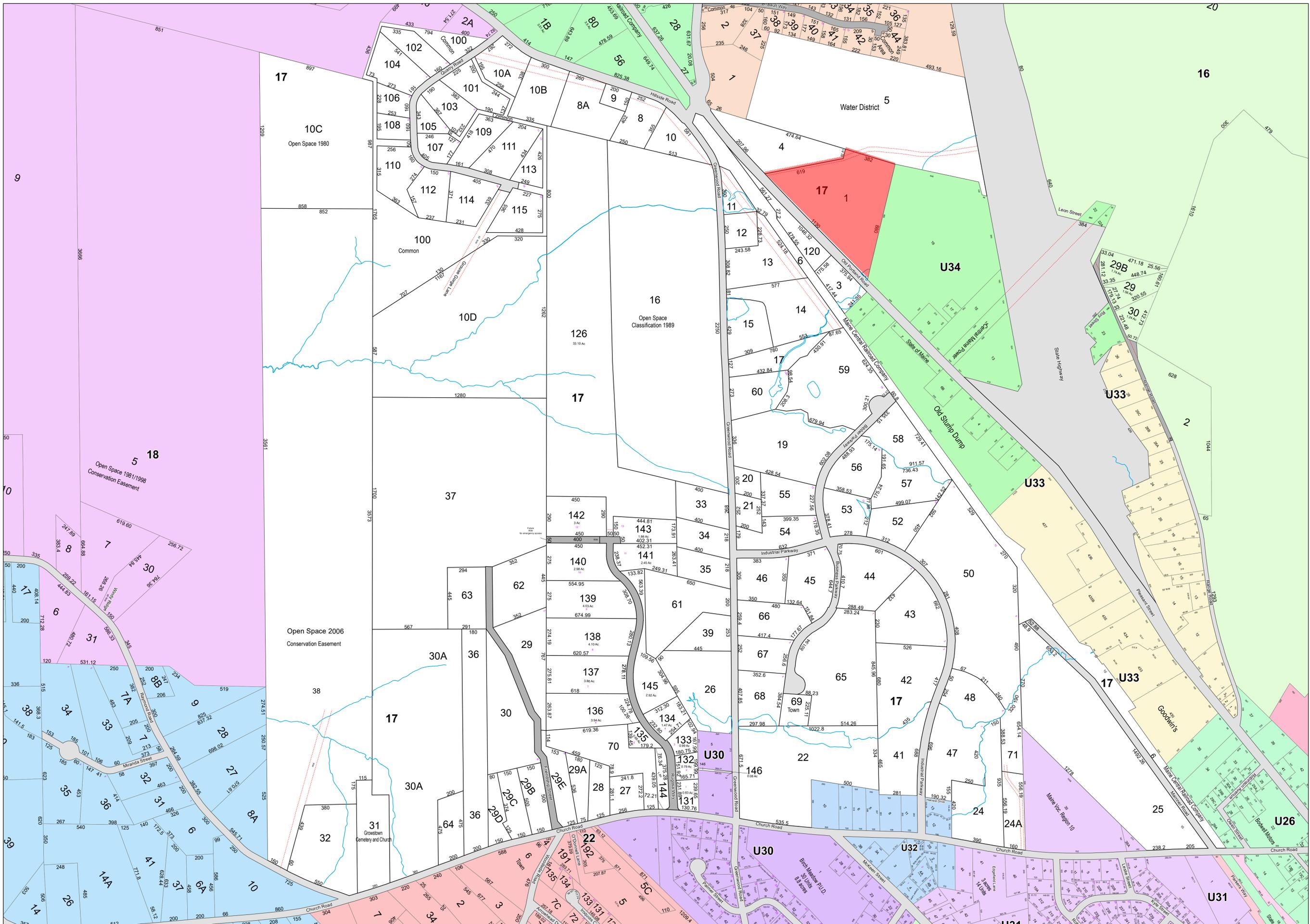
Revised To: April 1, 2019

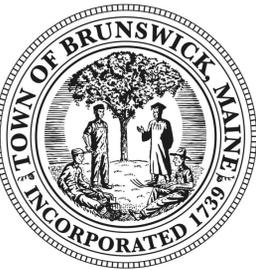
Maps Prepared by:
Town of Brunswick

Revised and Reprinted By:



MAP
17





Legend

-  Lines_Other
-  Other Road
-  Hydrography Line
-  ROW Property Access
-  Town Boundary
-  Other Lot Boundary
-  Parcels_Lines
-  Public Road
-  Private Road
-  ROW
-  Water

Disclaimer:
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Copyright Town of Brunswick.



1 inch = 100 feet

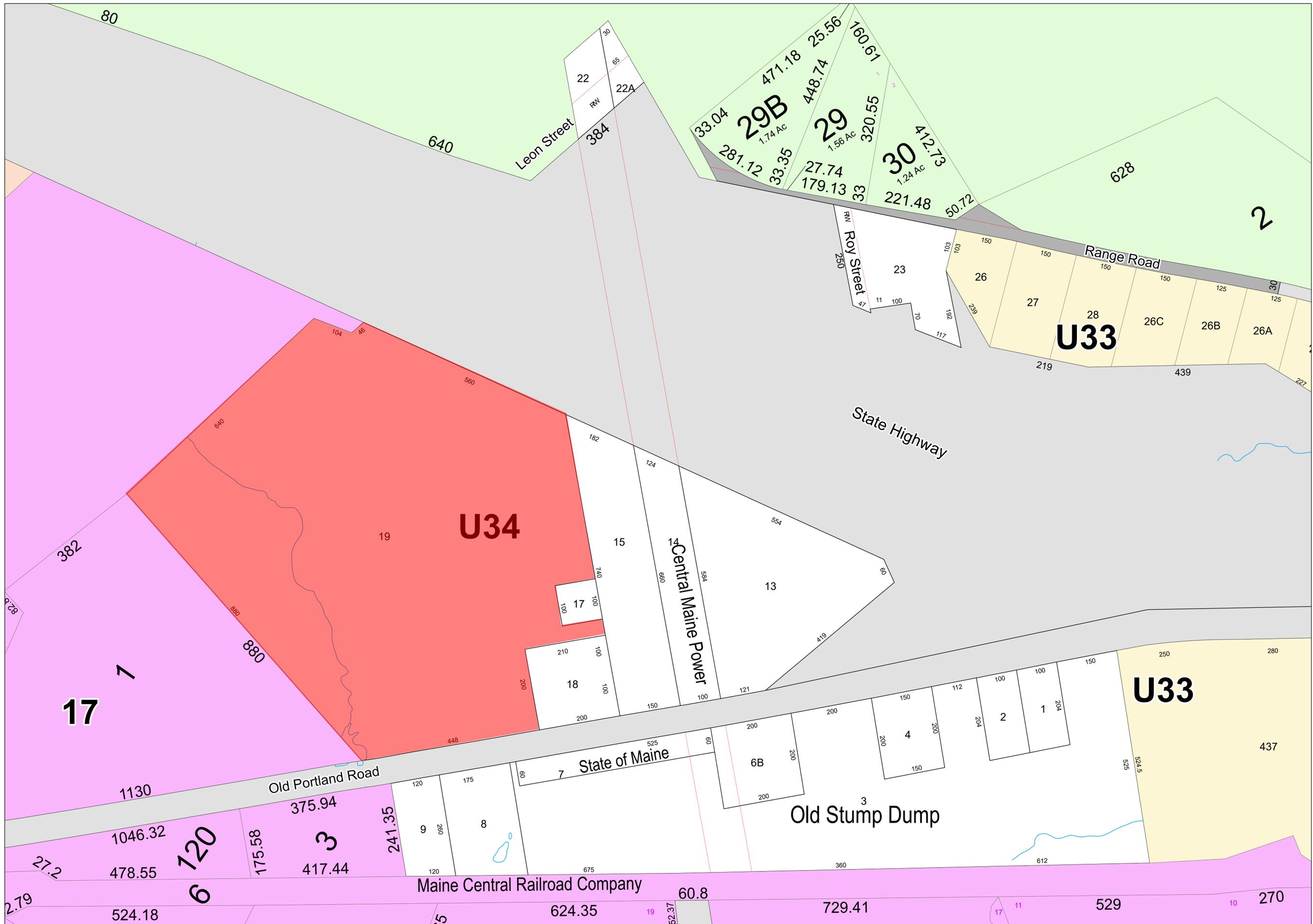
Revised To: April 1, 2019

Maps Prepared by:
Town of Brunswick

Revised and Reprinted By:



MAP
U34



From: [Jared Woolston](#)
To: [Matt Panfil](#)
Subject: FW: Zoning Map Amendment
Date: Tuesday, April 14, 2020 10:03:00 AM

FYI

From: Kalinich, Jeffrey C <Jeffrey.C.Kalinich@maine.gov>
Sent: Friday, March 13, 2020 2:22 PM
To: Jared Woolston <jwoolston@brunswickme.org>
Subject: RE: Zoning Map Amendment

Hi Jared,

I have reviewed the information you have provided. Based on this information and a review of GIS data the Department can approve a Map amendment.

Jeff

Jeffrey C. Kalinich
Maine Department of Environmental Protection
Assistant Shoreland Zoning Coordinator
Ph. (207) 615-7044
Fax. (207) 822-6303
www.Maine.gov/dep

From: Jared Woolston <jwoolston@brunswickme.org>
Sent: Wednesday, March 11, 2020 11:16 AM
To: Kalinich, Jeffrey C <Jeffrey.C.Kalinich@maine.gov>
Subject: Zoning Map Amendment

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jeff,

I sent the attached memo and request from Sitelines client to the Town Manager's office for consideration in the next Town Council meeting. If this makes it into the Town Council's packet for their next meeting there would be a subsequent public hearing date to taking action on the requested map amendment. I'll keep you in the loop on that timeline.

In brief, the zoning map I will prepare for the Town Council at their public hearing would be adjusted on the north side of Old Portland Road to depict the small "Y" shaped stream and 75-foot Shoreland Protection Overlay Stream Protection Subdistrict (SPO-SP). Scroll down to page 16 in the attached pdf to see the mapped stream location (as determined in the field).

I do not currently have permission to access the south side of Old Portland Road and therefore anticipate cutting the SPO amendment at the road. Based on lidar topography, I assume that area to the south of Old Portland Road contains two (2) distinct stream channels but no non-forested wetlands over 10 acres. Should the landowner someday ask for staff to review map discrepancies on that part of the SPO we'll need to decide if it makes sense to work with them with a field determination (and the text of the SPO) or return for another map amendment.

If you have questions or suggestions please call or email me.

Jared Woolston, AICP
Town Planner
Town of Brunswick
85 Union Street
Brunswick, ME 04011

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

(207) 725-6663 (f)

jwoolston@brunswickme.org

www.brunswickme.org

ITEM 62
BACKUP



Town of Brunswick, Maine

INCORPORATED 1739

ECONOMIC AND COMMUNITY
DEVELOPMENT

28 FEDERAL STREET

BRUNSWICK, MAINE 04011-1583

TELEPHONE 207-721-0292

FAX 207-725-6663

MEMORANDUM

TO: Town Council

FROM: John Eldridge, Town Manager
Sally Costello, Economic Development Director

SUBJECT: Community Development Block Grant Application
Natural Selection Inc.

DATE: April 6, 2020

The Town has been asked to sponsor Natural Selection Inc. d/b/a Wild Oats for a Community Development Block Grant (CDBG) related to their expansion project at Brunswick Landing. The specific Economic Development Program (EDP) grant request of \$500,000 is for the purchase and installation of production/manufacturing equipment at the new facility currently under construction and located within the Seahawk Omnibus Municipal and Manufacturing TIF District.

This CDBG request was included as part of the financing package for the \$7 million expansion project, a combination of public-private financing to include: debt financing from Bath Savings with assistance from the Small Business Administration 504 program, owner equity, and a Community Development Block Grant.

A critical part of the expansion project is the cost for the production/manufacturing equipment which accounts for approximately \$1.2 million of total project costs. The CDBG matching grant of \$500,000 would fill the remaining gap in the project financing. A requirement of the CDBG funding is that Wild Oats must commit to hiring approximately 17 FTE employees at the new location over a two-year period and above their existing, certified labor force. Wild Oats has signed the Grantee/Business Assurance Job Creation form as part of the CDBG Application. The Town will require that Wild Oats indemnify the Town of Brunswick as part of the agreement for sponsoring the application.

