

1. Agenda

1.I. Planning Board Agenda 1-13-2026

Documents:

[PLANNING\\_BOARD\\_AGENDA\\_01132026.PDF](#)

2. Packet

2.I. 26-001: Stormwater Compensation Fees - Zoning Text Amendments

Documents:

[CFUP PACKET FOR PB WORKSHOP 1.13.26.PDF](#)

2.I.I. Public Comment

Documents:

[PC1. JENNIFER NAVARRO 1-13-2025.PDF](#)

2.II. 26-003: Miscellaneous Zoning Text Amendments

Documents:

[MISC. ZONING AMENDMENTS PACKET FOR PB WORKSHOP 1.13.26.PDF](#)

3. Addendum



## Town of Brunswick, Maine

### DEPARTMENT OF PLANNING & DEVELOPMENT

#### Planning Board Meeting Agenda

Brunswick Town Hall

85 Union Street – Council Chambers

Tuesday, January 13, 2025 @ 6:00 PM

There is an opportunity to attend this meeting in person or view the meeting via Zoom, TV 3, or live stream.

#### How to watch and comment via Zoom:

<https://www.brunswickme.org/313/Brunswick-Cable-TV3>

#### How to watch via TV3 or Live Stream:

The link to 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 ([idealaman@brunswickme.gov](mailto:idealaman@brunswickme.gov)) prior to the meeting OR they may provide live comment at the meeting via Zoom or in person. Comments are allowed during the public comment period, during public hearings, and on other items and matters at the discretion of the Planning Board Chair or Vice Chair.

1. **Case No. 26-001 – Stormwater Compensation Fees – Zoning Text Amendment:** The Planning Board hold a **WORKSHOP** to provide feedback on **Zoning Text Amendments** drafted by the Planning & Development Department. The amendments are proposed in Sections 1.7. and 4.5.4. and would facilitate collection of fees from certain development located in a watershed of an urban impaired stream. These funds will support future priority watershed projects.
2. **Case No. 26-003 – Miscellaneous Zoning Text Amendments:** The Planning Board will hold a **WORKSHOP** to provide feedback on **Zoning Text Amendments** drafted by the Planning & Development Department. The proposed amendments relate to: minimum height in the GM6-7 (Table 4.2.3), off-street parking along Maine Street frontages in the GM6 district (Sec. 4.9.1.C), façade materials allowed in Village Review Overlay (Sec. 5.2.8.C), and the continuance period for nonconforming uses (Sec. 1.6.3.A)
3. **Adjourn**

**PLANNING BOARD REPORT**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**



Stormwater Compensation Fee Utilization Plan (CFUP) and Fund (#26-001)

<b>Submitted to:</b>	Brunswick Planning Board	<b>Prepared By:</b>	Julie Erdman Jimmy Dealaman
<b>Workshop Date:</b>	January 13, 2026	<b>Date:</b>	January 8, 2025

**I. INTRODUCTION**

Starting the new year, staff continue to assemble and draft potential updates to our ordinances.

At this time, the Planning Board is requested to review the attached draft Compensation Fee Utilization Plan (CFUP), proposed language establishing a Mare Brook Watershed Compensation Fund, and associated zoning amendments, in advance of a future public hearing.

**II. SUMMARY**

Maine DEP Chapter 501, *Stormwater Management Compensation Fees and Mitigation Credit*, allows municipalities with recognized urban impaired streams to accept a fee in lieu of requiring developers to obtain additional mitigation credits for applicable projects. Municipalities may collect and accumulate these compensation fees for use on priority projects that address the identified stressors of the impaired stream. To legally collect compensation fees, a Watershed Management Plan must be in place for the stream that identifies actions to correct the impairment. In addition, a Compensation Fee Utilization Plan must be adopted to describe how funds will be allocated in accordance with the management plan.

The Mare Brook Watershed Management Plan, finalized in 2022, identifies the multiple stressors contributing to Mare Brook's urban impaired status, including—but not limited to—stormwater runoff from developed land, wetland loss, and improperly sized culverts. The primary goal of the plan is to restore Mare Brook to state-designated Class B standards by 2037.

Staff have prepared a draft Compensation Fee Utilization Plan (CFUP), proposed language establishing a Mare Brook Watershed Compensation Fund, and associated zoning amendments, for Planning Board review. Adoption of the CFUP will require approval by both the Town Council and Maine DEP. As an alternative to paying the compensation fee, developers may pursue on-site or off-site mitigation measures within the watershed to earn the credits required to meet the urban impaired stream standard. According to Jeff Dennis, Biologist with Maine DEP, meeting this standard through individual mitigation projects is often challenging for developers and does not consistently result in meaningful improvements to the impaired stream. Establishing a CFUP therefore represents a practical benefit to both developers and the long-term restoration of Mare Brook.

**III. NEXT STEPS**

Staff will review any feedback provided by the Planning Board, return with updated draft ordinances, and schedule a public hearing for the Board's recommendation on the zoning amendments to the Town Council.

