ZORC COMMENTS PRE-PUBLIC DRAFT ROLLOUT

Sent: Tuesday, September 10, 2013 4:43 PM
To: Anna Breinich
Subject: Zoning Ordinance question

Hello Anna–
Please advise me here. I am helping a resident to assess what could be done with a large parcel in town and have been able to review several sections of the Zoning Ordinance to give guidance—but have confusion with just one section.

Assuming that a growth district parcel could be divided in such a way as to create a "rear lot" as defined, according to Sec. 305.7:

- What does the language in Sec. 305.5.E.3 mean?
    - Here Ordinance cites "where applicable building setbacks are less restrictive…" Less restrictive <u>than what</u>? Does this mean that they are relaxed or reduced as compared to Table 202.2? (If one gets a break on structure setbacks, then no break on driveway setback.) Then:
    - "And conditions noted in 1 and 2, above, are present". Meaning that driveway is 1) common driveway occupying side yard of common user AND 2) lot has less than 80 feet road frontage?

And so unless BOTH of those conditions are applicable, 303.5.E.3 is moot and driveway is NOT subject to applicable building setbacks in this section (10 feet)?

Thanks for your help. That one could be written a little better. I like to tell everyone that our Ordinances are written in plain English and not to be fearful.

I wonder if we could build a sort of "flow chart" or "key system" to guide us through the Ordinance. The basics are easy but all the overlay zones and special exceptions and provisions always make us wonder if "we found it all" and probably costs your office more staff time helping folks to navigate. Thinking of something like a branched tree model, e.g., if you are doing this, go to section 3, or if you are doing that, go to section 5, etc., etc.

Sent: Wednesday, December 04, 2013 1:14 PM
To: Anna Breinich
Subject: Re: Zoning Trends and Choices TODAY!

Good afternoon, Anna.

I received the notice about the upcoming public zoning meetings. My teaching schedule conflicts with the offered meetings and I just wanted to find out whether there are any proposed changes to Home Occupation zoning in residential areas.

I live on Kennebec Lane (off Melden Drive) and I teach music lessons out of my home. My business currently falls under the Home Occupation category since I have a maximum of 10 students per day, my business takes up only 25% of my home, and I have no signage.

If there are any proposed changes to this type of zoning, please do let me know.

Thank you very much and best of luck with this project!

Sent: Wednesday, January 08, 2014 9:02 AM
To: Anna Breinich
Cc: Steve Walker; Sarah Brayman; John Richardson; Benet Pols
Subject: ZORC comments

Dear Ms. Breinich,

I am writing regarding the ongoing work of the Brunswick Zoning Ordinance Rewrite Committee. (ZORC) and wish to share several thoughts for your consideration, they are:

1. A recent article published in the *Forecaster* quoted the town's Philadelphia based zoning consultant as he made a comparison between the Town of Brunswick and the City of Philadelphia. The essence of his comments seemed to be that since Philadelphia has 35 zoning districts and Brunswick has 46 zoning districts Brunswick's ordinance needs to be simplified.

   It seems illogical to me that a comparison between Brunswick and Philadelphia could be relevant to any zoning change(s) in our town. The existing ordinance embodies citizen engagement over the span of generations; it reflects the agreed upon best interests of our community.

2. Specifically regarding the future of the R-1 Zone, within which my home is located, I would like to emphasize the fragile nature of the Longfellow Neighborhood. It appears the R-1 zone may be in transition (now) with the college acquiring residential properties along the full length of the street. To the extent these acquisitions indicate a future interest on the part of the college to assemble land parcels and ultimately construct multi-family/student housing the best interest of all must continue to be represented. In my view existing homeowners can be best represented by the town fostering a broader public understanding of the 'bigger picture' as envisioned by Bowdoin.

3. I think it is safe to say every resident of Longfellow Avenue enjoys their proximity to campus, the downtown area and the general activities and services associated with both including the nearly constant movement of students to and from classes and athletic facilities. However, certain other student activities that usually take place after dark

(except during the so called Ivies Weekend) are fundamentally incompatible with family life. These activities are said to be a part of Bowdoin's campus culture and have been outlined in Section III, Drinking and Partying (p. 247) of the National Association of Scholars Report: *What Does Bowdoin Teach.*

4. Interestingly and beginning on page 256, the NAS reports on the emergence of "Chem-Free" student housing at Bowdoin in a sub-section entitled " The Alcohol Divide". Most interesting to me is the choice students are offered by the college to select Chem-Free housing. The NAS report refers to this selection as "self-segregation". I would recommend this sub-section to you and to members of the ZORC as a must read. Clearly, homeowners are unable to 'self-segregate' and would require support in the form of (zoning) restrictions in order to sustain a peaceful lifestyle.

5. Assuming the ZORC will recommend any liberalization of permitted uses in the R-1 zone I would hope the Town Council would also enact measures to define Good Neighbor Obligations to ensure responsible management of multi-family/student housing and to otherwise ensure future developments are designed and utilized in ways entirely compatible with a family lifestyle.

6. Lastly, I continue to believe the R-1 Zone should remain intact and unaltered until the college publicly declares its interest in, or lack thereof, acquiring any additional properties on Longfellow Avenue. An informed dialogue on the future of the Longfellow Neighborhood cannot take place otherwise.

I have also attached, as I have with all other previous zoning related communications since 1997, a document prepared by a qualified consultant on the impacts of zoning changes on residential properties.

Thank you for your consideration.