There are financial, economic and service benefits associated with the Wild Oats Expansion for the Town and Wild Oats. The site of the new facility is within the Seahawk TIF District, an economic development incentive zone. The Town entered into a Credit Enhancement Agreement (CEA) that provides funds over a 10-year period and is tied to job creation.

Direct financial impacts of this project for the Town include the following:

- 1) The land development and new construction of the approximately 19,000 square foot facility will bring this currently vacant property into productive use and onto the tax rolls;

2) Benefits of redevelopment projects within Economic Development TIF Districts

- By nature of its location within the Seahawk TIF District, the value of the land development and improvements (Wild Oats facility) will not be included in the overall valuation for the determination of State Aid to Education, State Revenue Sharing and County taxes during the life of the TIF District (remaining 22 years);
- These total taxes shift benefits to the Town over the life of the TIF will be approximately \$2.7 million.

In closing, this support for the CDBG funding will allow for the project to be financially feasibility and provide the last source of funding for the project.

At this time, we respectfully request that the Town Council set a public hearing which is a requirement of the CDBG application process.

State of Maine Community Development Block Grant Program



Economic & Community
Development



Economic Development Program

2020 Application Package

Office of Community Development
111 Sewall Street
59 State House Station
Augusta, ME 04333-0059
Phone: (207) 624-7484
TTY: 1-800-437-1220
www.meocd.org

Application by Invite Only

**STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
COVER SHEET AND CERTIFICATIONS
Economic Development Program**

Please note that all information requested in this application must be included for the application to be considered complete. Please refer to Page 8 for the Economic Development Program Application Package Requirements. The Office of Community Development (OCD) will only process complete applications. All materials submitted to OCD in connection with your EDP application shall become the property of OCD, unless otherwise requested and shall be retained or destroyed in accordance with OCD's file retention policy.

I. APPLICANT MUNICIPALITY INFORMATION

Municipality: TOWN OF BRUNSWICK	County: CUMBERLAND
Mailing Address: 85 UNION STREET 04011-2814	State: MAINE Zip Code+4:
Manager/Contact Person: JOHN ELDRIGE Town Manager	E-Mail: jeldridge@brunswickme.org
Phone: 202-725-6659	Fax: 207-725-6663

Applicant Municipality DUNS (Dunn & Bradstreet) #: 077466274
(visit <http://fedgov.dnb.com/webform> if business needs to obtain a number)

II. APPLICANT BUSINESS INFORMATION

Legal Name of Business: Natural Selection Inc.	
Legal Address of Business where jobs will be created and/or retained: Corner of Admiral Fitch Ave. and Gerzofsky Way, Brunswick Landing	
Town/City: Brunswick State: ME Zip Code: 04011 County: Cumberland	
Manager/Contact Person: Rebecca Shepherd	
Phone: 207-232-8970	Fax:
Email: Marshall.Shepherd@gmail.com	Website: www.wildoatsbakery.com

Please check if you Own Lease Rent

Square Feet: Monthly Payment: Replaced by New Facility Yes No

Federal Employer Identification Number: 01-0398218 (of applicant business)

Applicant Business DUNS (Dunn & Bradstreet) #: 002318582
(visit <http://fedgov.dnb.com/webform> if business needs to obtain a number)

Is the Applicant Business currently in bankruptcy proceedings? Yes No
 Has the Applicant Business or any owner of more than 20% of the Applicant Business been in bankruptcy proceedings in the last ten years? Yes No
 If the answer to either of the above is "Yes," please give particulars, including the court location and docket # of the proceedings.

Type of Entity: C Corp S Corp Sole Proprietorship Partnership
 Limited Liability Company (list "type"): Other (list):

State of Organization:

III. BUSINESS OWNERSHIP (attach additional sheets as necessary)

Name and Title: Rebecca Shepherd

% of Ownership: 50%

Legal Address: 106 Union Street, Brunswick, ME 04011

Annual Compensation:

Name and Title: David Shepherd

% of Ownership: 50%

Legal Address: 106 Union Street, Brunswick, ME 04011

Annual Compensation:

IV. PROPOSED SOURCES AND USES OF FINANCING

Sources:	Amount:	Uses:	Amount:
Bath Savings Loan	\$100,000	Equipment purchase and installation	\$100,000
SBA Loan	\$480,000	Equipment purchase and installation	\$480,000
Owner Equity	\$120,000	Equipment purchase and installation	\$120,000
CDBG Grant	\$500,000	Take-out of Bath Savings bridge	\$500,000
Total Project Cost	\$1,200,000	Total Project Cost	\$1,200,000

V. PROPOSED COLLATERAL

Available to secure job creation or job retention connected with the grant of CDBG funds in the event DECD elects to secure such requirement/repayment with assets of the Applicant business for a term of up to five years; to secure CDBG Economic Development Program Funds

Type/Description	Existing Lienholder	Outstanding Balance	Available Collateral
Production Equipment	Bath Savings	\$100,000	\$100,000 available
Production Equipment	SBA	\$480,000	\$480,000 available

VI. SUMMARY OF BUSINESS EMPLOYMENT AND BENEFITS

Current Employment: Full-Time # Part-Time#

Projected Employment Increases Over Next 12 Months:
Full-Time # Part-Time #

Minimum Starting Hourly Wage: Full-Time \$ Part-Time \$

In determining CDBG National Objective compliance with job creation/retention only **Permanent** jobs may be counted; temporary jobs may not. Full time jobs require a worker to work at least 1750 hours per year. Part time jobs require a worker to work at least 875 hours but less than 1750 hours per year. Part-time jobs **must** be converted to Full Time Equivalents (FTE). A FTE is defined as two part time jobs. **Seasonal** jobs may count only if the seasonal job lasts long enough and provides sufficient income to be considered the employee's principal occupation. (Contact OCD prior to counting seasonal jobs towards LMI benefit.) **All** permanent jobs created by the project must be counted, regardless of funding source(s). Jobs indirectly created by the project (i.e., remote location, "trickle down" jobs) do not count.

Number of positions to be created as part of this development project by job classification identifiers:

Managerial/Officer Professional Technical Sales Clerical/Office
 Craftworker Operatives Laborer Service Worker

Community Development Block Grant Economic Development Program

GRANTEE/BUSINESS ASSURANCES JOB CREATION

The Business (as identified below), having applied for funding from the Municipality (as identified below) through the Maine Community Development Block Grant (CDBG) Program agrees to create a minimum of _____ new jobs above the employment baseline within approximately a 12 month period from the time the CDBG EDP application is notified of grant award. The specific job creation deadline date will be stated in the CDBG contract between the Municipality and the State of Maine. The Business also agrees that at least 51% of the new full-time and full-time equivalent jobs must be taken by qualified low-to-moderate income (LMI) persons in compliance with the Maine CDBG program rules, regulations and policies. The Business will verify the job creation achievements and assist the Municipality in compiling the appropriate documentation as required by the Maine CDBG Program.

In determining CDBG National Objective compliance with job creation only **Permanent** jobs may be counted; temporary jobs may not. Full-time jobs require a worker to work at least 1750 hours per year. Part-time jobs require a worker to work at least 875 hours but less than 1750 hours per year. Part-time jobs **must** be converted to Full-Time Equivalents (FTE). An FTE is defined as two part time jobs. **Seasonal** jobs may count only if the seasonal job lasts long enough and provides sufficient income to be considered the employee's principal occupation. (Contact OCD prior to counting seasonal jobs towards LMI benefit.) **All** permanent jobs created by the project must be counted, regardless of funding source(s). Jobs indirectly created by the project (i.e., remote location, "trickle down" jobs) do not count.

It is understood by the Business and the Municipality that, in the event the job creation goals are not met within the prescribed time frame and according to the regulations of the State of Maine Community Development Block Grant Program, the State of Maine will exercise its right and seek repayment from the Municipality in accordance with the contract provisions and the Municipality may exercise its rights and seek repayment in accordance with the default provisions contained in any agreement it may have with the Business.

Having read and fully understanding the requirements set forth in this agreement, the undersigned agree to the job creation requirements contained herein, and to comply with all regulations of the U.S. Department of Housing and Urban Development and the State of Maine governing this program including submission of quarterly status reports regarding job creation benefit.

Signature of Municipal Official:	Name: JOHN ELDRIDGE
Date:	Title: TOWN MANAGER
Signature of Business Representative: 	Name: REBECCA SHEPHERD
Date: 3/25/20	Title: Vice President

APPENDIX A
Community Development Block Grant
Economic Development Grant Program
Responses to Questions

PROBLEM STATEMENT

Scope

Natural Selections Inc. DBA Wild Oats Bakery and Café (“Wild Oats”) has been a successful, community-based business in downtown Brunswick serving a loyal customer base for over 28 years. The owners of Wild Oats, Rebecca and David Shepherd, have been operating their family business within the Tontine Mall located at 149 Maine Street in Brunswick which started as a small business employing 3 people and has steadily grown its workforce to roughly 50 persons.

As this growth has manifested itself over time in terms of increased sales volume and production of goods, the business’s current location is no longer sufficient. There is a need for more production space, customer dining, parking, and workspace to accommodate a larger workforce.

Natural Selections currently has a lease with Commercial Properties for approximately 8,000 square feet for their operations. Given the limitations of the current space to accommodate the growing demand and for the projected 30 new FTE jobs, the owners are expanding their operation and are investing \$5.5 million into the construction of a new 19,000 square foot facility at Brunswick Landing; this will effectively double their production space, provide 52 dedicated parking spaces (and 100 shared parking space), and provide capacity for an additional 30 FTE employees.

In order for the Town to retain this iconic business and allow for its economic viability, the project requires some subsidy to facilitate the new construction and expanded operations. The project will create additional taxes for Brunswick as well as create jobs - two on-going, economic development goals for the Town and Brunswick Landing, the former NASB.

Impact

There are financial, economic and service benefits associated with the Wild Oats expansion for the Town and Wild Oats. The site of the project expansion is within the Seahawk Omnibus Manufacturing and Municipal TIF District (Seahawk TIF District), an economic development incentive zone at Brunswick Landing.

In order to assist the business with this expansion and allow for the project to be financially feasibility, the Town of Brunswick entered into a Credit Enhancement Agreement with Wild Oats. The CEA is tied to job creation and provides a real property tax abatement for 10 years to Wild Oats as the property owner. This predictable reduction in operating expenses helped the project meet the lender's requirements for debt service coverage.

Direct impacts of this project for the Town are that the land development and new construction project will bring this property into productive use and onto the tax rolls. The estimated taxes to the Town from the Wilds Oats project at the current annual tax rate of \$19.72/1,000 over 10

years is approximately \$478,210; correspondingly, a 1% tax increase is \$516,177; 2% tax increase is \$535,742; and a 3% tax increase is \$601,399.

The other key financial benefit to the Town of the Wild Oats project locating within the Seahawk TIF district is that the value of the land development and new improvements (facility) will not be included in the overall valuation for the determination of State Aid during the life of the TFI District; the Town will realize tax shift benefits associated with the current state rates for State Aid to Education and State Revenue Sharing, and be sheltered from increases in County Taxes. These total tax shift benefits to the Town over the life of the TIF will be approximately \$2.7 million.

Need

The CDBG Economic Development Program funds are needed as gap financing to facilitate the acquisition and installation of equipment at the new Wild Oats facility at Brunswick Landing. The total project costs of the Wild Oats expansion project is approximately \$7 million. In order for the project to be financially feasible there are several economic development incentives that are critical for the project to proceed.

This business expansion is made possible through a public-private partnership that includes and anticipates funding from the following sources: debt financing (loans from Bath Savings and the SBA), owner equity, and various economic development incentives to include the Pine Tree Zone Development Zone Tax Credit Program, a Community Development Block Grant and TIF revenue. A critical part of the expansion project is the cost for production equipment which is estimated at \$1.65 million (equipment list attached). The CDBG matching grant of \$500,000 would fill the remaining gap in the financing.

The business expansion will allow for the retention of approximately 50 jobs and create 30 new FTE jobs in Brunswick. This commitment by Wild Oats to retain and create jobs will help to stabilize and grow Brunswick's workforce and the local economy. Further, Wild Oats will provide a service at Brunswick Landing that is currently not available and serve current tenants and attract additional customers. The departure of Wild Oats from the Tontine Mall is spurring additional investment in the property for new commercial tenants and opens up the possibility for a mixed-use development with new construction of market-rate rental housing above the ground floor which is a needed and desired use for the downtown.

Solution

The Economic Development grant would be used entirely for purchasing and installing production/manufacturing equipment for the new Wild Oats facility. This equipment will allow for more efficient operations and significantly increase the production of goods which will facilitate a wholesale business line that was not possible at their current location.