**IV. ATTACHMENTS:**

Attachment 1. Draft Compensation Fee Utilization Plan

Attachment 2. Draft Chapter 19 Amendments – Establishment of Compensation Fund

Attachment 3. Related Draft Zoning Amendments

## **Mare Brook Watershed**

## **Stormwater Compensation Fee Utilization Plan (CFUP) and Compensation Fund**

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### **Purpose**

The Town of Brunswick recognizes that, depending on the nature and extent of proposed alterations, properties within the Mare Brook watershed may be subject to the Urban Impaired Stream standard set forth in the Maine Department of Environmental Protection (DEP) Rule, Chapter 500, Stormwater Management. This standard requires developers to:

1. Mitigate adverse water quality impacts on-site;
2. Mitigate adverse water quality impacts by improving stormwater quality at an off-site location; or
3. Pay into a compensation fund, provided a Compensation Fee Utilization Plan (CFUP) has been created and approved by the Maine DEP.

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### **Watershed Description**

Mare Brook (also referred to as *Mere Brook*) is a 5.7-mile urban-impaired stream with a 4.9-square-mile drainage area located entirely within the Town of Brunswick, Maine. The watershed includes land draining into Mare Brook and its primary tributary, Merriconeag Stream. Mare Brook is classified as a Class B stream and is currently impaired due to poor macroinvertebrate sampling results and degraded macroinvertebrate habitat.

The Mare Brook Watershed Management Plan (2022) was developed to guide the strategic use of limited resources among multiple stakeholders toward restoration activities most likely to improve the stream's impairment status. Prioritizing implementation of the Mare Brook Watershed Management Plan is identified as an action strategy in the 2025 Brunswick Comprehensive Plan.

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### **Establishment of the Compensation Fund**

The Town of Brunswick hereby establishes the Mare Brook Watershed Compensation Fund to allow developers to pay a compensation fee in lieu of implementing off-site mitigation projects. Compensation fees collected under this program will be allocated to projects that reduce the impacts of stormwater pollution on Mare Brook, in accordance with this Utilization Plan.

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### **Limits of Area**

Attachment 1 identifies the area within Brunswick that falls inside the Mare Brook watershed boundaries, including its tributaries. Projects located within this area may be subject to the Urban Impaired Stream standard pursuant to DEP Chapter 500 rules.

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## **Determination of Compensation Fee Amount**

The Maine DEP determines the amount of any compensation fee paid into the Fund. Any new development or redevelopment project within the Mare Brook watershed, subject to Stormwater or Site Location of Development Law, will be subject to the Urban Impaired Stream standards. Generally, this includes projects involving:

- Three (3) acres or more of land disturbance; or
- More than twenty (20) acres of developed area.

For new development, Maine DEP staff will review the proposed project and determine the number of mitigation credits or the compensation fee required, in accordance with Chapter 501 rules. The developer may then choose to pay the compensation fee or complete off-site mitigation. The DEP will determine the final amount of monetary compensation or mitigation required.

For redevelopment projects, Maine DEP staff will evaluate whether the proposed changes will adversely impact water quality. Redevelopment projects that result in adverse impacts will be subject to the Urban Impaired Stream standard.

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## **Process for Receiving Compensation Funds**

A developer electing to pay into the Town of Brunswick's Mare Brook Watershed Compensation Fund shall notify the Planning Department in writing. Upon receipt of the compensation fee, the Town will provide the developer with written confirmation of payment. The applicant must submit this receipt to the Maine DEP prior to the commencement of construction for projects requiring a DEP permit. Funds will be deposited into the Mare Brook Watershed Compensation Fund and may only be used to implement projects identified in Attachment 2 (Mare Brook Watershed Management Plan) that are designed to address water quality impairment, including but not limited to mitigation of stormwater discharges and riparian encroachment impact on Mare Brook.

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## **Implementation of Compensation Projects**

The Town of Brunswick will determine when sufficient funds have been collected to initiate a project using monies from the Mare Brook Watershed Compensation Fund. Project implementation will follow the process outlined below:

1. Projects will be selected based on the Mare Brook Watershed Management Plan, as amended. Specifically, medium and high priority projects identified in Table 10: Remediation Action Items Based on Assessments (pp. 58-60) shall be eligible for funding.
2. For projects located on private property, Town staff will contact the property owner(s) to confirm continued interest in participating and ensure that any necessary legal agreement is in place. Project refinements may be made by mutual agreement between the Town and the property owner(s).

3. The Town will prepare design plans and specifications, with input from property owner(s) and assistance from consultants, as necessary.
4. The Town will establish a long-term maintenance plan for any installed stormwater Best Management Practices (BMPs) with approval from property owner(s), as necessary. The plan will identify maintenance responsibilities, inspection and maintenance schedules, and enforcement mechanisms. All maintenance plans shall conform to the most current version of the Maine Stormwater BMP Manual.
5. The Town will construct the project or contract with a qualified contractor for project construction.

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### **Authorization and Revisions**

This Compensation Fee Utilization Plan has been developed by the Town of Brunswick and approved by the Maine Department of Environmental Protection. Any revisions to this Plan shall require review and approval by the Maine DEP.