Sent: Wednesday, January 22, 2014 4:50 PM
To: Anna Breinich
Subject: Suggested Edits to Draft Chapter 5

Hi Anna,

I have a few suggested edits to the draft Chapter 5, Development Review Criteria for Findings of Fact. It looks like there are some good draft improvements but I think it goes too far in some places. Applicants for Major Review have to hire many professional consultants as it is. I am not in favor of having to hire yet more of them. As you know, the zoning ordinance itself is getting simplified because that is considered an improvement. It seems we all have a propensity to

naturally complicate life to some degree. In many instances though, “simple” works. My suggestions are as follows:

503.1.A 2) a. Eliminate this section. A residential subdivision plan cannot envision all the areas where vegetation will be removed in future years. Homeowners buy a lot and some day build a house. They clear a space for the house but years later they might want to clear for a garden or expand their yard. The plan can never accurately anticipate this. And why would this really be important?

b. I don’t feel this is necessary for residential subdivisions. The developer typically leaves as many trees as possible while still accomplishing the infrastructure. The homeowner cuts down what they need for house construction and a yard. Homeowners love trees for the most part so it looks good in the end.
I believe a drive by of recent neighborhoods will show that. Don’t really want to hire another consultant.

c. Isn’t it enough that we set these areas aside and record on the plan? Is it a problem? Again, don’t really want to hire more consultants.

503.1.A 3) a. This doesn’t allow for a house in the rural zone to have yard adjacent to the existing road. There are many homes in the rural areas that you can see from the existing road that look nice. An example might be a cherished view of a field leading up to farmhouse. What is the problem this is trying to solve? Seems like overregulation.

b. Again, what is the problem with viewing homes? Density requirements in the rural zone space them out. Seems like overregulation.

518.1.A 6) a. The MacMillan V subdivision in Meadowbrook has spacing of approx 55-65 ft between trees. This allows a typical lot of approx 120ft in width to have trees on the lot ends and one in the middle. This works very well because it allows for a driveway to be located on either side of the lot and not interfere with the end tree. You can’t anticipate which side the driveway will be on when you build the subdivision so this spacing prevents problems later. It also provides great visual spacing and will surely be so later when they grow much bigger. Even narrower lots should have end trees so the spacing between trees really becomes a function of lot size. Please look at this example on Tamarack Drive. I would suggest no required spacing distance due to the variation of lot size.

b. My contracts with buyers requires their driveways to be 8 feet from street trees not 10 as proposed. It works well. This may seem like a minor suggested edit to 8ft but as you consider smaller lot sizes this becomes more important. Maybe hydrants need to be 10ft but trees don’t.

e. Tree planting strips cannot be 5 ft in width because the plow truck will destroy the trees. It needs to be 7ft minimum. I have lots of experience with this issue. An esplanade could be 5ft but not with trees in it.

Thanks for considering these comments.

Sent: Friday, January 24, 2014 11:53 AM
To: Jeremy Doxsee; Anna Breinich
Subject: Zoning Ordinance changes

Hi folks,

One thing I suggest for the ordinance changes is that when looking at photometrics for a site, light trespass into a public ROW should be okay. This would allow commercial sites to illuminate their entrances for safety without some convoluted lighting design.

Sent: Thursday, February 06, 2014 7:48 AM
To: Anna Breinich
Subject: follow-up to meeting of 2/4/14

Good Morning Anna,

Thank you for organizing the February 4th evening meeting; it was good to hear from homeowners residing in the different neighborhoods surrounding the campus. It's clear to me, and no doubt to you as well, that the various neighborhoods value existing terms or conditions associated with past approvals of college developments. While perhaps not elegant in the aggregate these terms/conditions served both to resolve neighborhood concerns and accommodate the college's need to develop and grow. Generally, my view is that all such terms or conditions need to remain in full force and effect in a revised zoning ordinance.

Specifically relating to the CU 7 district and as previously mentioned, I would oppose consolidation of the CU 4 and CU 7 districts for two reasons: 1). "parking facilities" are allowed in the CU 4 district and are not allowed in the CU 7 district, and 2). consolidation for its own sake seems unnecessary. It is my sincere hope that parking facilities will not become a permitted use in what is now the CU 7 district.

Finally, I feel a need to understand more about what is driving the "rewrite" of our zoning ordinance. I am aware the state mandates a periodic update of the ordinance to ensure it reflects Brunswick's (updated) Comprehensive Plan and I support such an effort. However, the three recent zoning related meetings I've attended have focused on simplifying and reformatting the ordinance. Could you please briefly explain how reducing the number of zoning districts and reformatting the ordinance are relevant to the state mandate? In other words, what would be the required and essential base elements of an updated Brunswick zoning ordinance?

I will appreciate your reply. Thanks, again for your efforts.

Bowdoin

March 28, 2014

Don Elliot
Clarion Associates
c/o Anna Breinich
Department of Planning and Development
28 Federal Street
Brunswick, Maine 04011

Dear Don,

This responds to your request to provide information regarding college properties and the current College Use (CU) zoning. I am enclosing two tables prepared by my staff that summarize and compare permitted uses and density and dimensional standards across the eight existing CU districts. These tables were developed internally as and have not been reviewed by Planning Department staff and should not be considered as a substitute for the actual language of the ordinance. We hope this material meets your request.

Please note that in addition to the properties located in the eight CU districts, the College owns buildings and land in six other zoning districts including: TR5, R1, R7, MU3, TC1, and TR2. While the attachments focus on comparisons across the college use districts, the current ordinance also permits certain college uses outside of the college use districts. For example, *College Office, Educational Facility*, and/or *Residence Hall* are permitted uses in other districts including the TC districts, TR5 and MU3. Some of Bowdoin's holdings outside the boundaries of the CU districts are significant, such as the former fraternity houses along the west side of Maine Street located in TR5. In that case, the ordinance was amended in 1998 to make C*ollege Office* and R*esidence Hall* uses permitted as-of-right for the former college fraternity houses in TR5. With respect to "edge" issues, the concerns of abutters were addressed through conditions set forth in the Change of Use permits issued at the time of transition.