The jobs at Wild Oats, both retained and created, will be occupied by persons of low/moderate household incomes. It is the practice of owners to provide a quality work environment that is supportive and allows for growth. It is anticipated that Wild Oats will hire 30 new employees in the first two years of its new operation. All employees receive the following benefits: retirement, healthcare, life insurance, paid vacation, food, and training benefits.

The production/manufacturing equipment budget is approximately \$1.165 million and will occupy three primary areas of the facility: the savory kitchen/dish room area, the bakery kitchen and the retail hall. There are over 502 equipment items to be purchased for the new facility that will fit-out the production/retail manufacturing areas facilitating the mass production of the prepared foods needed for wholesale operations. The attached drawings outline the layout of the equipment in the new space; a corresponding itemized list of equipment follows.

Effect on Assisted Business

The expansion of Wild Oats from a retail business to a wholesale/retail manufacturing business requires a significant investment on the owners. Increasing customer demand and a change in business operations necessitated requires a significant investment in the infrastructure, space and equipment needed for operations and mass production/manufacturing of product.

Scaling-up human capital (workforce) as well as equipment is required for Wild Oats to expand their operation into wholesaling. The additional walk-in freezer and refrigerated spaces will provide more space to store food and allow for bulk purchases on pallets that will reduce the cost of ingredients (fresh and packaged) by 25 percent. Further, the separate kitchens (savory and bakery) will allow for a more effective labor force as more employees can work at the same time, thereby removing the need for an overnight shift.

Much of the equipment will be new and therefore require less repairs. The equipment will also be more energy efficient and therefore reduce energy costs associated with the current, outdated equipment.

As Wild Oats looks to the future in this new business model, it is imperative to be in a position to ramp up operations quickly. Over a two-year period, the number of employees will increase by 50 percent and therefore payroll obligations will be a huge part of the operating budget. This efficiency gained by the extensive equipment set-up will be a critical factor in ramping up production of goods and meeting the projected customer demand. Further, the more modern, advanced equipment will require workforce training and therefore advance the skill sets of both current and new employees. The additional capacity to be in the wholesaling market extends the market reach for Wild Oats and allows for continued growth and increased profits.

Project Timeline and Feasibility

Wild Oat's need for funding for production/manufacturing equipment is urgent as they must have the food production system up before the planned opening of the facility in December 2020. The lease agreement at the Tontine Mall will have expired and all business operations and all employees will be moved to the new location at Brunswick Landing.

Construction of the new facility is anticipated to be complete by December 1, 2020. Matching funds have been secured with SBA/Bath Savings loans for the purchase and installation of all the equipment. Once award and funded, the CDBG funds will take-out a portion of the Bath Savings equipment loan which was contemplated by the lender in determining the financial feasibility and cash flow for debt service.

(insert key timeline activities)

Citizen Participation

Public Hearing Process

Opportunity Zone Priority

The Wild Oats expansion project is located in an opportunity zone. See the attached map for the project site. This decision to locate within this opportunity zone was a calculated risk for Wild Oats. The economic development zone was determined to be a distressed community thereby needing additional investment incentives to allow for businesses to be financially feasible. The Wild Oats project needs subsidy for its business expansion and is a great model of a successful public-private partnership.

The Town support the expansion of this long-time, icon Brunswick business for the following reasons: the retention of 50 FTE jobs, the creation of 30 new FTE jobs, the commitment by the owners to on-going workforce development practices, and the growing the food production/retail services - a key economic industry for Brunswick and a service-in-demand for Brunswick Landing.

ITEM 63
BACKUP

Town of Brunswick, Maine
Incorporated 1739
Brunswick Fire Department



"Working Today for a Safer Tomorrow"



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March 26, 2020

Brunswick Town Council

Re: Town of Brunswick Code of Ordinances: Chapter 7, Fire Prevention and Protection

Attached please find proposed changes to Chapter 7 of the Brunswick Town Ordinance "Fire Prevention and Protection".

- 1) **Updated Code Adoption**- The updated code references are submitted to bring us back in line with the state-adopted codes and standards. Late in 2019 the State of Maine Legislature adopted updated fire and life safety codes for the State of Maine. The attached proposal includes the adoption of parallel codes that are already permissible to enforce locally through state statute. This adoption allows the municipality to adopt the code locally as a standalone document and enables us to enforce the code as the local Authority Having Jurisdiction "AHJ".
- 2) **Updated Language in NFPA 1 Amendments**- Amendment 1.7.7.1.1 is recommended in an effort to provide a wider scope of inspection to include health and welfare when necessary. This recommended change is in part due to the combined efforts often encountered when the fire prevention, and local health roles overlap. The language is very similar to what currently exists for the Codes Officer in Chapter 8 "housing" of the Brunswick Town Ordinance.

It is my recommendation that the Council accept the proposed changes as submitted to stay consistent with state regulation.

Respectfully Submitted,

Jeff Emerson
Deputy Chief
Fire Prevention Division

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 7 FIRE PREVENTION AND PROTECTION

Chapter 7 FIRE PREVENTION AND PROTECTION [M](#)

ARTICLE I. - ADOPTED CODES AND STANDARDS

ARTICLE II. - IN GENERAL

FOOTNOTE(S):

--- (1) ---

Editor's note—Ord. of 2-1-16(2) amended Ch. 7 in its entirety to read as herein set out. Former Ch. 7, §§ 7-26—7-29, pertained to similar subject matter. For prior history, see Code Comparative Table.[\(Back\)](#)

Cross reference— Police and fire alarms, Ch. 3; buildings and building regulations, Ch. 5; electric installation standards, § 5-76 et seq.; housing, Ch. 8; housing code, § 8-26 et seq.; minimum standards for safety under the housing code, § 8-92; licenses and business regulations, Ch. 10; marine activities, structures and ways, Ch. 11; fire department, § 12-171 et seq.; solid waste, Ch. 13; fires prohibited on any public way or public property without obtaining a permit from the fire chief, § 14-3; traffic and vehicles, Ch. 15; zoning and subdivision of land, App. A.[\(Back\)](#)

State Law reference— Fire prevention and protection, 25 M.R.S.A. § 2351 et seq.; municipal fire protection, 30-A M.R.S.A. § 3151 et seq.; fire aid to other municipalities, 30-A M.R.S.A. § 3156.[\(Back\)](#)

ARTICLE I. ADOPTED CODES AND STANDARDS

[Secs. 7-1—7-25. Reserved.](#)

[Sec. 7-26. Codes adopted.](#)

[Sec. 7-27. Amendments to NFPA 1, Uniform Fire Code, 2006-2018 Edition.](#)

[Sec. 7-28. Amendments to NFPA 101 "Life Safety Code" 2009-2018 Edition.](#)

[Sec. 7-29. Reserved.](#)

Secs. 7-1—7-25. Reserved.

Sec. 7-26. Codes adopted.

NFPA 1, Uniform Fire Code, [2006-2018 Edition](#), as published by the National Fire Protection Association and NFPA 101, Life Safety Code, [2009-2018 Edition](#), as published by the National Fire Protection Association, are enacted as the "Fire Prevention Code of the Town of Brunswick" subject to the provisions and amendments in sections 7-27 and 7-28. A copy of each code is on file in the town clerk's office.

PART II - MUNICIPAL CODE OF ORDINANCES

Chapter 7 FIRE PREVENTION AND PROTECTION

(Ord. of 2-1-16(2))

Sec. 7-27. Amendments to NFPA 1, Uniform Fire Code, ~~2006-2018~~ Edition.

The following amendments to NFPA 1, Uniform Fire Code, ~~2006-2018~~ Edition adopted in Section 7-26 are hereby adopted:

- (1) The amendments set forth by the Maine Department of Public Safety, Office of the Maine State Fire Marshall by Chapter 3 of its Rules entitled "Fire Prevention Code" as amended on ~~September 3, 2007~~ November 27, 2019, a copy of which is on file in the town clerk's office.
- (2) Section 1.1.2 shall read as follows:

1.1.2 Title: These regulations as set forth herein shall be known as the Fire Prevention Code of the Town of Brunswick and are hereby referred to as "this code."
- (3) Section 1.6 shall read as follows:

1.6 Enforcement: The fire chief or the chief of the fire prevention bureau, or his duly authorized representative has the authority to enforce the provisions of the fire prevention code as herein set forth. The designated enforcement officer of this code is herein referred to as the "code official."

(4) Section 1.7.7.1.1 shall read as follows:

1.7.7.1.1 Inspection: The Code Official is hereby authorized to conduct inspections to determine the condition of dwelling, dwelling units, rooming houses, rooming units and premises located within the town in order that he/she may perform his/her duty of insuring health, safety, and the public welfare.

(45) Section 1.10.9.4 is added reading as follows:

1.10.9.4.1 Appeals: A person aggrieved by a decision of the code official may appeal to the codes appeal board and demand a hearing, as provided in this code. He must file a notice of appeal with the code enforcement officer. The notice must cite the decision appealed from, identify the property involved, list the names of abutting owners and of owners of property directly across a public way and state the specific grounds for the appeal. The appellant shall pay the codes enforcement officer a filing fee to cover the cost of advertising the appeal as required by section 1.10.9.4.3.

1.10.9.4.2 Filing date recorded: The codes enforcement officer shall stamp the filing date on the notice of appeal, give a copy to the appellant and send a copy to the codes appeal board.

1.10.9.4.3 Appeal advertised: On receipt of the notice of appeal, the codes appeal board shall determine a hearing date and have the notice of appeal and the time and the place of the hearing published in a newspaper having general circulation in the town at least seven (7) days before the day of the hearing.

1.10.9.4.4 Abutters notified: The codes enforcement officer shall mail a copy of the notice of appeal and the time and place of hearing to property owners described in section 1.10.9.4.1 at least six (6) days prior to the day of hearing at their last known places of address as shown on the tax records. Failure of the codes enforcement officer to send, or a property owner to receive a copy of the notice does not invalidate the hearing.

1.10.9.4.5 Hearing procedure: At the hearing, the appellant's side of the case must be heard first. When a witness has completed his direct testimony, he may be examined directly by members of the board, and through the chairman by other interested persons. Attorneys representing the

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Chapter 7 FIRE PREVENTION AND PROTECTION

parties may examine and cross-examine witnesses directly. The secretary of the board shall keep the minutes of the proceedings including the date of the hearing, the names and addresses of all witnesses and attorneys, a brief summary of the testimony and the reasons for it. The secretary shall file a copy of the decision with the code official as soon as it is handed down by the board. On receipt of the decision, the code official shall issue or withhold a permit according to its terms.

1.10.9.4.6 Variances: The codes appeal board may grant a reasonable variance from the requirements of this code. The appellant must prove the following:

- (1) Financial hardship. That the application of this code is causing or would cause unusual difficulty or substantial financial hardship because of extraordinary conditions peculiar to his premises, or to a proposed building, which are not reasonably remediable.
- (2) No adverse affect. That the relief sought would not adversely affect other property or the health, safety or general welfare of the public.
- (3) Purpose upheld. That the relief sought would not tend to defeat the purpose of this code as set forth in article 1, section F-100.2.

The codes appeal board may affirm, modify or deny determinations under or interpretations of this code made by the code official in the performance of his duties.

1.10.9.4.7 Special conditions: In granting a variance, the codes appeal board may require that certain special conditions be fulfilled. The failure to comply with those conditions invalidates the permit granted.

1.10.9.4.8 Limitation on subsequent appeals: If the codes appeal board denies an appeal with respect to certain buildings or premises, a second appeal of a similar nature may not be brought before the board within one (1) year.

1.10.9.4.9 Appeal to superior court: A person aggrieved by a decision of the codes appeal board may appeal to the superior court within thirty (30) days after the decision. The appeal is governed by rule 80-B of the Maine Rules of Civil Procedure.

(66) Section 1.16.1.2 is added reading as follows:

1.16.1.2 Penalties: A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 "Offenses and Miscellaneous Provisions" of the Town of Brunswick Code of Ordinance. If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided.

1.16.1.3 A re-inspection fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances will be charged for each subsequent inspection determined by the codes official to be necessary.

(67) Section 18.2.2.1.1 is added reading as follows:

18.2.2.1.1. Key boxes.

18.2.2.1.1.1. General: The code official may require a key box to be installed in an accessible location where immediate access is necessary to verify the existence of a fire or other emergency in a building equipped with, or required to be equipped with, fire detection or fire suppression systems or equipment.