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### **Reference Materials**

- Mare Brook Watershed Management Plan (2022–2032)
- Maine DEP Chapter 500 Stormwater Management Rules
- Maine DEP Chapter 501 Stormwater Management Compensation Fees and Mitigation Credit
- Maine DEP Chapter 502 Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams

## Chapter 19 PLANNING AND DEVELOPMENT

### Article I. – Revenues, Charges, Fees, and Fines

#### **Sec. 19-1. – Required fees.**

Application fees will be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

(Ord. of 6-3-19)

### Article II. – Financial Contributions

#### **Sec. 19-2. – Establishment of Urban Impaired Stream Compensation Funds**

The Town hereby establishes the following urban impaired stream compensation funds as a financial tool to support projects that reduce the impacts of stormwater pollution on urban impaired streams:

a. Mare Brook Watershed Compensation Fund

The purpose of urban impaired stream compensation funds is to:

- (1) Provide a fund to allow developers to pay a compensation fee in lieu of implementing off-site mitigation projects
- (2) Compensation fees collected will be allocated to projects that reduce the impacts of stormwater pollution on the associated impaired stream.

#### **Sec. 19-2. – Rules and Regulations.**

- (1) The Town Director of Planning and Development shall be authorized to oversee the administration of all urban impaired stream funds, which may be expended for the purposes as described in Section 19.3.
- (2) All urban impaired stream funds will be accounted for as a special revenue fund. The balance in the fund will carry forward from year to year; no interest shall accrue to the fund.

#### **Sec. 19-3. – Use of Fund.**

Urban impaired stream funds may be utilized to fund any public expense pursuant to the respective impaired stream Compensation Fee Utilization Plan approved by the Maine Department of Environmental Protection (MEDEP).

#### **Sec. 19-4. – Administration of Fund.**

The Town Treasurer or their designee is authorized to open and manage an urban impaired stream fund as a designated municipal account.

- (a) Deposits into an urban impaired stream fund shall include:
  - (1) Any funds contributed into an urban impaired stream fund must be in accordance with the process specified in the Stormwater Compensation Fee Utilization Plan.
  - (b) The Town Manager or their designee shall keep a full and accurate account of urban impaired stream fund activity.

*[Chapter 1 Omitted Until Section 1.7, Definitions (S)]*

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

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

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

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

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

*School:* An institution with facilities used for the offering of courses, lectures, training seminars, performing arts instruction or other similar use, including, but not limited to, public or private nursery, kindergarten, elementary, middle, secondary education, trade schools, and accessory structures and uses necessary to support those activities, including day care facilities, athletic facilities and playgrounds, but not including facilities for post-secondary education.

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

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

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

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

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

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

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

*Setback—In Non-SPO District:* The minimum horizontal distance between the front, side or rear lot line and the nearest point of the building, including decks or any covered projections thereof, on the lot.

*Setback—In SPO District:* In the SPO District, the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area.

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*Shore Frontage:* For SPO District purposes, the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

*Shoreland Area:* The Shoreland Protection Overlay (SPO) District.

*Shoreline:* The normal high-water line of, or upland edge of, a freshwater or coastal wetland.

*Sign:* Any object, device, or structure, or part thereof, situated outdoors or displayed in a window, freestanding or attached to a structure or registered motor vehicle, that displays a commercial or non-commercial message by means of words, letters, figures, design, symbol, advertising flags, fixtures, colors, illuminations, or projected images.

*Sign Face:* The portion of a sign that includes words, letters, figures, designs and background.

*Sign, Animation:* The usage of multiple frames running at a fast enough speed that the human eye perceives the content to be in continuous movement.

*Sign, Awning:* A covering that is, or appears to be, made of cloth, vinyl or canvas and is either permanently attached to a building or can be raised or retracted or fixed to a position against the building when not in use.

*Sign, Banner:* A sign displayed on flexible lightweight material, enclosed or not enclosed in a rigid frame, extending from one (1) side of the street to the other.

*Sign, Campus-Type:* Signs as permitted on large parcels of land developed in a campus-type environment with multiple buildings, including but not limited to medical centers, mill complexes, business parks, or public or private educational facilities.

*Sign, Canopy:* A sign that is part of, or attached to a structural protective cover over a drive thru or outdoor service area (not including an awning sign).

*Sign, Changeable Display:* A sign that utilizes computer generated displays or some other electronic means of changing copy. These signs include displays using LEDs, LCDs, or incandescent lamps.

*Sign, Dissolve/Fade:* A mode of message transition on an electronic sign accomplished by varying the light intensity or pattern, where the first display gradually reduces intensity or appears to dissipate to the point of not being legible and the subsequent display gradually appears or increases intensity to the point of legibility.

*Sign, Distracting Glare:* A sign with an illumination source which shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public, as determined by the Code Enforcement Officer.

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

*Sign, Freestanding/Yard:* Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

*Sign, Illuminated Directly:* A sign illuminated by a light source that is outside of the sign.

*Sign, Illuminated, Flashing:* A sign in which the light source, in whole or in part, physically changes in light intensity or gives the appearance of such change at less than a five (5) second time interval. Time and temperature signs emanating white light are excluded from this definition.

*Sign, Illuminated Internally:* A sign illuminated by a light source that is within the sign.

*Sign, Illuminated, Tube:* A sign illuminated by a light source supplied by a tube that is not concealed and is filled with gasses, forming letters, symbols or other shapes.

*Sign, Monument:* A sign mounted directly on the ground.

*Sign, Moving:* A sign which in part or in total rotates, revolves or otherwise is in motion.

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*Sign, Multi-Tenant:* A sign for a grouping of two (2) or more establishments that either share common parking on the lot where located or occupy a single structure or separate structures that are physically or functionally related or attached.