Other examples of significant properties in non-college use zones include an athletic field in R7, student apartment housing in TR5, and the recently acquired former Stevens Home in MU3.

We understand that you are working to reduce the number of zoning districts within the Town, and while not opposed to this concept, Bowdoin would not support changes that reduce the permitted uses under the current ordinance.

As you know, the 2008 Comprehensive Plan states that college related residential and non-residential uses are appropriate as allowed uses in both the Town Core and Town Residential areas. (Town of Brunswick 2008 Comprehensive Plan Update, Chapter 7, Section D pgs. 59-62). We are hopeful that revisions to the zoning ordinance will reflect this intent and provide opportunities for the College to grow while minimizing the impact on surrounding residential neighborhoods.

TREASURER'S OFFICE
Bowdoin College 5600 College Station, Brunswick, ME 04011-8447 207.725.3242 Fax 207.721.5161

Bowdoin

We hope this information is useful to you and look forward to participating in the zoning ordinance rewrite process.

Sincerely,

S. Catherine Longley
Sr. VP for Finance and Administration & Treasurer

Enclosures

Cc: Anna Breinich
Jeremy Doxsee
Catherine Ferdinand

TREASURER'S OFFICE
Bowdoin College 5600 College Station, Brunswick, ME 04011-8447 207.725.3242 Fax 207.721.5161

To: S. Catherine Longley

From: Catherine Ferdinand

Date: March 27, 2014

Re: Request from Clarion for information on College Use Districts

As requested, I have created for review two tables that consolidate information found in the current zoning ordinance regarding the Uses and Dimensional and Density standards for the eight College Use (CU) districts. For ease of review and comparison, I have included summarized sections of the text of the Additional Requirements (204.3 A-K, Zoning Ordinance, page 21) and of the text of Appendix A-V.4 regarding permitted uses in the College Use/Town Conservation (CU/TC) district (Zoning Ordinance, page 184).

Use Tables

The approach to listing of permitted uses in the CU/TC district (lands at the former Navy base acquired through Public Benefit Conveyance) differs slightly from the approach used in the body of Chapter Two of the ordinance. Instead of a table identifying a use as either permitted or prohibited, specific permitted uses are listed for CU/TC.

I have included the permitted uses listed for CU/TC in the attached table for purpose of comparison. There are a few permitted uses in CU/TC that do not appear in the use table for the other CU zones (such as dwelling as part of mixed use building, equestrian facility, hiking trails, etc.). I have added these uses to this chart with no entry as to whether the use is permitted or prohibited for CU1-CU7.

Additionally, *Daycare Facilities* and *Outdoor Sales* are not included in the use table for CU1-CU7 in Section 204.1 but are addressed for those districts in Section 306 – Supplementary Use Regulations. These uses are listed as permitted in CU/TC.

We have recently learned that the Solar Installation proposed for development in CU/TC is not currently defined in the Ordinance. Planning staff has determined this use would be considered an "*Energy Generating Facility"* which is a use currently omitted or unclassified. Because the installation on CU/TC is proposed as a primary use, the development will require consideration by the Planning Board through the Special Permit process. This may take place prior to completion of the Zoning Ordinance revisions, but it may merit some discussion of whether to include a definition for *energy generating facility* in the updated ordinance along with some discussion of where this use should be permitted.

After compiling the use data in one place, it appears that *Dwelling, Single and Two Family,* is the only use permitted in all CU districts with no other requirements or restrictions. *Daycare Facilities* are also permitted in all CU districts, provided they meet state requirements as outlined in section 306.19. Uses allowed in seven of the eight zones (not necessarily the same seven) without special requirements include: *College Office, Dwelling 3 or more units, Educational Facility, Library/museum, Media Studio,* and *Religious Institution.*

Density and Dimensional Tables

There are some specific provisions in the current ordinance for buffering the impacts of development along the boundaries of certain residential districts (R1, R2, R7, and R8). These include setback requirements in CU2, CU5 and CU/TC; street access, screening/tree cutting, and additional development review in CU2; and reduced height requirements within 200 feet of a district boundary for CU2, CU3, and CU7. I have attempted to incorporate a summary of the text of these provisions (Section 204.3 A-K) into the body of the table. These comments are highlighted in blue to indicate paraphrasing from the content of Sections 204.2 and 204.3 of the ordinance.

Comparison of Permitted Uses in College Use Districts

204 COLLEGE USE DISTRICTS

District Name Geographic Reference

CU1 Campus Center
CU2 Pickard Field
CU3 College Street
CU4 Bowdoin Pines
CU5 Brunswick Apartments
CU6 Cleaveland St.-Bath RD. (Amended 5/21/01R)
CU7 Longfellow (Amended 10/3/11 R)
CU/TC Former NASB property

Table 204.1 USE TABLE (adapted to include CU/TC permitted uses)