18.2.2.1.1.2 Type, contents, installation: The key box shall be of a type approved by the code official; shall contain keys to gain access as required by the code official; and shall be installed in a manner approved by the code official.

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18.2.2.1.1.3. *Alarms:* At the request of the owner or lessee, the code official shall permit him to install a key box tamper switch connected to the building's fire alarm system.

(Ord. of 2-1-16(2))

Sec. 7-28. Amendments to NFPA 101 "Life Safety Code" ~~2009-2018~~ Edition.

The following amendments to NFPA 101 "Life Safety Code" ~~2009-2018~~ Edition adopted in section 7-26 are hereby adopted:

- (1) The amendments set forth by the Maine Department of Public Safety, Office of the Maine State Fire Marshall by Chapter 20 of its Rules entitled "Code For Safety to Life From Fire in Buildings and Structures" as amended on ~~July 27, 2011~~ November 27, 2019, a copy of which is on file in the town clerk's office.
- (2) "~~9.6.2.9.6.1~~ 9.6.2.10.3.1 The electrical circuits powering the smoke detector(s) installed in accordance with ~~9.6.2.9.6~~ 9.6.2.10.3 shall also power a commonly used lighting circuit within the same living unit."
- (3) 1.6.1 Penalties: A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 "Offenses and Miscellaneous Provisions" of the Town of Brunswick Code of Ordinance. If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided.
- (4) Section 1.6.1.2 is added reading as follows:

A re-inspection fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances will be charged for each subsequent inspection determined by the codes official to be necessary.

(Ord. of 2-1-16(2))

Sec. 7-29. Reserved.

ARTICLE II. IN GENERAL

[Sec. 7-30. Installation of fueled fired heating appliances.](#)

[Sec. 7-31. Installation of fire protection systems.](#)

[Sec. 7-32. Underground storage tanks.](#)

[Sec. 7-33. Outdoor wood boiler/hydronic heaters.](#)

Sec. 7-30. Installation of fueled fired heating appliances.

(a) Applicability.

- (1) This regulation applies to the installation of fuel fired heating units in all structures, occupied or unoccupied, located within the Town of Brunswick, including but not limited to:
 - a. Solid fuel fired heating appliances;

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- b. Oil fired heating appliances;
- c. LP gas fired heating appliances;
- d. Natural gas fired heating appliances.

(2) This regulation does not apply to electric heating devices.

(b) *Definitions.*

(1) **Authority having jurisdiction (AHJ)**— An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

(c) *Permit required.*

(1) All fuel fired heating appliances shall be permitted by the Brunswick Fire Department prior to installation.

(2) Applicant shall show applicable license(s) when applying for permit if required by the AHJ.

(3) Applicant shall provide a copy of plans and/or supporting documentation if requested by the AHJ.

(4) Fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances shall be charged for each new installation of a fueled fired heating appliance.

(5) Application process may be delayed for a reasonable amount of time for further review of applicable standards.

(d) *Installation.*

(1) All installations shall be completed by licensed contractors as required.

(2) All installations shall be completed in accordance with applicable federal, state, and local regulations.

(e) *Penalties.*

(1) In those cases where the authority having jurisdiction determines that an installation is incorrect, not according to plan, or presents an unacceptable degree of risk, a notice to stop work may be given until further review can be made by all parties of interest.

(2) *Double fee.* Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefore, shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all cases, a permit must be obtained as soon as practical to do so. If there is an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

(Ord. of 2-1-16(2))

Sec. 7-31. Installation of fire protection systems.

(a) *Applicability.*

(1) This regulation applies to the installation of fire protection systems, where required, in all structures, occupied or unoccupied, located within the Town of Brunswick.

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- (2) This regulation applies to the installation of all types of fire protection systems including but not limited to:
 - a. Commercial or residential fire alarm system;
 - b. Commercial or residential sprinkler system;
 - c. Commercial or residential alternative suppression systems;
 - d. Commercial cooking hood and suppression systems.
 - (3) This regulation does not apply to:
 - a. Independent or interconnected smoke detection devices not part of a fire alarm system;
 - b. Residential cooking hood and suppression systems.
- (b) *Definitions.*
- (1) Authority having jurisdiction (AHJ)—An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.
- (c) *Permit required.*
- (1) All fire protection systems shall be permitted by the Brunswick Fire Department prior to installation.
 - (2) Applicant shall show applicable license(s) when applying for permit if required by the AHJ.
 - (3) Applicant shall provide a copy of plans and supporting documentation for review by the office of fire prevention at the time of application as required or requested by the AHJ.
 - (4) Plans shall be in accordance with federal, state, and local regulations.
 - (5) Plans shall be reviewed and approved prior to the issuance of fire protection system permits.
 - (6) Fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances shall be charged for each new installation of a fire protection system or the enlargement or extension of an existing system.
- (d) *Installation.*
- (1) All installations shall be completed by licensed contractors as required.
 - (2) All installations shall be completed in accordance with applicable federal, state, and local regulations.
- (e) *Penalties.*
- (1) In those cases where the authority having jurisdiction determines that an installation is incorrect, not according to plan, or presents an unacceptable degree of risk, a notice to stop work may be given until further review can be made by all parties of interest.
 - (2) *Double fee.* Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefor, shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all cases, a permit must be obtained as soon as practical to do so. If there is an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

(Ord. of 2-1-16(2))

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Sec. 7-32. Underground storage tanks.

(a) *Applicability.* This regulation applies to the installation or removal of underground storage tank containing, or intended to contain, flammable or combustible liquids or gasses located within the Town of Brunswick.

(b) *Definitions.*

Authority having jurisdiction (AHJ) means an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

Combustible liquid means any liquid that has a closed cup flash point at or above 37.8 °C (100°F).

Flammable liquid means a fluid that has a closed cup flash point that is below 37.8 °C (100°F) and a maximum vapor pressure of 2068 mm Hg (40 psia) at 37.8 °C (100°F).

(c) *Permit required.*

(1) Installation or removal of underground storage tank(s) shall be permitted by the Brunswick Fire Department prior to the start of work.

(2) Applicant shall show applicable license(s) when applying for permit if required.

(3) Any and all applicable state or federal permits shall be provided to the fire department prior to the issuance of a local permit.

(d) *Penalties.*

(1) A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 "Offenses and Miscellaneous Provisions" of the Town of Brunswick Code of Ordinance. If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided.

(2) In those cases where the authority having jurisdiction determines that an installation or removal is incorrect, not according to plan, or presents an unacceptable degree of risk, a notice to stop work may be given until further review can be made by all parties of interest.

(Ord. of 2-1-16(2))

Sec. 7-33. Outdoor wood boiler/hydronic heaters.

(a) *Applicability.*

(1) This regulation applies to any manufacturer, supplier, distributor or person intending to sell, lease, distribute, or market, an outdoor wood boiler, including an outdoor pellet boiler, in the town that meets the definition of an outdoor wood boiler and to any person who installs, relocates, replaces, operates or owns an outdoor wood boiler, including an outdoor pellet boiler.

(2) This regulation applies to outdoor wood boilers, including outdoor pellet boilers, with a rated thermal input of less than 3 MMBtu/hr. Boilers with a rated thermal heat input of 3 MMBtu/hr or greater are subject to Chapter 103 Fuel Burning Equipment Particulate Emission Standard of the Department of Environmental Protection Regulations.

(b) *Definitions.* The following terms, as used in this section, have the following meanings:

Clean wood means wood that has no paint, stain, or other types of coatings, and wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

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Commercial outdoor wood boiler means any outdoor wood boiler, except for those outdoor wood boilers used solely for space heating or domestic hot water, used to service a commercial establishment.

Distribute or sell means to distribute, sell, advertise for sale, offer for sale, lease, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. This term does not include the distribution or sale by a manufacturer of an outdoor wood boiler that is installed outside the town.

Manufacturer means any person who constructs or imports for the distribution or sale into the United States an outdoor wood boiler.

New outdoor wood boiler means an outdoor wood boiler that is not installed and/or operational at the intended location of use as of the effective date of this section.

Nuisance means emission of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that may be injurious to human, plant or animal life or to property, or that unreasonably interferes with the comfortable enjoyment of life or property.

Opacity means the degree to which emissions other than water reduce the transmission of light and obscure the view of an object in the background.

Outdoor wood boiler (also known as outdoor wood-fired hydronic heater, water stove or outdoor wood furnace) means a fuel burning device that:

- (1) Is designed to burn wood, biomass fuel products or other approved solid fuels;
- (2) The manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., sheds) or is an indoor-rated device housed in a modular or containerized structure; and
- (3) Heats building space or water, or both, through the distribution, typically through pipes for a fluid or ducts for air, of a fluid or air heated in the device.

Outdoor pellet boiler means an outdoor wood boiler designed and warranted by the manufacturer specifically to burn pellet fuel with metered fuel and air feed and controlled combustion engineering which is operated according to the manufacturer's specifications and burns only pellet fuel.

Particulate matter or PM means particulate matter PM₁₀ and PM_{2.5} including the condensable fraction.

Sale means the transfer of ownership or control.

(c) **Requirements for the sale, installation and operation of new outdoor wood boilers and outdoor pellet boilers.**

- (1) **Particulate matter emission standards for outdoor wood boilers.**
 - a. **Phase II particulate emission standard for outdoor wood boilers and outdoor pellet boilers.** No person shall distribute or sell, lease, import, supply, relocate, replace, or install an outdoor wood boiler or outdoor pellet boiler after the effective date of this section unless it has been certified under subsection (c)(5) to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output. Outdoor wood boilers and outdoor pellet boilers meeting the Phase II limit must be installed according to the applicable setback and stack height requirements as defined in subsections (c)(2) and (c)(3).
 - b. **Voluntary technology-forcing particulate emission standard for outdoor wood boilers.** An outdoor wood boiler meeting a particulate matter emission limit of 0.06 lbs/MMBtu heat output is not subject to a setback requirement under this section as long as it meets the stack height requirements described in subsection (c)(3)c. of this section.
- (2) **Setback requirements for new outdoor wood boilers and outdoor pellet boilers.**
 - a. **Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output.** No person shall install or allow the installation of any outdoor

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wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor wood boiler or outdoor pellet boiler is installed at least one hundred (100) feet from the nearest property line or at least one hundred and forty (140) feet from the nearest dwelling that is not on the same property as the outdoor wood boiler or outdoor pellet boiler.

- b. *Outdoor pellet boilers certified to meet particulate emission limits of 0.06 lbs/MMBtu heat output.* No person shall install or allow the installation of any outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor pellet boiler is installed at least forty (40) feet from the nearest property line or at least eighty (80) feet from the nearest dwelling that is not on the same property as the outdoor pellet boiler.
 - c. *Outdoor wood boilers that have been modified to burn pellets.* Outdoor wood boilers that have been modified to burn pellets must meet the applicable setback specified in subsection (c)(2) for the original particulate emission limit certification of the outdoor wood boiler, determined in accordance with subsection (c)(5).
- (3) *Stack height requirements for new outdoor wood boilers and outdoor pellet boilers.*
- a. *Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output.* No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor wood boiler or outdoor pellet boiler:
 - 1. Has an attached stack with a minimum stack height of ten (10) feet above ground level; or
 - 2. Has an attached stack extending two (2) feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if an abutting residence is located less than three hundred (300) feet from the outdoor wood boiler or outdoor pellet boiler.
 - b. *Outdoor pellet boilers certified to meet particulate emission limits of 0.06 lbs/MMBtu heat output.* No person shall install or allow the installation of any outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor pellet boiler:
 - 1. Has an attached stack with a minimum stack height of ten (10) feet above ground level; or
 - 2. Has an attached stack extending two (2) feet higher than the peak of the roof of the structure being served by the outdoor pellet boiler, if an abutting residence is located less than one hundred (100) feet from the outdoor pellet boiler.
 - c. *Outdoor wood boilers that have been modified to burn pellets.* Outdoor wood boilers that have been modified to burn pellets must meet the applicable stack height specified in subsection (c)(3) for the original particulate emission limit certification of the outdoor wood boiler, determined in accordance with subsection (c)(5).
 - d. In the case that there is no structure, such as, but not limited to, swimming pools or hot tubs, being served by an outdoor wood boiler or outdoor pellet boiler subject to subsection (c)(3), the owner or operator of the outdoor wood boiler or outdoor pellet boiler shall extend the stack two (2) feet higher than the peak of the roof of the nearest building to the outdoor wood boiler or outdoor pellet boiler.
- (4) *Commercial outdoor wood boiler, commercial outdoor pellet boiler, outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr analysis requirement.*