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

*Sign, Official Business Directional:* An off-premise sign erected and maintained by the Maine Department of Transportation in accordance with the Maine Traveler Informational Services Act, 23 M.R.S.A. § 1901-1925, as amended, and this Ordinance.

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

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

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

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

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

*Sign, Roll:* A mode of message transition on a Changeable Display Sign wherever the message appears to move horizontally across the display surface.

*Sign, Roof:* A sign mounted to the roof of a building or wall mounted signs projecting above the roof line. Signs mounted on the face of a mansard roof are not considered roof signs, but as wall signs.

*Sign, Sandwich:* A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, readily moveable, and is not permanent attached to the ground or any structure.

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

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

*Sign, Temporary Flag:* A temporary sign made of fabric or other similar non-rigid material supported or anchored along one edge or supported or anchored at only two (2) corners. If any dimension of the flag is more than three (3) times as long as any other dimension, it is classified and regulated as a wind/feather sign, regardless of how it is anchored or supported.

*Sign, Temporary Wind or Feather:* A temporary sign that is not considered a flag sign as defined, constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and is supported by a single vertical pole mounted on a structure or in the ground.

*Sign, Transition:* A visual effect used on a Changeable Display Sign to change from one message to another.

*Sign, Video:* A Changeable Display Sign that displays motion or pictorial imagery, including a display from a "live" source.

*Sign, Wall:* A sign applied, painted, or affixed flush to the exterior of a structure.

*Site Feature:* An element of site design other than the characteristics of the lot itself, the uses on the lot, the structures on the lot, or signs on the lot, such as landscaping, or lighting fixtures.

*Small Wind Energy System (SWES):* A wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for public resale.

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**Solid Waste:** Unwanted or discarded material with insufficient liquid content to be free flowing including, but not limited to, rubbish, garbage, scrap, junk, refuse, inert fill, and landscape refuse, excluding septic tank sludge and agricultural and aquaculture waste.

*Start of Construction:*

- (1) For purposes of the FPO District, the date the flood hazard development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start of construction means either: the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (2) For purposes other than floodplain management, start of construction shall include demolition, excavation, filling, grading, clearing of vegetation, and construction of buildings or structures. Activities noted in Subsection 5.2.9.F(2)b are exempt from this definition.

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

*-Stormwater Compensation Fee Utilization Plan (CFUP): A nonpoint source reduction program authorized by MEDEP for projects subject to the Urban Stream Standard 06-096 CMR ch. 500 subsection (4)(D). The CFUP specifies how fees paid by an applicant will be used to offset and reduce impact of stormwater pollution to an urban impaired stream. This fund is established pursuant to Chapter 19 (Planning and Development) of the Brunswick Code of Ordinances, as amended.*

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

- (A) It contains or is known to contain flowing water continuously for a period of at least six (6) months of the year under normal seasonal rainfall conditions.
- (B) The channel bed is primarily composed of mineral material such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.
- (C) The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.
- (D) The channel contains aquatic vegetation and is essentially devoid of upland vegetation. Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these wetlands are present, the normal high water line of the stream is measured from the upland/wetland transition of bordering wetlands subject to periodic stream water flooding or saturation, or where changes in wetland vegetation, soil characteristics, or topography clearly demonstrate wetland

Appendix A ZONING ORDINANCE

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 bank-full stage of the upper-level high water flows. The bank-full 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.

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

*Street, Private:* A street privately owned and maintained that is used as the principal means of access to three (3) or more dwelling units.

*Street, Proposed Public:* A street under design or construction intended to be offered as a public street.

*Street, Public:* A public way accepted by the Town of Brunswick.

*Street, within SPO:* A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a "driveway" as defined in SPO.

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

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

*Structure, Increase in Nonconformity:* For SPO District purposes, any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies or wetlands if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland. Included in the allowance are expansions which in-fill irregularly shaped structures.

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

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

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

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

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

*[Definitions T – Z Omitted]*

*[Sections 1.8. – 4.4 Omitted]*

## Sec. 4.5. Basic and Municipal Services.

*[Sections 4.5.1. – 4.5.3 Omitted]*

### 4.5.4. Stormwater Management.

- A. *General Standard.* Developments shall be designed to minimize the total area of impervious surface on the development site and shall incorporate stormwater management measures to minimize runoff volume and rate, as well as pollutant and nutrient loadings, from the site.
- B. *Specific Standards: Applicability.*
  - (1) Single and two-family dwelling units are exempt from the standards of this Subsection provided appropriate measures are taken that prevent unreasonable soil erosion and sedimentation beyond the site or into a wetland or water body.
  - (2) ~~Any project that requires a Stormwater Management Law permit, other than a stormwater Permit by Rule (PBR) in accordance with Rules adopted pursuant to 38 M.R.S.A. § 420-D, as amended, shall be deemed to have met the requirements of this Subsection.~~
  - (23) Developments not requiring a Stormwater Management Law Permit pursuant to 38 M.R.S.A. § 420-D, as amended and not otherwise exempt from the requirements of this Subsection shall meet the standards set forth in Subsection 4.5.4.C below.
  - (34) Activities associated with stabilizing soil erosion, preventing sedimentation from developed land, or reconstruction of existing developed land shall be considered maintenance activity and do not require Development Review.
  - (45) All land areas that are stripped, graded, grubbed, filled, bulldozed or excavated at any time or removal of vegetation for, or construction of, a development shall be considered "disturbed area". Disturbed area does not include maintenance activities. A land area on which the cutting of trees, without grubbing, stump removal or exposure of soil has taken place is not considered disturbed area.
  - (56) Disturbed area that results in compacted soil and sparse vegetation; and lawn areas that are cut more than twice annually shall be considered "developed area".
  - (67) For the purposes of Stormwater Management, disturbed area that results in low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability shall be considered "impervious area".
  - (78) Existing impervious area that is required for any additional off-street parking facilities or on-site vehicle traffic circulation for a proposed use; and new principal and accessory structures or additions over existing impervious area shall be considered "redeveloped impervious area".
- C. *Specific Standards: Stormwater Runoff Quality Standards.*