Use/District	CU1	CU2	CU3	CU4	CU5	CU6	CU7	CU/TC
Bank	X	X	X	X	X	X	X	
Bed and Breakfast	-	-	-	-	X	-	-	P
Boarding House	X	X	P	X	X	X	X	
Business Office	X	X	X	X	X	X	X	
Car Wash	X	X	X	X	X	X	X	
Congregate/Assisted Living	X	X	X	X	X	X (1)	X	
Convenience Store	X	X	X	X	X	X	X	
Club or Lodge	X	X	X	X	X	X	X	
College Dining Facility	P	-	P	X	X	X	*	P
College Office	P	P	P	P	*	P	P	P
Community Center	P	-	P	P	X	X	X	P
Contractor's Space	X	X	X	-	X	X	X	
Daycare Facilities for Children or Adults	P (4)	P (4)	P (4)	P (4)	P (4)	P (4)	P (4)	P
Drive-Through	X	X	X	X	X	X (3)	X	
Dwelling, Single and Two Family	P	P	P	P	P	P	P	P
Dwelling, 3 or More Units	P	-	P	P	P	P	P	P
Dwelling as part of mixed use building								P
Gasoline Service Station	X	X	X	X	X	X	X	
Golf Course	X	X	X	X	X	X	X	
Greenhouse or Florist	P	-	-	P	X	X	P	P
Educational Facility	P	P	P	P	X	P	P	P
Equestrian Facility/Stable								P
Farm (garden CU/TC)	X	X	X	P	X	X	X	P
Hiking trails, bridle paths, pedestrian trails, and walkways								P
Hotel	X	X	X	*	X	X (2)	X	
Industry Class I	X	X	X	X	X	X	X	
Industry Class II	X	X	X	X	X	X	X	
Junkyards	X	X	X	X	X	X	X	

Use/District	CU1	CU2	CU3	CU4	CU5	CU6	CU7	CU/TC
Kennel	X	X	X	X	X	X	X	
Library or Museum	P	P	P	P	X	P	P	P
Media Studio	P	P	P	P	X	P	P	P
Motor Vehicle Sales	X	X	X	X	X	X	X	
Motor Vehicle Service/Repair	X	X	X	X	X	X	X	P
Outdoor Sales	X (5)	X (5)	X (5)	X (5)	X (5)	X (5)	X (5)	P
Parking Facility	P	P	P	P	X	-	X	P
Photographers/Artists Studio	P	P	P	P	X	X	P	P
Professional Office	P	X	P	X	X	X	P	
Recreation Facility	P	P	P	X	X	X	P	P
Religious Institution	P	-	P	P	P	P	P	P
Residence Hall	P	-	P	*	*	X (2)	X	P
Restaurant	P	X	-	*	X	X (2)	X	P
Retail Class I	X	X	X	X	X	X	X	P
Retail Class II	X	X	X	X	X	X	X	
Service Business Class I	X	X	X	X	X	X	X	P
Service Business Class II	X	X	X	X	X	X	X	
Veterinary Office	X	X	X	X	X	X	X	
Warehousing and Storage	X	X	X	X	X	X	X	P
Theater	P	-	P	P	X	P	P	P

Key: P="permitted use"; X="prohibited use; "-"=Special Permit required, see Section 701; **"*"= Special requirements** for the indicated permitted use are found under **Section 204.3**. See Section 306, Supplementary Use Regulations

(1) Amended 9/4/01 R; **(2)** Amended 10/15/01 R; **(3)** Amended 5/20/02 R
(4) see Section 306.19 – Supplementary Use Regulations; **(5)** see Section 306.18 – Supplementary Use Regulations

Sec 204.3
CU4: Hotel, Residence Halls and Restaurants – permitted on properties in use as a hotel, boarding house or restaurant as of 10/15/01 (63 Federal Street/Stowe House)
CU5: College Offices allowed with Special Permit; aggregate density of all college offices in CU5 not to exceed 20% of total possible max density for all land in CU5: **Residence Hall** has to have individual kitchens, bathrooms and living rooms – each apt constitutes a dwelling for density
CU7: College Dining Facilities – permitted only as an accessory use

Comparison of Dimensional and Density Requirements in College Use Districts

Standard/District	CU1	CU2	*R1 Southern boundary (Longfellow)*	*R2 Northern boundary (Meadowbrook)*	*R7 **	*R8 Eastern boundary (WBB)*	CU3	CU4	CU5	CU6	CU7	CU/TC
Minimum Lot Area	**10,000 sf**	**10,000 sf**					**10,000 sf**	**10,000 sf**	**20,000 sf**	**10,000 sf**	**10,000 sf**	**4,000 sf**
Maximum Density	**12** units per acre	**10** units per acre					**10** units per acre	**5** units per acre	**24** units per acre	**8** units per acre	**10** units per acre	**24** units per acre
Minimum Lot Width	**65 ft**	**65 ft**					**65 ft**	**65 ft**	**65 ft**	**65 ft**	**65 ft**	**40 ft**
Minimum Building Frontage (as % of lot width)	_	_					_	_	_	_	_	none
Maximum Building Frontage (as % of lot width)	_	_					_	_	_	_	_	none
Minimum Front Yard	15 ft	15 ft ➡	*No new structures/parking facility w/i 80 ft*	*No new structures/ Parking facility w/i 125 ft*	*No new structures/ parking w/i 50 ft*	*No new structures/ parking w/i 125 ft*	15 ft	15 ft	25 ft 15 ft from Park Row (R8) and Longfellow (R1)	20 ft	15 ft	10 ft
Maximum Front Yard	_	_					_	_	_	_	_	none
Minimum Rear Yard	15 ft	15 ft ➡	*No new structures w/i 80 ft*	*No new structures w/l 125 ft*	*No new structures w/i 50 ft*	*No new structures w/i 125 ft*	15 ft	20 ft	25 ft 15 ft from Park Row (R8) and Longfellow (R1)	20 ft	15 ft	10 ft Where CU/TC abuts a residential zoning district (R7,R2), setback for abutting property line shall be no less than setback for R zone
Minimum Side Yard	15 ft	15 ft ➡	*No new structures w/i 80 ft*	*No new structures w/l 125 ft*	*No new structures w/i 50 ft*	*No new structures w/i 125 ft*	15 ft	15 ft	25 ft 15 ft from Park Row (R8) and Longfellow (R1)	15 ft	15 ft	10 ft Where CU/TC abuts a residential zoning district (R7,R2), setback for abutting property line shall be no less than setback for R zone
Maximum Impervious Surface Coverage	**60 %**	**50 %**					**50 %**	**30%**	**40 %**	**35 %**	**50 %**	**50 %**
Maximum Building Height within 200 feet of District Boundary, as permitted in Section 204.3	**70 ft**	**35 ft**					**45 ft** May be increased additional 5 ft for every additional 10 ft of setback from any non-college owned property **up to 55 ft**	**35 ft**	**35 ft**	**35 ft**	**40 ft** **35 ft w/i 25 ft of Longfellow (R1)**	_
Maximum Building Height 200 feet from District Boundary	**70 ft**	**55 ft**					**45 ft**	**35 ft**	**35 ft**	**35 ft**	**n/a**	_
Minimum Building Height	_	_					_	_	_	_	_	none
Maximum Building Height	_	_					_	_	_	_	_	**70 ft**
Maximum Building Footprint per Structure	**n/a**	**n/a**					**10,000 sf**	**5,000 sf** **10,000 sf for dwelling, 3 or more units**	**8,500 sf** **10,000 sf for dwelling, 3 or more units**	**5,000 sf** **10,000 sf for dwelling, 3 or more units**	**20,000 sf**	**none**
Tree cutting		➡		*Prohibited w/l 125 ft*		*Prohibited w/l 125 ft*						
Additional development review		➡		*No new roadways or construction access*		*No new roadways or construction access*						