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Chapter 7 FIRE PREVENTION AND PROTECTION

- a. Any person intending to install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, an outdoor wood boiler, or outdoor pellet boiler with a rated thermal output greater than three hundred fifty thousand (350,000) Btu/hr shall obtain an evaluation, report and installation recommendations performed by a qualified professional, including a licensed professional engineer or a master solid fuel burner technician, that includes the following information:
 1. What type of application will the outdoor wood boiler or outdoor pellet boiler be used for;
 2. A determination of the heat load requirements of the facility as compared to the available heat supply of the outdoor wood boiler or outdoor pellet boiler to ensure the unit is properly sized;
 3. The stack location relative to the property lines and building locations within four hundred (400) feet of the outdoor wood boiler or outdoor pellet boiler;
 4. The stack height; and
 5. Recommendations for the proper outdoor wood boiler or outdoor pellet boiler installation, including but not limited to, hook-up, auxiliary fuel, properly sized outdoor wood boiler or outdoor pellet boiler, stack height and stack location.
 - b. No person shall install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than three hundred fifty thousand (350,000) Btu/hr unless it is installed according to the recommendations of the evaluation report in subsection (c)(4)a. of this section. In any case, no person shall install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, an outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than three hundred fifty thousand (350,000) Btu/hr unless it meets the minimum setback and stack height requirements stated in subsections (c)(2) and (c)(3).
- (5) *Certification of outdoor wood boilers and outdoor pellet boilers.* No person shall supply, distribute, sell, lease, offer for sale, or allow the installation of an outdoor wood boiler or an outdoor pellet boiler in the town unless the outdoor wood boiler or outdoor pellet boiler has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program. The certification shall demonstrate that the outdoor wood boiler or outdoor pellet boiler meets the applicable particulate emission standard in subsection (c)(1). The manufacturer of any such outdoor wood boiler or outdoor pellet boiler shall conduct testing via the EPA Outdoor Wood-Fired Hydronic Heater Phase I Program until EPA replaces the EPA Outdoor Wood-Fired Hydronic Heater Phase I Program with the Environmental Technology Verification Program. The department of environmental protection may approve an alternative certification program.
- (6) *Labeling requirements.* New outdoor wood boilers and outdoor pellet boilers shall be labeled in accordance with the labeling requirements of the U.S. Environmental Protection Agency Outdoor Wood-Fired Hydronic Heater Program. Requirements of this program are located at www.epa.gov/woodheaters/index.htm.
- (7) *Rain cap prohibition.* No person shall operate a new outdoor wood boiler or outdoor pellet boiler using a rain cap unless this device is required by the manufacturer specifications.
- (d) *General provisions and requirements for all outdoor wood boilers and outdoor pellet boilers.*
- (1) *Prohibited fuels.* No person shall burn any of the following items in an outdoor wood boiler:
 - a. **Any wood that does not meet the definition of clean wood;**
 - b. **Garbage;**
 - c. **Tires;**

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Chapter 7 FIRE PREVENTION AND PROTECTION

- d. Lawn clippings or yard waste;
- e. Materials containing plastic;
- f. Materials containing rubber;
- g. Waste petroleum products;
- h. Paints and paint thinners;
- i. Chemicals;
- j. Glossy or colored papers;
- k. Construction and demolition debris;
- l. Plywood;
- m. Particleboard;
- n. Salt water driftwood and other previously salt-water saturated materials;
- o. Manure;
- p. Animal carcasses;
- q. Asphalt products;
- r. Materials containing asbestos;
- s. Materials containing lead, mercury, or other heavy or toxic metals; and
- t. Coal, unless the outdoor wood boiler is specifically designed to burn coal.

(2) *Fuel requirements.*

- a. No person that operates an outdoor wood boiler shall use a fuel other than the following:
 - 1. Clean wood;
 - 2. Wood pellets made from clean wood;
 - 3. Home heating oil in compliance with the applicable sulfur content limit, propane or natural gas may be used as starter or supplemental fuels for dual-fired outdoor wood boilers; and
 - 4. Other fuels as approved by the department.
- b. No person that operates an outdoor pellet boiler shall use a fuel other than the following:
 - 1. Wood pellets made from clean wood;
 - 2. Corn; and
 - 3. Other fuels as approved by the department.

(e) *Nuisance conditions.*

- (1) *Standard.* No person shall operate an outdoor wood boiler or an outdoor pellet boiler, that produces visible emissions, measured as any opacity totaling twelve (12) minutes in any hour, that cross onto any land or buildings immediately adjacent to a dwelling or commercial building not owned by the owner of the outdoor wood boiler. Opacity under this subsection shall be determined by the Department of Environmental Protection pursuant to EPA Method 22 Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares (40CFR60, Appendix B).
- (2) *Prohibition.* No person shall operate an outdoor wood boiler or an outdoor pellet boiler, in such a manner as to create a nuisance.

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Chapter 7 FIRE PREVENTION AND PROTECTION

- (f) **Effective date.** Unless otherwise noted, compliance with all applicable provisions of this section is the effective date of the regulation.
- (g) **Severability.** Each subsection of this section shall be deemed severable, and in the event that any subsection of this section is held invalid, the remainder shall continue in full force and effect.
- (h) **Existing outdoor wood boilers.** Any outdoor wood boiler in existence upon the effective date of this section shall be allowed to remain provided the owner adheres to the following regulations:
 - (1) **Months of operation.** Outdoor wood boilers may be operated only between October 1 and April 30 of each year.
 - (2) **Permitted fuels.** These fuels are defined under subsection (d)(2).
- (i) **Regulatory references.** In addition to provisions in this section, rule Chapter 150 Control of Emissions from Outdoor Wood Boilers as adopted and amended by the Maine Department of Environmental Protection, along with any other state or federal regulations and rules regarding outdoor wood boilers apply.
- (j) **Penalties.** A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 "Offenses and Miscellaneous Provisions" of the Town of Brunswick Code of Ordinance. If this Code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided.

(Ord. of 2-1-16(2))

16 DEPARTMENT OF PUBLIC SAFETY

219 OFFICE OF STATE FIRE MARSHAL

Chapter 3: FIRE PREVENTION CODE

SUMMARY: This chapter establishes the rules and regulations prescribing the minimum requirements necessary to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion.

1. This rule incorporates by reference the following National Fire Protection Association standard, available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269: NFPA #1, *Uniform Fire Code*, 2018 edition.

 2. The following chapters and sections of NFPA #1, *Uniform Fire Code*, shall not be incorporated in the State of Maine:

Chapter 13, Section 3.2.20.1 shall be removed with no substitution.

 3. The following chapter and section shall be amended to read:

Chapter 13, Section 3.2.3 New buildings housing emergency fire, rescue or ambulance services shall be protected throughout by approved supervised automatic sprinkler systems. Sprinklers shall be permitted to be omitted from emergency fire, rescue or ambulance services that are storing vehicles or equipment only and are not part of a multiple mixed occupancy.
-

STATUTORY AUTHORITY: 25 MRS §2452

EFFECTIVE DATE:

August 17, 2002 - filing 2002-310

AMENDED:

August 18, 2004 - filing 2004-339

September 3, 2007 – filing 2007-363

November 27, 2019 – filing 2019-207

16 DEPARTMENT OF PUBLIC SAFETY

219 OFFICE OF STATE FIRE MARSHAL

Chapter 20: FIRE SAFETY IN BUILDINGS AND STRUCTURES

SUMMARY: This rule incorporates by reference National Fire Protection Association (NFPA) #101, *Life Safety Code*, 2018 edition; NFPA #80, *Standard for Fire Doors and other Opening Protectives*, 2019 edition; NFPA #220, *Standard on Types of Building Construction*, 2018 edition; NFPA #221 *Standard for High Challenge Fire Walls, Fire Walls and Fire Barrier Walls*, 2018 edition; and NFPA #241, *Standard for Safeguarding Construction, Alteration, and Demolition Operations*, 2019 edition. Specific provisions of the *Life Safety Code* have been excluded to avoid conflict with the *Maine Uniform Building and Energy Code*, and several provisions have been modified to make the provisions specific to Maine. This chapter also includes rules governing portable classrooms and indoor and special pyrotechnic events.

1. This rule incorporates by reference National Fire Protection Association Standard #101, *Life Safety Code*, 2018 edition. All rights reserved by the National Fire Protection Association. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.
 - A. **Unvented fuel-fired heaters.** Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.
 - B. **Extinguishment Requirements in One- and Two- Family Dwellings.** Section 24.3.5.1 of NFPA #101, the *Life Safety Code*, 2018 edition, is not incorporated by reference.
 - C. **Stair risers, guards, treads, and tread nosing.** The following provisions of NFPA #101, *Life Safety Code*, 2018 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾" riser for newly constructed stairs in one- and two family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one- and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one-and two family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.3.2 is modified to permit a nosing at least ¾" but not more than 1 ¼" in depth for newly constructed one-and two family dwellings. *Nosings are not required where tread depth is not less than 11 inches.*
 - D. **Separated Occupancies.** Tables 6.1.14.4.1 Part 1 &2, "*Required Separation of Occupancies (hours.)*" shall be crossed referenced with Table 508.4 *Required Separation of Occupancies* of the *2015 International Building Code (IBC)*. Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.

- E. **Accessory Occupancies.** Chapter 6, Section 6.1.14.1.3 of NFPA #101, *Life Safety Code*, 2018 edition, is not incorporated. Section 508.2 *Accessory Occupancies*, of the 2015 *International Building Code* governs.
 - F. **Dead End Corridors.** The following provisions of NFPA #101, *Life Safety Code*, 2018 edition, are modified as indicated: Chapter 18, Section 18.2.5.2 is modified to require dead end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4 is modified to require dead end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5 is modified to require that a dead end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 ft.
 - G. Chapter 33.7.3.6 Add. Section 19.7 shall apply in such instances.
2. This rule incorporates by reference the National Fire Protection Association Standard #80, *Standard for Fire Doors and other Opening Protectives*, 2019 edition. All rights reserved by the National Fire Protection Association. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.
 3. This rule incorporates by reference the National Fire Protection Association Standard #220, *Standard for Types of Building Construction*, 2018 edition. All rights reserved by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.
 4. This rule incorporates by reference the National Fire Protection Association Standard #221, *Standard for High Challenge Fire Walls, Fire Walls and Fire Barrier Walls*, 2018 edition. All rights reserved by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.
 5. This rule incorporates by reference the National Fire Protection Association Standard #241, *Standard for Safeguarding Construction, Alterations, and Demolition Operations*, 2019 edition. All rights reserved by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.
6. **Portable Classrooms**
- Portable Classrooms shall mean buildings manufactured and moved to a site to provide educational space for educational facilities. Similar portable classrooms may be site built if the installation follows these requirements and a construction permit is obtained in accordance with Title 25 M.R.S. §2448.
- A. All portable classrooms shall be placed in such a manner that no part of the portable classroom is within 20 feet horizontally to any other building.
 - B. Groups of portable classrooms shall maintain 20 feet of clearance between individual buildings.
 - C. All groups of buildings under this construction shall have a construction permit issued by the Office of State Fire Marshal as required by Title 25 M.R.S. §2448.

- D. Buildings and groups of buildings on the same property shall have fire alarm systems as required (NFPA 101, 2018 edition, Sections 14.3.4 and 15.3.4) and all systems shall be interconnected.
- E. Fire Drills shall be conducted in conjunction with drills in main educational buildings.
- F. Portable classrooms shall meet all egress requirements of the adopted National Fire Protection Association Standard #101, *Life Safety Code*, 2018 edition.
- G. No installation shall be completed unless a letter from the municipal fire authority has been received by the Office of State Fire Marshal. This letter must indicate that the fire authority's ability to respond to fire emergencies will not be hindered by the placement of the portable classrooms and that the installations of the portable classrooms do not violate local ordinances.

7. Announcement required

At every event with a defined start time, where an assembly occupancy can accommodate 300 occupants or more, the event manager, operator, sponsor, or a designee shall make an audio announcement to all occupants, prior to the commencement of the event, regarding the following:

- A. Location of exits;
- B. Smoking rules and regulations;
- C. Use of open flame devices;
- D. What to do in case of emergency evacuation; and
- E. Location of any first aid stations.

Such events include but are not limited to those held at armories, assembly halls, auditoriums, dance halls, exhibition halls, gymnasiums, special amusement buildings regardless of occupant load, and theaters.