## Appendix A ZONING ORDINANCE

- (1) All stormwater management plans for new disturbed area and redeveloped impervious area shall meet runoff treatment standards based on a percentage of impervious surfaces, and shall also meet a minimum treatment for the total developed area, as outlined in the Table 4.5.4.C, Sliding Scale Table for Stormwater Treatment Sizing.
- (2) The Review Authority may allow the total disturbed area and redeveloped impervious area to be reduced by in-kind restoration of existing impervious area or existing developed area. Restoration plans shall provide measures for improved soil infiltrative capacity and the creation of dense vegetative cover. Restoration plans may not result in new developed area. The following information may be required by the Review Authority: existing soil conditions (including depth to limiting factors), soil amendments, plant type(s), and plant density (total number of plants, location, and size). Restoration plans with a diverse variety of native grasses, shrubs, understory trees and overstory trees are preferred as site conditions allow.

**Table 4.5.4.C:**  
**Sliding Scale for Stormwater Treatment Sizing**

Disturbed Area and Redeveloped Impervious Area (acres)	Percentage of Impervious Area Required to be Treated	Percentage of Developed Area Required to be Treated
Over 1 acre <sup>1</sup>	95%	80%
1 acre < 0.75 acre	70%	60%
0.75 acre < 0.5 acre	50%	40%
0.5 acre < 0.25 acre	25%	20%
Under 0.25 acre	Shall meet Erosion Control requirements or DEP Chapter 500's Basic Standards	

## NOTES:

1. Developments with more than one (1) acre of impervious surface may be required to obtain a Stormwater Management Law Permit from the Maine Department of Environmental Protection.
2. Developments requiring a Stormwater permit, Site Law permit or permit modification located in a watershed of an urban impaired stream may pay into a fund established by a Stormwater Compensation Fee Utilization Plan (CFUP), in accordance with the requirements of the Stormwater Management Law, Title 38 M.R.S. §420-D(11) and DEP rules, as amended.

- (3) Stormwater management plans shall either:
  - a. Use the treatment sizing methodology required under DEP's Chapter 500 Stormwater Rules (06-096 C.M.R. Ch. 500) (which includes stormwater management design practices in accordance with the DEP Stormwater Manual, Volume III-BMPs Technical Design Manual); or
  - b. Rely on Low Impact Development (LID) design practices and techniques as approved by the Maine DEP; or
  - c. Use alternative treatment measures and techniques approved by the Review Authority as appropriate for the site and providing at least an equivalent level of treatment as the standard techniques.

Appendix A ZONING ORDINANCE

- i. The Review Authority may approve the use of alternative treatment measures and techniques upon a written waiver request submitted by the developer, and upon the recommendation from the Town's Engineer and/or Public Works Director.
- ii. The Review Authority's evaluation of alternative treatment measures and design practices shall be based on those set forth in Chapter 10 of the DEP Stormwater Manual, Volume III-BMPs Technical Design Manual, and/or any manual formally adopted by the Review Authority.
- iii. The developer bears the burden of showing that any alternative design meets the treatment standards to an equivalent degree.

D. *Specific Standards: Stormwater Runoff Quantity Standards.*

- (1) Developments shall be designed to compare the post-development conditions rate of runoff to the pre-developed condition rate for the 2-year and 25-year, 24-hour event. Any stormwater draining onto or across the lot in its pre-improvement state shall not be impeded or redirected so as to create ponding on, or flooding of, adjacent lots.
- (2) Studies and or calculations using larger storm event precipitation data may be required at the discretion of the Review Authority and be reviewed by the Town Engineer or assigned qualified third party reviewer. Data used to provide proof may include, but is not limited to, data for the 50-year, 24-hour rain event; data for the 100-year, 24-hour rain event; or acceptable rainfall data from recently recorded significant precipitation event(s).
- (3) Developments that cannot control peak runoff rates to pre-development conditions shall submit a request for a waiver to the Review Authority, who may grant the request if it finds each of the following:
  - a. Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following development can be handled on the adjacent lot without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the property owner to increase the flow rate of stormwater onto the adjacent lot(s);
  - b. Any increase in volume or rate of stormwater draining from the lot onto Town-owned property following development can be handled without creating ponding, flooding, or other drainage problems, and that the owner of the lot being developed has obtained the legal right, written permission, or authorization by the Town of Brunswick to increase the flow rate of stormwater runoff onto its property;
  - c. Any increase in volume or rate of stormwater draining from the lot into the Town's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system. The developer bears the burden of proving adequate system capacity, which must be approved by the Public Works Director.