** R7 – this setback pertains to the northwest corner of R7, west of Harpswell Road. The properties along this boundary are owned by the College and are now part of the soccer field.*

BOWDOIN COLLEGE

June 28, 2013

Brunswick Town Council
Town of Brunswick
28 Federal Street
Brunswick, Maine 04011

Re: Proposed Zoning Ordinance amendment to revise in its entirety Section 216, Village Review Zone (VRZ) Overlay District and to expand the geographic boundaries of the Village Review Zone

Dear Members of the Town Council:

Thank you for the opportunity to comment on the proposed changes to section 216, Village Review Zone (VRZ) Overlay District, of the Brunswick Zoning Ordinance.

1. Boundary of the VRZ: The College supports the expansion of the VRZ Overlay District to include the Chamberlain House based on the work of the Comprehensive Plan Update Committee. That committee clearly intended to expand the zone to the south to include the Chamberlain House by recommending that the zone be expanded to Noble Street in the Final Draft Comprehensive Plan submitted to the Town Council. Minutes of that meeting indicate the Town Council approved an amendment to expand the Village Review Zone to include the Chamberlain House (Attachment 1). [1]

The Chamberlain House lot fronts both Noble Street and Potter Street. While we believe that changing the southerly reference from Noble Street to Potter Street is in the spirit of what the Comprehensive Plan Committee intended, extending the zone to include properties on the south side of Potter Street, or anywhere beyond the Chamberlain House, was neither the intent nor a recommendation of the Comprehensive Plan Committee. More importantly, the Comprehensive Plan update was fully vetted in a transparent, public process that included many stakeholders, several open meetings, and much public discourse.

We therefore urge the Council to amend the VRZ Overlay map to include the Chamberlain House. This can be easily accomplished by establishing the southern boundary of the VRZ at the centerline of Potter Street (see Attachment 3).

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[1] At the September 15, 2008 Town Council public hearing Ms. Emily Swan pointed out what she believed to be an inconsistency in two references to VRZ expansion in the Comprehensive Plan draft – one recommendation to expand the zone to include the Chamberlain House and another recommendation to expand to Noble Street which Ms. Swan suggested would leave the Chamberlain House out of the VRZ (Attachment 2).

TREASURER'S OFFICE

5600 College Station · Brunswick · Maine 04011-8447 · *Tel* 207.725.3242 · *Fax* 207.721.5161

2. Application Review Process: Under the new ordinance language, applications for demolition or relocation of contributing resources individually listed on the National Register of Historic Places or deemed eligible by the Maine Historic Preservation Commission, and contributing resources within a National Register-listed Historic District must adhere to a 90-day delay period. Section 216.8 B.2.c.ii.1 mandates that the applicant consult with the Village Review Board *and Maine Preservation* during this delay period. While Maine Preservation is a knowledgeable and credible non-profit organization, we believe an applicant should have the choice to consult with either a state entity, the State Historic Preservation Office (Maine Historic Preservation Commission) or Maine Preservation, a private non-profit organization.

We suggest amending this section as follows:

ii. During the 90-day delay period, the applicant shall:

1. Consult with Village Review Board and either the State Historic Preservation Office or Maine Preservation in seeking alternatives to demolition, including the reuse and/or relocation of the resource.
2. Consult with and notify other related organizations of intent to demolish the contributing resource, as identified during consultations with Village Review Board and either the State Historic Preservation Office or Maine Preservation.

3. Concurrent Review Process: During the course of the joint workshops between the Planning and Village Review Boards this year, the College expressed its concern about dual review by the two boards for projects rising to the level of Major Development Review and its preference that such projects undergo single review by the Planning Board as recently conducted under the interim ordinance amendment. That said, we believe that the concurrent review by both bodies proposed in the draft is an improvement over the current Ordinance. While we are uncertain how this concurrent review will actually be carried out, we hope that it will result in a more streamlined review process.

Thank you for considering our comments on the proposed revisions to Section 216 of the Zoning Ordinance.