STATUTORY AUTHORITY: 25 M.R.S. §2452 and 8 M.R.S. §236

EFFECTIVE DATE:

December 22, 1977 - filed September 27, 1978

AMENDED:

October 24, 1982
 September 30, 1985
 September 1, 1988
 September 1, 1991
 September 1, 1994

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 15, 1996

AMENDED:

January 2, 1999

REPEALED AND REPLACED:

August 7, 2001 - formerly Ch. 29

AMENDED:

March 11, 2003 - filing 2003-67 (*EMERGENCY, expires June 9, 2003*)

September 1, 2003 - filing 2003-302

August 18, 2004 - filing 2004-345

NON-SUBSTANTIVE CORRECTIONS:

September 13, 2004 - corrected section numbering

AMENDED:

September 21, 2004 - filing 2004-409, section 1.B reinserted

September 3, 2007 – filing 2007-371

July 27, 2011 – filing 2011-250

November 27, 2019 – filing 2019-210

ITEMS 64 & 65 BACKUP

Town of Brunswick, Maine

OFFICE OF THE TOWN CLERK

MEMORANDUM

TO: Town Council

FROM: Fran Smith, Town Clerk

DATE: April 27, 2020

SUBJECT: Emergency Amendments to the Shellfish ordinance

This memo is to support action that the Council took at your March 16th meeting when you enacted on an emergency basis two amendments to the Shellfish ordinance. The first one was regarding removing an inconsistency under the definition of resident and language around college students being allowed to apply for student licenses; this was explained in the attached memo dated March 12, 2020. The second item is relative to emergency action the Council allowed to let the Town Clerk modify the license process for students and commercial harvesters as the result of COVID-19. In both cases the emergency provision expires on May 4th.

This is the action I am seeking at your May 4th meeting:

- 1) After the public hearing, the recommended action on the student provisions so they will be in place permanently, is as follows:

Motion to adopt amendments to Chapter 11 – Marine Activities, Structures and Ways relative to student licensing definitions, to be enacted on a regular and an emergency basis.

A copy of the memo from March 12th and the proposed language is attached.

- 2) After the public hearing, since this item only applies to the current license issuing process which will be completed prior to the end of May, I am only requesting the Council extend the emergency ordinance for an additional 50 days.

Motion, for 2020-21 licensing year, to authorize the Town Clerk to implement measures to allow for shellfish harvesters to apply for and/or pick up licenses by methods other than in person if the Town Clerk and Town Manager deem this to be in the best interest for public safety and if town hall were to be closed to the public, to be enacted on an emergency basis.

The current measures in place were to allow for harvesters to pay by credit card on the phone or make arrangements to drop off a check in the drop box outside of town hall. We also allowed them to pay half up front, with the other half due by June 15th. Students have been able to apply on line and will have the option of purchasing their license with credit card/check if the office is still not open or for their safety.

Town of Brunswick, Maine

OFFICE OF THE TOWN CLERK

MEMORANDUM

TO: Town Council

FROM: Fran Smith, Town Clerk

DATE: March 12, 2020

SUBJECT: Emergency Amendments to the Shellfish ordinance

We are proposing that the Council consider the following emergency amendment to the Shellfish ordinance in order to have language in place in time for the student licensing process which starts on April 3rd.

In the fall of 2018 the Council considered a proposal to the shellfish ordinance that would restrict student licenses to those through 20 years of age and with other restriction. After public comment, the Council amended the proposal to exclude the other restrictions and to expand the student program to the age of 22, with the intention to allow those in college to continue to qualify for student licenses.

It has been discovered that additional amendments need to be in place in order to do this, including adding a resident definition for students attending school outside of Brunswick and adding "postsecondary" to the applicant qualifications. In order to allow students who are in college to apply for a student license for the 2020-21 licensing year, the Council will need to enact these amendments on an emergency basis to ensure that the ordinance is in place by April 3, 2020, when student intents become available.

We are also requesting that the Council set a public hearing for April 6th to enact this ordinance on a regular basis since the emergency language is only good for 50 days.

Chapter 11 Marine Activities, Structures and Ways
Student Licensing Definitions
Requested to be enacted on an emergency basis and regular basis

WHEREAS, the Brunswick Town Council adopted language on December 3, 2018, to expand the age of student harvesters to the age of 22; and,

WHEREAS, the intent of the Council was to allow college students to be able to harvest through college as students; and,

WHEREAS, it has been discovered that additional amendments need to be in place in order for this to happen, including adding a resident definition for students attending school outside of Brunswick and adding “postsecondary” to the applicant qualifications; and,

WHEREAS, in order to allow students who are in college to apply for a student license for the 2020-21 license year, the Council will need to enact these amendments on an emergency basis to ensure that the ordinance is in place by April 3, 2020, when students intents become available; and,

WHEREAS, the Council will also set a public hearing to enact these changes on a regular basis;

NOW, THEREFORE, the Town Council of the Town of Brunswick, Maine adopts the following Ordinance:

Article III - Shellfishing

Amendment to Section 11-71:

Resident means a person who has physically resided at a fixed, permanent, and principal home in the town for at least three (3) months next prior to the time his claim of residence is made. For the purposes of Resident Student licenses only, this term shall include a person who is attending a postsecondary educational institution outside of Brunswick but who maintains a residence in Brunswick to which he or she returns when school is not in session.

Amendment to Section 11- 133(a)(6):

(6) An applicant for a resident student shellfish license shall be a resident of the town who is actively enrolled in a primary, ~~or secondary~~ or postsecondary school or who is receiving approved home instruction, who is at least ten (10) years of age but less than twenty-two (22) years of age as of the date of license application, or when no longer a student, whichever comes first.

(7) An applicant for a nonresident student shellfish license shall be a nonresident of the town who is actively enrolled in a primary, ~~or secondary~~ school or postsecondary or who is

receiving approved home instruction, who is at least ten (10) years of age but less than twenty-two (22) years of age as of the date of license application, or when no longer a student, whichever comes first.

ITEM 66
BACKUP

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Brunswick Town Council

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

DATE: May 4, 2020

SUBJECT: Zoning Ordinance Amendment – Municipal Uses and Maximum Building Footprint Standards

I. INTRODUCTION

At their meeting on March 16, 2020 the Town Council (Attachment A), the Planning Board held a workshop and subsequent public hearing on April 14, 2020 and April 28, 2020 respectively 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 (Attachment B) and Department of Planning and Development staff were asked to provide additional information pertaining to Options 1, 2, 4, and 5 prior to a public hearing (Attachment C).

Pursuant to Section 5.2.11 of the Brunswick Zoning Ordinance, the Planning Board recommended Option 4, which increases the maximum 20,000 square foot building footprint per structure for all lots within the Growth Mixed-Use 5 (GM5) Zoning District to a 30,000 square foot building footprint per structure for lots with more than one (1) public frontage (corner and through lots).

The Planning Board found that the proposed amendment was consistent with the Town's 2008 Comprehensive Plan and the Commercial Connectors Planning Area established in Zoning Ordinance Appendix Section A.1.7 of the Zoning Ordinance.

The draft of proposed zoning ordinance text amendment (Attachment D), as recommended by the Planning Board at their meeting on April 28, 2020 is attached.

II. ACTION REQUESTED

It is recommended that the Town Council move to set a public hearing for the final adoption of the proposed zoning ordinance text amendments.

III. ATTACHMENTS:

- A. Documents from the March 16, Town Council meeting
- B. Planning Board Workshop Memo from April 14, 2020
- C. Planning Board Public Hearing Memo from April 28, 2020
- D. Proposed Zoning Ordinance Text Amendment

ATTACHMENT A

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: John Eldridge, Town Manager
FROM: Matt Panfil, AICP CUD, Director of Planning & Development
DATE: March 16, 2020
SUBJECT: Zoning Ordinance Update – Municipal Facilities

I. 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

ATTACHMENT 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, 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	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	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	n/a

ATTACHMENT 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 I1, 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

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 Subection 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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ATTACHMENT A

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 11, 1-4	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]															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	

ATTACHMENT 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, 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

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 Subection 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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ATTACHMENT A

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 1, 1-4	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 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	

ATTACHMENT 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 I1, 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

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 Subection 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.

--- IN THIS SCENARIO, EXISTING NONCONFORMING STRUCTURES ON PLEASANT ST. IN THE G5 DISTRICT COULD BE MADE CONFORMING (SEE BELOW) ---

193 Pleasant from the tax card is 24919+11798 = 36,717 square feet

ATTACHMENT A

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	24,919	24,919	24,919	89.05	2,218,912
FGR	Garage, Attached	0	11,798	5,899	44.52	525,276
FUS	Upper Story, Finished	6,958	6,958	6,958	89.05	619,575
Ttl. Gross Liv/Lease Area:		31,877	43,675	37,776		3,363,764

157 Pleasant from the tax card is $23984 + 36 = 24,020$ square feet

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	23,984	23,984	23,984	92.33	2,214,539
CAN	Canopy	0	36	7	17.95	646
Ttl. Gross Liv/Lease Area:		23,984	24,020	23,991		2,215,185

II. MAINE EXAMPLES:

Brewer – Footnote in Land Use Table

The essential services building can be located at the discretion of the Planning Board; Notwithstanding the requirements of this ordinance, Essential Services Buildings as defined, shall be exempt from the lot area, coverage, width and frontage requirements of the district in which they are located, provided such structures shall be screened from a public or private street and from any residential district. Additional screening from abutting property owners may be required. Such a buildings or structures must be architecturally similar to the surrounding buildings or structures and kept in good repair.

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Planning Board
FROM: Matt Panfil, AICP CUD, Director of Planning & Development
DATE: April 14, 2020
SUBJECT: Workshop - Zoning Ordinance Update - Municipal Uses and Maximum Building Footprint Standards

I. INTRODUCTION:

Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts of the Town of Brunswick Zoning Ordinance restricts the maximum building footprint per structure within the Growth Mixed-Use 5 (GM5) District to 20,000 square feet. A preapplication review of a site plan for a municipal project within the GM5 revealed that proposal exceeded the 20,000 square foot maximum. The project architect estimated that in order to meet the standard by redesigning the structure to be two-stories instead of one-story would cost an additional \$816,000. Planning staff was asked to prepare potential zoning ordinance amendments for Town Council consideration. At their March 16, 2020 meeting, the Town Council reviewed five (5) options drafted by staff and forwarded this item to the Planning Board for its consideration and recommendation.

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 -----

ATTACHMENT B

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

ATTACHMENT B

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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, 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
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	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]															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	

ATTACHMENT B

**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 1, 1-4	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

ATTACHMENT B

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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, 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
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	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]															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	

ATTACHMENT B

**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 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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ATTACHMENT B

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 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	

ATTACHMENT B

**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 I1, 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.

--- IN THIS SCENARIO, EXISTING NONCONFORMING STRUCTURES ON PLEASANT ST. IN THE G5 DISTRICT COULD BE MADE CONFORMING (SEE BELOW) ---

157 Pleasant from the tax card is 23984 + 36 = 24,020 square feet

ATTACHMENT B

BUILDING SUB-AREA SUMMARY SECTION						
<i>Code</i>	<i>Description</i>	<i>Living Area</i>	<i>Gross Area</i>	<i>Eff. Area</i>	<i>Unit Cost</i>	<i>Undeprec. Value</i>
BAS	First Floor	23,984	23,984	23,984	92.33	2,214,539
CAN	Canopy	0	36	7	17.95	646
<i>Ttl. Gross Liv/Lease Area:</i>		23,984	24,020	23,991		2,215,185

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

ATTACHMENT B

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

ATTACHMENT B

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,

ATTACHMENT B

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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ATTACHMENT B

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



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.