*[Remainder of Zoning Ordinance Omitted]*

**From:** [Jen Navarro](#)  
**To:** [planning@brunswickme.gov](mailto:planning@brunswickme.gov); [Fran Smith](#); [Julie Erdman](#); [James Dealaman](#)  
**Subject:** Forward to PB for 1/13/26  
**Date:** Tuesday, January 13, 2026 8:46:31 AM

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Dear Members of the Brunswick Planning Board,

I am writing to place formal legal and planning concerns on the record regarding the materials presented for the January 13, 2026 meeting, particularly those addressing stormwater compensation fees and impaired waters.

Several aspects of the packet raise red flags indicative of arbitrary and capricious decision-making by a Planning Board acting in a quasi-judicial land-use capacity.

First, selective recognition of impaired waters.

The packet applies heightened stormwater regulation and compensation mechanisms to the Mare Brook watershed while excluding New Meadows, even though New Meadows is an impaired waterbody under Maine DEP's Integrated Water Quality Reporting pursuant to the Clean Water Act. A quasi-judicial body may not treat similarly impaired waters differently without explicit findings explaining the distinction. No such findings appear in the materials.

Second, reliance on a narrow regulatory label to limit obligations.

The materials rely on the program-specific term "urban impaired stream" as a gatekeeper for analysis. However, impairment under state and federal law is broader than a single stormwater program classification. Impairment triggers heightened duties of notice, analysis, and mitigation; it does not justify exclusion simply because the impairment arises under a different

regulatory framework. The packet does not explain why one form of impairment is acknowledged while another is disregarded.

Third, inconsistent analytical scope without explanation.

The record reflects that impaired status is sometimes treated as a central planning concern and sometimes treated as irrelevant, depending on context. The packet does not explain why impairment warrants regulatory response in one watershed but not in another, nor how such distinctions are reconciled. Unexplained inconsistency is a hallmark of arbitrary decision-making.

Fourth, absence of reasoned findings.

The materials contain no findings explaining:

- why Mare Brook is included and New Meadows is excluded,
- how impaired status was weighed,
- or why notice and cumulative impacts were not addressed.

A quasi-judicial body must articulate a rational connection between facts and conclusions. Without findings, meaningful public review and judicial review are impaired.

Fifth, disregard of hydrologic connectivity and cumulative impacts.

The packet treats watersheds as administratively isolated despite state and federal acknowledgment of hydrologic connectivity, including Navy- and EPA-confirmed off-base contamination and plume migration from the former Naval Air Station. Environmental impacts do not stop at watershed boundaries, and planning analysis should not either.

From a planning perspective, this fragmented approach undermines long-

term water-quality protection and exposes the Town to avoidable legal risk.

Why this matters to me:

I live in this watershed, and my family relies on well water. When impairment is inconsistently acknowledged or selectively applied, downstream residents bear the consequences. I am not opposing restoration efforts or funding mechanisms. I am asking for consistent standards, transparent reasoning, adequate notice, and findings that reflect the full environmental record.

Impairment should trigger more care, not less. I respectfully request that the Board address these concerns on the record and ensure that future actions reflect consistent, evidence-based application of environmental standards.

Thank you for your time and consideration.

Sincerely,

Jennifer Navarro

90 Thomas Point Rd.

Brunswick, ME 04011

(305) 608-3167

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**PLANNING BOARD REPORT**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**



Miscellaneous Zoning Text Amendments (#26-003)

<b>Submitted to:</b>	Brunswick Planning Board	<b>Prepared By:</b>	Julie Erdman Jimmy Dealaman
<b>Workshop Date:</b>	January 13, 2026	<b>Date:</b>	January 8, 2025

**I. INTRODUCTION**

Starting the new year, staff continue to assemble and draft potential updates to the zoning ordinance. Some of the more immediate and concise amendments staff are recommending include the following topics:

- Minimum Height Requirements (in GM6-7)
- Off-street Parking along Maine Street Frontages in GM6
- Façade Materials Allowed in Village Review Overlay
- Continuance Period for Nonconforming Uses

At this time, the Planning Board is requested to review the attached zoning amendments (Attachments 1-4) and provide feedback in advance of a future public hearing.

**II. SUMMARY**

Minimum Height Requirements in GM6-7 (Attachment 1):

Both Growth Mixed Use (GM) 6 and 7 zoning districts require a minimum height of 24<sup>1</sup> feet. Given the varying height of existing structures currently in the GM7 district (Brunswick Landing) and the wide range of uses that occur within the district, staff recommend adding additional flexibility for allowing minimum height to be determined based on average building height, as well as exempting existing buildings from being factored into the calculation. In both districts, additional exemptions are provided to clarify that certain architectural features, such as porches and porticos, are not subject to the minimum height requirement. In the GM7, utility substations, accessory buildings, and similar structures or building components may be of a lesser height. In the GM6, the entire building would be required to meet the minimum height, and the language requiring the standard to be met at the front lot line has been removed to clarify that the requirement applies to the entire building.