Sincerely,

Delwin C. Wilson III
Director of Finance and Campus Services

Cc: Gary Brown, Town Manager
Fran Smith, Town Clerk
Charles Frizzle, Planning Board Chair
Emily Swan, VRB Chair

Attachments

-- APPROVED --
BRUNSWICK TOWN COUNCIL
MINUTES
September 15, 2008
7:00 p.m.
Municipal Meeting Facility

Councilors Present: Chair Joanne T. King, W. David Watson, Benjamin J. Tucker, Hallie Daughtry, Karen J. Klatt, Gerald E. Favreau, Margo H. Knight, Newell A. Augur and David C. Webb.

Councilors Absent: None

Town Staff Present: Donald Gerrish, Town Manager; Fran Smith, Town Clerk; Gary Brown, Assistant Town Manager; Mat Eddy, Director of Economic Development; Anna Breinich, Director of Planning and Development; Steve Leveque, Executive Director of MRRA; Brian Dancause, Economic Development Specialist; Terry Goan, Police Officer; and the TV video crew.

Executive Session: **Personnel Matters per 1 M.R.S.A. § 405(6)(A) (This was done at end of meeting)**
Economic Development per 1 M.R.S.A. § 405(6)(B) (

Councilor Tucker moved, Councilor Daughtry seconded, to go into Executive Session to discuss economic development per 1 M.R.S.A. § 405(6)(B). The motion carried with seven (7) yeas. Councilor Webb and Councilor Auger arrived late.

MEETING RESUMED 7:00 P.M.

Chair King asked for the Pledge of Allegiance.

Public Comment: None

Correspondence:

Chair King said several citizens' written correspondence will be attached to the record, including comments from Robert and Eileen Cole, Bill Moore, Anne Marr, and Marji Greenhut.

Adjustments to the Agenda:

Items 146, 147, and 148 will be taken up prior to Item 145.

Councilor Webb moved, Councilor Knight seconded, to table Item 149. The motion carried with nine (9) yeas.

ATTACHMENT 1

Councilor Webb said from a zoning standpoint to give the Planning Board the flexibility and way to deal with incompatibility, it makes sense as policy to have this language and does not mean a change to the downtown character. It is a good idea to see how to abut zoning areas.

Vote on Amendment #4

Councilor Tucker moved, Councilor Daughtry seconded, to strike language in the memo dated August 15, 2008, item 41, beginning with "as well as areas shifting between incompatible zoning districts, e.g. high intensity commercial to low density residential. The motion failed with four (4) yeas. Councilor Watson, Chair King, Councilor Favreau, Councilor Augur, and Councilor Webb were opposed.

Amendment #5

Councilor Daughtry moved, Councilor Watson seconded, to make the changes outlined by Emily Swan to clean up language to reflect an expanded Village Review Zone to include Chamberlain House. The motion carried with nine (9) yeas.

Amendment #6

Councilor Augur moved, Councilor Webb seconded, to add to the language the language that they just discussed on page 2nd regarding the gateway coordinator section, to read "the transitional gateways should highlight, maintain, and enhance both the rural character outside growth areas, as well as areas shifting between zones…." The motion carried with nine (9) yeas.

Amendment #7

Councilor Daughtry, Councilor Tucker seconded, to strike language added on the growth area section page 69 paragraph 2 "to be consistent with neighborhood character" and on page 70 go to original language as written by the Comprehensive Plan Committee. The motion failed with two (2) yeas. Councilor Watson, Councilor Klatt, Chair King, Councilor Favreau, Councilor Knight, Councilor Augur and Councilor Webb were opposed.

VOTE ON PLAN

Councilor Watson moved, Councilor Favreau seconded, to adopt the Comprehensive Plan Update with approved amendments. The motion carried with eight (8) yeas. Councilor Klatt was opposed.

(A copy of the adopted plan as amended will be attached to the official minutes.)

146. The Town Council will consider authorizing and sending a letter from the Town of Brunswick to the Maine Board of Environmental Protection in

#145

Comments on Brunswick's Draft Comprehensive Plan
Emily Swan, Chairperson
On behalf of Village Review Board
September 15, 2008

1. We heartily support the recommendations to expand the Village Review Zone to include additional sections of our historic town core. One in particular is the west side of Maine Street up to the Chamberlain House. This expansion will enable the Village Review Board to do a more effective job of protecting Brunswick's historic character. There is inconsistency within the plan on this point, however. While on page 46 the Plan recommends expanding the zone to include the Chamberlain House, chapter 7.F.5 (p. 83) recommends an expansion only as far as Noble Street, which would leave the Chamberlain House outside the Village Review Zone. We recommend that these inconsistencies be eliminated in the final draft.

2. We support the recommendation in Chapter 6.D.3 to expand the Village Review Board's authority to include review of historic structures and sites outside the current zone. The Board has often lamented the lack of any kind of review to protect other historically significant structures in town. It will require some work to define which structures and sites this review would cover, and what the nature of the review would be. However, the Village Review Board would be more than willing to participate in discussion of these questions and work with the Planning Board and Council to come up with a proposal.

3. We applaud the Plan's goal of concentrating development within the growth zone and limiting it in the rural zone. The Comp Plan states: "The objective of the Town is to allow for the maximum density of development that is consistent with maintaining the neighborhood character of the Town Core." To us the second part of this statement is just as important as the first, and we hope that any ordinance amendments to change or eliminate density requirements be accompanied by very clear statutory language aimed at achieving the Plan's second goal of maintaining the Town Core's neighborhood character.

4. We applaud the Plan's Recommended Action 8-4-1 to improve communication between Bowdoin College and town citizens and businesses. This recommendation might also be expanded to include a consultative relationship between the College and the Village Review Board, since so many of the town's most historic structures are owned by Bowdoin College but lie outside the Village Review Zone.