ATTACHMENT C

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

ATTACHMENT C

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

ATTACHMENT C

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	

ATTACHMENT C

**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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ATTACHMENT C

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	

ATTACHMENT C

**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 1, 1-4	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 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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ATTACHMENT C

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 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	

ATTACHMENT C

**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 1, 1-4	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.

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

ATTACHMENT C

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

ATTACHMENT C

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,

ATTACHMENT C

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

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

www.augustamaine.gov

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

85 Union Street

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

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

ATTACHMENT C

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

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

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From: maineassociationofplanners@yahoogroups.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@yahoogroups.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>

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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,

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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ATTACHMENT C

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

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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
Town of Brunswick
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Brunswick, ME 04011

p. (207) 725-6660, ext. 4020

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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,

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

GM5 ZONING DISTRICT (PLEASANT STREET)

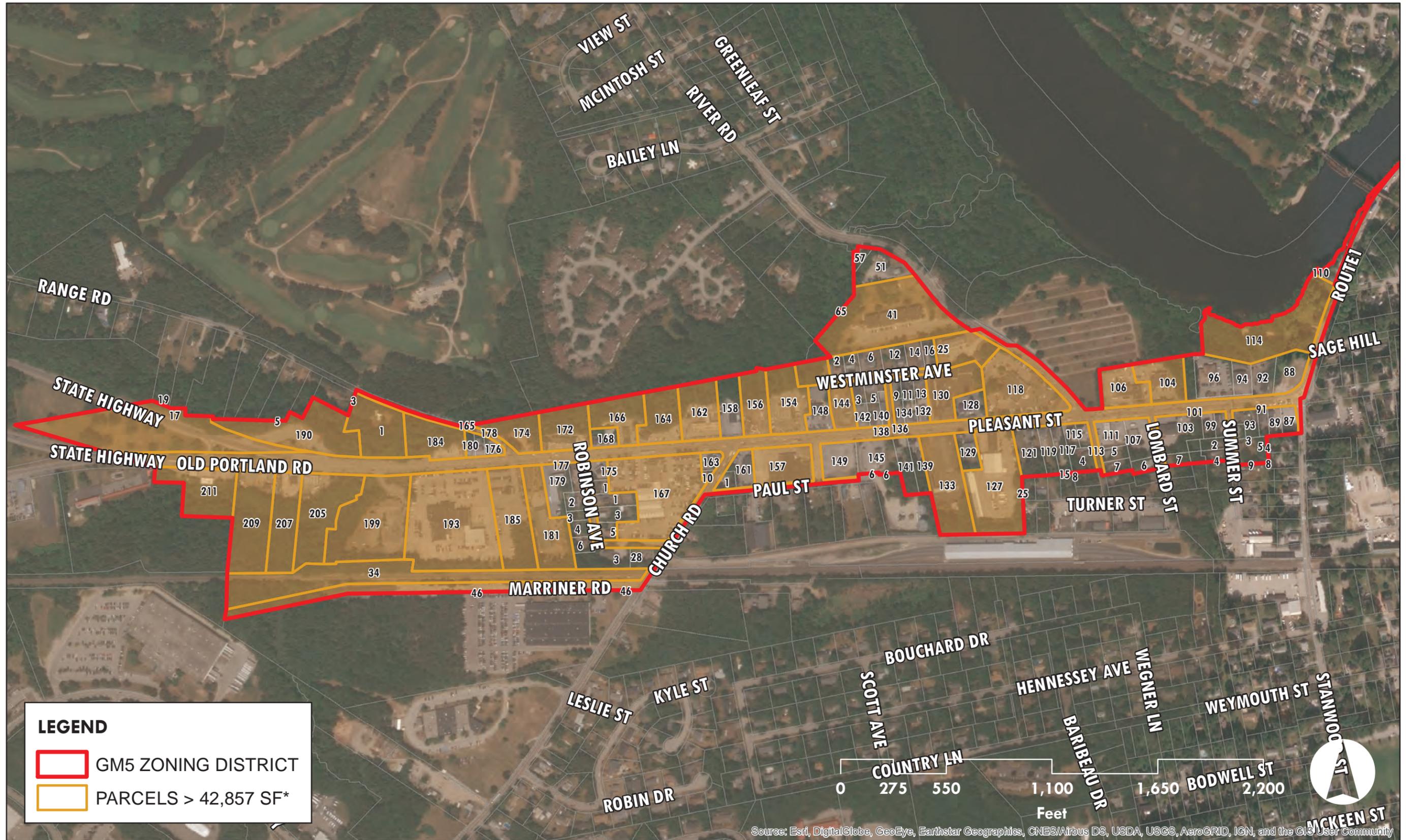
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

GM5 ZONING DISTRICT (PLEASANT STREET)

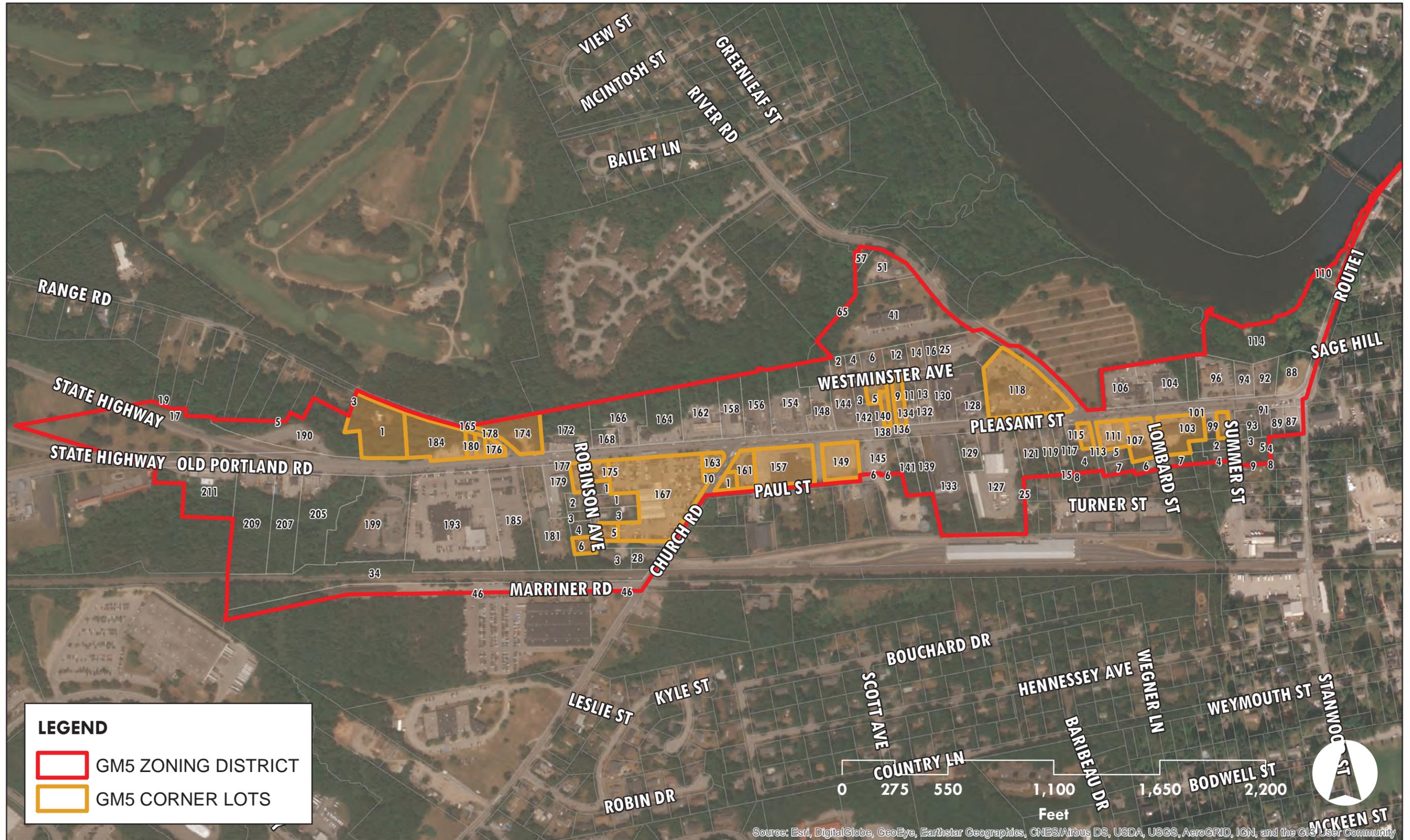
ATTACHMENT C



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

* 42,857 SF is the minimum lot size requirement to accommodate a 30,000 SF building footprint and the minimum 30% pervious surface requirement. This also assumes all internal on-site parking is provided.

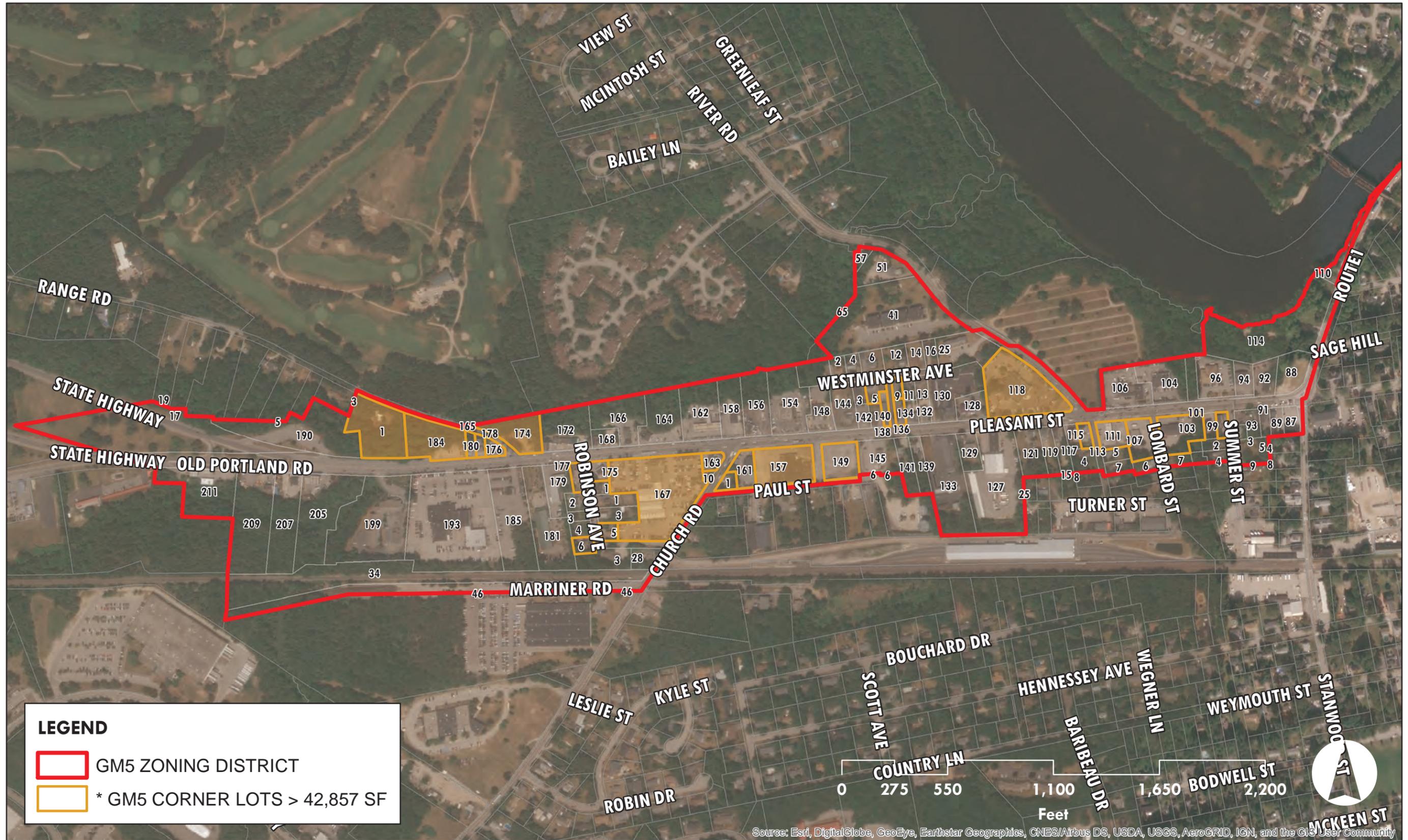
GM5 ZONING DISTRICT (PLEASANT STREET) ATTACHMENT C



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GM5 ZONING DISTRICT (PLEASANT STREET)

ATTACHMENT C



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GM5 ZONING DISTRICT (BATH RD. / JORDAN AVE. / RT. 1)

ATTACHMENT C



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GM5 ZONING DISTRICT (BATH RD. / JORDAN AVE. / RT. 1)

ATTACHMENT C



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ATTACHMENT C



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GM5 ZONING DISTRICT (BATH RD. / JORDAN AVE. / RT. 1) ATTACHMENT C



* 42,857 SF is the minimum lot size requirement to accommodate a 30,000 SF building footprint and the minimum 30% pervious surface requirement. This also assumes all internal on-site parking is provided.