Off-street Parking along Maine Street Frontages in GM6 (Attachment 2):

Currently, Maine Street is a vibrant pedestrian corridor lined with an abundance of commercial uses oriented towards Maine Street. However, there are occasional instances where properties prioritize vehicle access and parking lots are located along Maine Street frontages with buildings set farther back from the street. When this happens pedestrian walkability and active street engagement are negatively affected by various factors such as reduced visual interest, increased walking distances to building entrances, and disruption to the established rhythm of the street. To promote more walkable connections and support commercial-oriented, pedestrian-focused development, staff recommend an ordinance amendment that prohibits off-street parking within 30 feet of the edge of the public right-of-way along Maine Street. This requirement would apply in the GM6 to any development, change of use, or reconstruction of principal structure or parking area.

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<sup>1</sup> The GM6 district requires a minimum height on the front lot line only if development is increasing the floor area by 50 percent.

Façade Materials Allowed in Village Review Overlay (Attachment 3):

The Village Review Overlay design review standards for new construction, additions, and alterations to existing structures prohibit use of cinder block, concrete and concrete block on any portion of a structure that is visible from the building's exterior, except on the building's foundation. Because the Village Review Board (VRB) already reviews projects to ensure they are designed to enhance or improve the structure's compatibility with nearby contributing resources staff believe this prohibition may unnecessarily limit the use of higher quality concrete-based materials that could be contextually appropriate. Given the VRB retains discretion over the materiality of structures, staff recommend allowing concrete-based products on exterior facades where the Board finds that the material closely resembles wood or stone in appearance thereby providing additional flexibility while providing oversight of the design.

Continuance Period for Nonconforming Uses (Attachment 4):

Outside of the APO, SPO, FPO, and WPO Districts, the Zoning Ordinance does not allow a nonconforming use to be re-established if it has been discontinued for a period of 36 months or more. This represents a relatively long continuance period compared to other communities, particularly given that many existing nonconforming uses were established under significantly older regulations that reflected different planning objectives and land-use priorities. Staff recommend reducing the discontinuance period from 36 months to 24 months so that nonconforming uses that have been inactive for an extended period are more promptly brought into alignment with current zoning standards and planning priorities.

**NEXT STEPS**

Staff will review any feedback provided by the Planning Board, return with updated draft ordinances, and schedule a public hearing for the Board's recommendation to the Town Council.

**III. ATTACHMENTS:**

Attachment 1. Draft Amendments - Minimum Height Requirements (in GM6-7)

Attachment 2. Draft Amendments - Off-street Parking along Maine Street Frontages in GM6

Attachment 3. Draft Amendments - Façade Materials Allowed in Village Review Overlay

Attachment 4. Draft Amendments - Continuance Period for Nonconforming Uses

#### 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]**

Stand	Current Zone 1997 Zoning District	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 <sup>[1]</sup>	GM5	GM6	GM7	GM8	GM9	GC1	GC2	GC3	GC4	GC5	GA	GO	GN <sup>[2]</sup>
		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	MU0Z	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2,13 & R-B-TI	GI	BCN
Lot area, min. <sup>[22]</sup>	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 <sup>[3]</sup>	6	7	10	5	6	6	6	10	10	15	6	n/a	24	6	12	24 <sup>[4]</sup>	5 <sup>[5]</sup>	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 <sup>[12]</sup>	n/a	75	65	65	65	40	65	50	50	n/a	n/a	
Building frontage, min. (% of lot width)																75 <sup>[6]</sup>										n/a	
Building frontage, max. (% of lot width)																100 <sup>[7]</sup>										n/a	
Front setback, min. (feet) <sup>[8]</sup>	0	15	20	20	15	15	20	20	20	20	15	30	0	15	0 <sup>[12]</sup>	0	20	15 <sup>[19]</sup>	15	15	10	15 <sup>[19]</sup>	0	10	0	n/a	
Build-to Zone (feet) <sup>[8]</sup>															[9]	0-5 <sup>[10]</sup>										n/a	
Rear setback, min. (feet)	0	20	20	20	20	15	20	20	20	20	20	30	15	15	0 <sup>[12]</sup>	0	30	15 <sup>[19]</sup>	15 <sup>[19]</sup>	15	10	15 <sup>[19]</sup>	20	20	20	n/a	
Side setback, min. (feet)	0	15	15	15	15	15	15	15	15	15	15	15	0	20	0 <sup>[12]</sup>	0	30	15 <sup>[19]</sup>	15 <sup>[19]</sup>	15	10	15 <sup>[19]</sup>	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 <sup>[11]</sup>	70	100 <sup>[12]</sup>	100	50	60	50	50	50	50	80	80	10	[2]	
Building height, min. (feet)	24															24 <sup>[13]</sup>	24 <sup>[25]</sup>									n/a	
Building height, max. feet <sup>[14]</sup>	50	35	35	35	35	35	35	35	35	40	35	60	60	45	40 <sup>[15]</sup>	50	40	70 <sup>[20]</sup>	45	35	70	55	100	60	35	n/a	
Building footprint per structure, max. (1,000 square feet) <sup>[24]</sup>	20 <sup>[3]</sup>	5	5	5 <sup>[16], 19]</sup>	5 <sup>[19]</sup>	7.5	5	5	5	20	5	30 <sup>[21]</sup>	50 <sup>[18]</sup>	20 <sup>[23]</sup>	n/a <sup>[12]</sup>	n/a	25% of lot size	n/a	8.5	5 <sup>[17]</sup>	n/a	n/a	n/a	n/a	n/a	n/a	

**Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts**  
**[Unless separate standards approved in Common Development Plan]**