5. We believe it is important for the Plan's discussion of Gateway Overlay Districts (p. 84) to make it clear that the purpose of creating separate standards for gateways is to "maintain or enhance" the character ~~of the~~ of the special area for which the overlay district is being created. Elsewhere in the plan (e.g., (p. 64)) the plan uses the "maintain ~~and~~ enhance" language in reference to gateways, ~~and we~~ believe that this is an appropriate way to think of gateway protections and one that our comprehensive plan should reflect.

6. Finally, we applaud elements of the plan geared toward including a historic preservation perspective into town planning – for instance on the Downtown Master Plan Committee.

ATTACHMENT 2

When the preservation perspective can be injected early on in the decision-making process, we all benefit. Historic preservation has been shown to enhance property values and to bolster local economies, and heritage tourism spawned by historic preservation efforts is a powerful economic development avenue in its own right. For this reason we would have liked to see the plan call for representation of the historic preservation perspective more broadly in the town's economic development planning. In our opinion, the Economic Development section of the plan would better serve our town's future if it took a broader view of economic development, perhaps calling for a more representative BEDC or other economic development planning entity, one that included representatives of a greater range of economic development arenas, such as the creative economy, recreation, and of course historic preservation. By broadening the discussion of economic development at the planning stages, we will find more varied economic opportunities that protect and enhance the historic fabric of our town, and we will be in a better position to build a broad community consensus for economic development activities.

Brunswick Maine

VRZ Expansion

Legend

- Selected Parcels
- Parcels
- Town Boundary

ATTACHMENT 3

PROPOSED BOUNDARY

CHAMBERLAIN HOUSE LOT

0 75 150 300

Feet

This map was generated by the Town of Brunswick's online GIS. This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Map generated on: 6/27/2013

February 17, 2014

Clarion Associates
c/o Department of Planning and Development
28 Federal Street
Brunswick, Maine 04011

Attn: Don Elliott

Re: 2014 Brunswick Zoning Ordinance Rewrite

Dear Mr. Elliott,

On behalf of the homeowners of the R8 Zone, we would like to express our appreciation for the opportunity to voice our concerns regarding Clarion Associates' proposals for the rewrite of our zone. At the February 4th, 2014 *Zoning Rewrite Public Input Session for College Use District Abutters* meeting held at the Curtis Memorial Library, I gave a brief history as to the events and negotiations that led up to the language that was adopted for Brunswick's current zoning ordinance specific to these zones. I thought it would be helpful to document and expand upon that information and express again our concerns about the zoning changes proposed for our neighborhood.

In 1996, the Town of Brunswick was in the midst of rewriting their current ordinance to reflect the newly adopted Comprehensive Plan. At that time, the neighborhoods of Longfellow Avenue, College Park (Whittier, Berry and Bowdoin Streets) and Meadowbrook Road were concerned about the possible unfettered expansion of Bowdoin College and the potential negative impact that type of expansion could have on the quality of life and future property values of these neighborhoods. As valued as the College is to the town of Brunswick, so are the quaint neighborhoods that surround it's campus and add to the quality of life experienced by its students and the Bowdoin Community as a whole.

As a concerned citizen, I spent the next year attending the zoning ordinance meetings. During that year I became thoroughly familiar with the details and decisions that went into the process. With all parties at the table, we worked through the intricacies of the *Use Tables*, *Dimensional and Density Table* and *Additional Requirements* sections of the ordinance specific to our zones. With careful and thoughtful deliberations, compromises were considered and goals for each party were reached for Zones R1, R2, R8 and CU2 and CU5.

The specifics of that compromise are as follows:

Table 203.1/204.1 Use Table:

> Permitted use for the college zone was of greatest concern. The CU2 Zone contained residence halls on the back end of the zone that was not adjacent to any of the surrounding residential zones. Therefore, in compiling the permitted uses for the CU2 zone, *Dwellings, 3 or More Units* and *Residence Halls* were designated as "Special Permit required" in consideration of the existing structures but were deemed inappropriate as permitted uses going forward.
>
> R1 and R8 uses were restricted to *Dwellings, Single and Two Family*, though R8 contains only single-family homes.

With regard to Clarion Associates' current proposal, as written in *Annotated Outline for a New Zoning Ordinance The Town of Brunswick, Maine,* we take exception to the proposal "consolidating Zones R1 and R8." Though, as you stated in the meeting, the Use Table shows identical "Permitted Uses", we feel the zones themselves are very different with regard to density of traffic. Longfellow Avenue is a connector road linking two arterial roads, Maine Street and Harpswell Street. Longfellow Avenue is wider and has sidewalks on both sides to accommodate pedestrians. The College Park neighborhood has <u>no</u> sidewalks to accommodate pedestrians and consists of narrower, dead end roads, which cannot absorb higher density traffic. Therefore, any future higher density development that may be approved in the proposed consolidated zone GR_2 would negatively affect the safety of the residents and pedestrians who walk the streets of Whittier, Berry and Bowdoin Streets. Higher density would generate more traffic on these roads that have no sidewalks and are considerably narrower in nature.

204.2 Dimensional And Density Table:

> Within this table special consideration with regard to minimum setbacks for the CU2 Zone are designated for those boundaries that abut the R1, R2, and R8 Zones. These considerations are listed and described in Section 204.3 Additional Requirements on page 21 of the current Zoning Ordinance. I have transcribed those sections below. The italicized paragraphs that follow each section document the background history as to how they were derived.

204.3 Additional Requirements:

> **A) Minimum Setback Requirements in the CU2 District**. There are additional setback requirements in the CU2 Zone based upon distances from specific zoning district boundaries as depicted on the map on this page. No new structure (including parking facility) may be constructed within 125 feet

from Boundaries A and B, 80 feet from Boundary C, and 50 feet from Boundary D.