ATTACHMENT D

New Text in Bold Underline
~~Deleted Text in Strikethrough~~

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, 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
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	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	

ATTACHMENT D

**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 1, 1-4	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
Building footprint per structure, max. (1,000 square feet)	20 ^[3]	5	5	5 ^{[16], [19]}	5 ^[19]	7.5	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

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 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.**

ITEM 67
NO BACKUP

ITEM 68
NO BACKUP

ITEM 69
NO BACKUP

CONSENT AGENDA - A BACK UP MATERIALS

Town of Brunswick, Maine



TOWN COUNCIL

A Proclamation Recognizing Arbor Week

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, the State of Maine annually celebrates the third full week of May as Arbor Week (1 M.R.S.A. § 111-A (1977)); and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal;

NOW THEREFORE, the Town Council of the Town of Brunswick does hereby proclaim the third full week of May 2020 as Arbor Week in the Town of Brunswick, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands; and

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Signed by the Chair of the Town Council this 4th day of May, 2020

CONSENT AGENDA - B BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN ENGINEER

MEMORANDUM

TO: John Eldridge, Town Manager
FROM: Ryan Barnes, Town Engineer
DATE: April 21, 2020
SUBJECT: Utility Location Permit Application, Permit # ULP-20-01
Maine Natural Gas
Gas Main Extension – Sills Drive

Attached, for presentation to the Town Council is an application for a Utility Location Permit received from Maine Natural Gas.

Maine Natural Gas seeks authorization to install a new gas main along Sills Drive beginning at College Street and extending 750 feet north, the main will provide service to the new buildings currently being constructed by Bowdoin College.

Brunswick Public Works Department has no objection to these underground utility lines as proposed, providing it is approved subject to the following conditions:

1. The final location governed by the utility location permit is subject to adjustment, as determined necessary by the Town Engineer, to provide adequate clearance from any underground facilities located by field verification by each utility.
2. All work is subject to compliance with the Town's Street Opening and road restoration requirements.

**Town of Brunswick
Public Works Department**

Application for Utility Location Permit

DATE: _____

Permit Number: _____
(to be provided by Town)

_____ and _____
(Name of Utility) Joint Utility Name (if applicable)

duly authorized under the laws of the State of Maine to construct, maintain and operate

(Type of Utility)

within the Right of Way of highways within the State, hereby applies, pursuant to Title 35A M.R.S.A., Section 2503, and 17-229 C.M.R. Chapter 205, for a Location Permit for the following installation in the Town of Brunswick.

Provide a Brief Description. (Attach both a general location map and a detailed plan of the installation indicating the exact utility location with offsets for centerline or edge or right of way provided):

Name of Street: _____

Starting Point: _____ End Point: _____

Maine Natural Gas proposes to install a 4-inch High Density Polyethylene (HDPE) gas main. The proposed gas main extension starts at College Street and extends approximately 750 ft north up Sills Drive behind the west sidewalk. Maine Natural Gas will work with utilities and relocate main as necessary.

Minimum Depth of Cover: _____ (if applicable) Maximum PSI: _____ (if applicable)

"Any person, firm or corporation owning property which abuts the public way described above and claiming to be adversely affected by this proposed location, may file a written objection with the Town of Brunswick Public Works Dept, 9 Industry Rd, Brunswick, ME 04011, stating the cause of said objection within fourteen (14) days after the publication of this notice. The written objection must be served by delivery in hand or by registered certified mail".

The text of this application will will not be published*: Publish Date: _____

Name of Newspaper: _____

Signature of Utility: _____


Print Name and Title: _____

*If publication is chosen, the entire application above the double line is to be published. Submit completed applications to the address provided above in the objection statement.

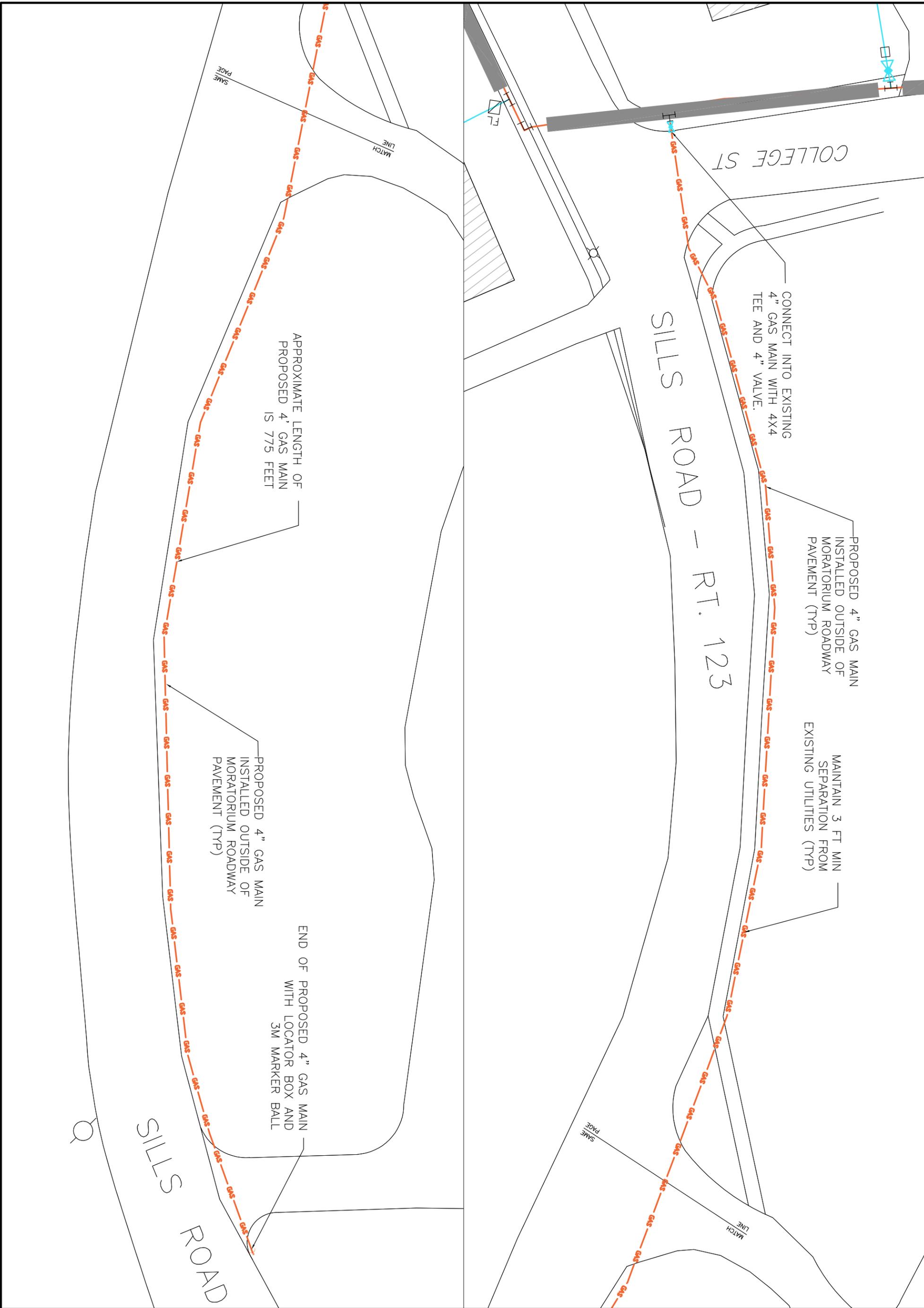


PROPOSED GAS MAIN EXPANSION
SUMMARY OF UTILITY COORDINATION

LOCATION OF APPLICATION: Sills Road

DATE OF SUBMITTIAL: 4-17-2020

UTILITY AND NAME OF UTILITY CONTACT	DATE OF MEETING OR CONVERSATION	PHONE NUMBER	IDENTIFICATION OF ANY MAJOR CONCERNS AND HOW EACH WILL BE ADDRESSED
Brunswick Sewer District Robert Pontau	Email response 4-9-2020	729-0148	No objections.
Brunswick & Topsham Water District TC Schofield	Email response 4-9-2020	729-9956	No objections.
Fairpoint Lillian Stiles		797-1866	No response as of 4-17-2020
Central Maine Power		721-8006	No response as of 4-17-2020
Town of Brunswick Ryan Barnes		725-6654	No response as of 4-17-2020
Comcast Kendall Blodgett			No response as of 4-17-2020



PROPOSED 4" GAS MAIN
 INSTALLED OUTSIDE OF
 MORATORIUM ROADWAY
 PAVEMENT (TYP)

MAINTAIN 3 FT MIN
 SEPARATION FROM
 EXISTING UTILITIES (TYP)

APPROXIMATE LENGTH OF
 PROPOSED 4" GAS MAIN
 IS 775 FEET

PROPOSED 4" GAS MAIN
 INSTALLED OUTSIDE OF
 MORATORIUM ROADWAY
 PAVEMENT (TYP)

END OF PROPOSED 4" GAS MAIN
 WITH LOCATOR BOX AND
 3M MARKER BALL

DRAWING C-1	MAINE NATURAL GAS GAS CONSTRUCTION MAPPING BRUNSWICK, ME	 MAINE NATURAL GAS 9 Industrial Parkway, Brunswick, Maine 04011	DRAWN BY: JRG CHECKED BY: SBM DATE: 4/8/2020 APPROVED BY: DATE: BOOK NO.: PROJECT NO.: N/A SCALE: N.T.S.	NO SUBMISSIONS/REVISIONS △ PERMIT DRAWING	APP'D DATE 4-8-2020
	SILLS ROAD		PLOTTED 4-8-2020		

CONSENT AGENDA - C BACK UP MATERIALS



TOWN OF BRUNSWICK

PROCLAMATION

WHEREAS, *the Pejepscot Proprietors by their vote of May 8, 1719, OS, granted land to “Ly in General and perpetual Comonage” to the Town of Brunswick; and*

WHEREAS, *May 19, 2020 is the 301st anniversary of that vote,*

THEREFORE, *We the TOWN COUNCIL OF BRUNSWICK, the successors in office of the Selectmen, being mindful of the history and heritage of our Town, respectful of the inspiring wisdom of the first Planners of our community, and proud of the part they have played in preserving to our use a portion of the lands with which they were so richly endowed, knowing full well our later needs in that respect,*

DO HEREBY PROCLAIM May 19, 2020, as TOWN COMMONS DAY

Signed this 4th day of May, 2020

John M. Perreault
Town Council Chair

CONSENT AGENDA - D BACK UP MATERIALS

Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

MEMORANDUM

TO: Town Council

FROM: John Eldridge
Town Manager

DATE: April 30, 2020

SUBJECT: Cumberland County Home Consortium
Continuing Membership

The Cumberland County HOME Consortium is a collaboration in support of affordable housing throughout Cumberland County. The current consortium agreement is due to expire on June 30, 2018, and prior to the end of each consortium contract period, each member of the Cumberland County HOME Consortium must determine whether they will continue to participate for another successive three-year period. As a member of the current consortium, Brunswick may choose not to continue to participate in the Cumberland County HOME Consortium.

The Brunswick Housing Authority (BHA) has told us that there continues to be value in being members. Based on that feedback, I recommend that we continue as member for another three years. There is no cost to the Town to participate in the Consortium.



CITY OF PORTLAND
Planning & Urban Development Department

John Eldridge, Town Manager
Town of Brunswick
85 Union Street
Brunswick ME 04011

December 10, 2019

RE: Cumberland County HOME Consortium Renewal

Dear Mr. Eldridge:

The Cumberland County HOME Consortium will soon be entering the last year of its fourth three-year consortium contract period. The current consortium agreement is due to expire on June 30, 2021 (Federal Fiscal Year 2020). The consortium has been a successful collaboration in support of affordable housing throughout Cumberland County.

During the Federal Fiscal Year prior to the end of each consortium contract period, each member of the Cumberland County HOME Consortium must determine whether they will continue to participate for another successive three-year period. You are hereby notified that as a member of the current consortium, you may choose not to continue to participate in the Cumberland County HOME Consortium.

The 2012-2015 Mutual Cooperation Agreement included an automatic renewal clause (Section 7 C. – Term of Agreement and Renewal). As there are no proposed amendments or changes to the Agreement, a new Mutual Cooperation Agreement will not be needed.

Please provide a copy of the decision of your local governing body as to your continued participation in the Cumberland County HOME Consortium. If you choose NOT to continue as a member of the Cumberland County HOME Consortium, you must notify this office of your intent to withdraw.

Please notify my office of your decision no later than February 15, 2020. If you have any questions, please feel free to contact me at 874-8711 or mpd@portlandmaine.gov.

Sincerely,

Mary P. Davis
Division Director
Housing and Community Development Division