These restrictive requirements were deemed necessary to preserve the wooded trail that runs along the boundaries and connects to the Brunswick Town Commons. The importance and value of the preservation of this trail was recognized for both the college and the community.

B) Tree Cutting in the CU2 District. Tree cutting, with the exception of clearing of dead trees and removal of overgrowth, is prohibited within 125 feet of Boundaries A and B depicted on the map on this page.

As part of this preservation goal, restrictions were placed on tree cutting within the 125-foot setback to ensure compliance of retaining the wooded density and nature of the trail.

C) Additional Development Review Requirements in the CU2 and CU5 Districts. Applications for Development Review in the CU2 and CU5 districts shall not result in the construction of new roadways or driveways for motor vehicles which connect to Meadowbrook Road, Whittier Street, Breckan Rd, Atwood Lane, Bowdoin Street or Berry Street. No new construction within the CU5 or CU2 Districts shall be accessed through any of these streets.

This restriction was established to prevent connectivity between these higher impact/density zones and the adjacent residential zones. The potential for use of these residential zones as access points for activities occurring at the college use zones would be detrimental to the safety and well being of the residents of these zones. It was also established that any new construction occurring in these zones should not occur at the detriment of the quality of life in the adjacent residential zones and therefore access from these areas shall not be permitted.

To reiterate, the language within the current zoning ordinance with regard to these specific zones was composed through delicate negotiations and compromises between all parties involved. With that understanding, investments in our homes and community were made.

As an architect and former member of the Brunswick Planning Board for 12 years, I am acutely aware of what is involved with the application process. I have spent a significant amount of time on both sides of the table and recognize the challenges an

ordinance can present. With that said, the language that was developed in our current zoning ordinance with regard to residential zones R1, R2, R8 and CU2 and CU5 is anything but vague and was composed in such a way to be clear to future applicants as to what is appropriate development in these areas.

Again, we appreciate the opportunity to present to you the history behind the current zoning ordinance. We are confident that this information will be helpful as the process moves forward in development of the new zoning ordinance for the Town of Brunswick. Please feel free to contact me if you have any questions.

With regards ~

Carol Liscovitz
11 Berry Street
Brunswick, Me 04011
207-725-6146
ctlisco@gmail.com

CC: Anna Breinich, Director of Planning and Development

Bowdoin

May 8, 2014
Zoning Ordinance Rewrite Committee
Department of Planning & Development
85 Union Street
Brunswick, ME 04011

Dear Committee Members:

We have taken some time to review the potential Neighborhood Protection/Transition Standards discussed by the ZORC at its April 9, 2014 meeting. These included standards for non-residential and multifamily residential development in the Growth Mixed Use and Growth Special Purpose zones adjacent to lots containing single-family or two-family residential structures in Residential districts.

The College offers the following comments for the committee's consideration:

- **Reductions in height or primary building to 35 ft. within 50 ft. of residential lot line**

  While this proposed standard could have some negative impact to CU/TC, the most significant concern for the College is the reduction in allowed building height this standard would impose in CU3. CU3 provides a gateway to the campus core from the east off Harpswell Road. The "L"-shaped geometry of the CU3 district presents challenges and reducing the allowable height standard, currently 45 feet, by 10 feet within a new buffer along portions of the district boundary would reduce the College's ability to fully utilize this prime area for suitable infill development.

- **Parking areas and circulation drive/through lanes may not be located between primary structure and residential lot line**

  Parking areas: This buffering standard as drafted would create non-conformities in CU3, CU5 and MU3. Additionally, this standard may have the unintended consequence of forcing the location of parking areas for redevelopment in certain Growth Mixed Use and Growth Special Purpose zones to the street frontage of lots. For example, MU3 is bounded on all sides by residential lots in Residential districts – any redevelopment of that site would require that the parking lot be located in front of the structure along Harpswell Road. CU5 is also bounded by residential districts or streets and redevelopment of the vacant lot at the corner of Harpswell Road and College Street would be similarly impacted. A requirement that would force the location of parking lots to the street front would create a severe transition to abutting residential areas and a

TREASURER'S OFFICE
Bowdoin College 5600 College Station, Brunswick, ME 04011-8447 207.725.3242 Fax 207.721.5161

potential undesirable streetscape. Additionally, locating parking lots in the front of buildings is inconsistent with the current ordinance standards for Mixed Use districts listed in Section 512.3 A.2. We would encourage the ZORC to consider alternative strategies for buffering residences from the adverse impacts of adjacency to parking areas.

Circulation drive/through lanes: "circulation drive/through lanes" are currently not defined in the ordinance. There are definitions of 'drive-through' and 'driveway' but the intent of this standard is unclear without a more specific description as to what type of lane would be prohibited between a college structure and a residential lot line.

- **Speakers prohibited between primary building and residential lot line**

  While the committee's discussion about this standard was limited to speakers associated with drive up businesses, we wanted to point out that the College's permanently mounted speakers at the lacrosse field in CU2 would not meet this standard as drafted. The speakers are located between the Farley Field House and technically, the residential lots in R2 to the south and the residential lots in R7 to the west. The residential boundaries are a considerable distance from the speaker locations and the impact to neighbors is addressed by the ordinance section governing noise. Currently residential lots form the boundaries of CU2 in all directions. This standard for the location of speakers could not be met in CU2.

- **Prohibition on second story windows overlooking rear yard areas**

  We believe this restriction would be overly burdensome and unnecessary.

Thank you for the opportunity to comment on these concepts for potential neighborhood protection standards. We would be happy to provide the committee with any additional information should there be questions regarding any of the above.

Sincerely,

Catherine W. Ferdinand

Catherine W. Ferdinand
Project Assistant

Cc: S. Catherine Longley
Anna Breinich
Jeremy Doxsee
Don Elliot

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