Stand	Current Zone	1997 Zoning District	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 <sup>[1]</sup>	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GO	GN <sup>[2]</sup>
	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 1, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	,R-CMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2,13 & R-B-TI	GI	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] Expansions that will increase floor area by 50% or more require minimum height to be met for the entire building. Porches, porticos, and similar attached architectural features may be a lesser height. 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 Columbus Drive.
- [22] See Subsection 4.2.5.F for minimum dimensional requirements for lots located within the Shoreland Protection Overlay.
- [23] Except that public safety municipal facilities shall have no maximum building footprint per structure.
- [24] Except that public school facilities shall have no maximum building footprint per structure.
- [25] Minimum height shall be determined based on the average height of each building. Porches, porticos, and similar attached architectural features, as well as utility substations, accessory buildings, and similar structures or building components, may be of lesser height. Buildings existing prior to January 1, 2026, shall be excluded from this calculation.

## Sec. 4.9. Parking and Loading.

### 4.9.1. Minimum and Maximum Vehicle Parking Requirements.

- A. *General Standard.* A development shall provide adequate off-street parking and loading/unloading areas for motor vehicles and bicycles, or shall provide reasonable alternative parking.
- B. *Specific Standards.*
  - (1) *Specific Standards: Minimum Number of Off-Street Vehicle Parking Spaces.* Except as otherwise provided in this Ordinance, new development shall provide the minimum number of off-street vehicle parking spaces in accordance with Table 4.9.1.A, based on the principal use(s) involved and the extent of development.

Table 4.9.1.A: Minimum Number of Off-Street Vehicle Parking Spaces				
Principal Use	Minimum Number of Vehicle Parking Spaces <sup>1,2,3,4</sup>			
<i>Residential Uses</i>				
<i>Household Living</i>				
Dwelling, 1- or 2-family (includes all mobile homes; excludes accessory dwelling units)	2 or more bedrooms	2 per du		
	1 bedroom or studio	1 per du		
Dwelling, multifamily	2 or more bedrooms	2 per du		
	1 bedroom or studio	1 per du		
<i>Group Living</i>				
Assisted/Congregate Living Facility	1 per 3 beds			
Boarding house	1 per guest room			
Nursing home	1 per 5 beds			
Residence hall	1 per 3 beds			
<i>Public, Institutional, and Civic Uses</i>				
<i>Community, Cultural, and Educational Uses</i>				
Club or lodge	1 per 120 sf of assembly space			
College	1 per 900 sf of academic space			
Community center	1 per 300 sf			
Day care facility, small	1 per 325 sf of licensed primary indoor space			
Day care facility, large				
Hospital	1 per 3 inpatient beds			
Library, museum, or art gallery	1 per 500 sf			
Municipal facility	1 per 400 sf of office space + 1 per 600 sf of maintenance, distribution, or storage space			
Park or conservation area	See Section 4.9.1.E			
Religious institution	1 per 5 persons of maximum occupancy capacity in assembly space			
School	High school	1 per classroom + 1 per 10 students		
	Middle or elementary school	1 per classroom + 10 visitor spaces		
<i>Communication Uses</i>				
Small-scale telecommunication tower	n/a			
Telecommunication tower	1 space			

<i>Commercial Uses</i>	
<i>Agriculture, Aquaculture, and Animal Care Uses</i>	
Aquaculture	See Section 4.9.1.E
Equestrian facility	1 per 5 stalls
Farm	n/a
Kennel	1 per 300 sf used for boarding
Plant nursery	1 per 1,000 sf of display area
Veterinary office	1 per 500 sf
<i>Food, Beverage, and Entertainment</i>	
Adult entertainment establishment	1 per 300 sf
Golf course	1 per 300 sf of indoor area + 1 per golf course hole
Recreation facility, as a principal use	See Section 4.9.1.E
Restaurant or dining facility	1 per 4 persons of maximum occupancy capacity of customer service area(s)
Theater	1 per 4 persons of maximum occupancy capacity of assembly space
<i>Lodging</i>	
Campground	1 per campsite + 1 space
Hotel	1 per guest room + 1 per 800 sf of assembly space
<i>Retail Sales and Services</i>	
Farmer's Market	1 per 400 sf of stall and vehicle space, and customer circulation area
Financial Institution	1 per 300 sf
Neighborhood store	1 per 300 sf
Office	1 per 400 sf
Office, Medical	1 per 200 sf
Retail, Class I	1 per 300 sf
Retail, Class II	1 per 300 sf
Service business, Class I	1 per 300 sf
Service business, Class II	1 per 300 sf
Studio	1 per 300 sf
<i>Transportation and Vehicle-Related Uses</i>	
Aviation operations	See Section 4.9.1.E
Aviation-related business	See Section 4.9.1.E
Bus or rail station	1 per 400 sf of passenger waiting area
Car wash	1 per 500 sf
Marina or boat storage	0.5 per boat slip or mooring
Parking facility, as a principal use	n/a
Ultra-light airpark	See Section 4.9.1.E
Vehicle fueling station	n/a
Vehicle sales, rental, or storage	1 per 400 sf of indoor sales display area and office space
Vehicle service or repair	1 per 500 sf
<i>Industrial Uses</i>	
Contractor's space	1 per 200 sf of office space
Industry, Artisan	1 per 600 sf
Industry, Class I	1 per 1,000 sf

Industry, Class II	1 per 1,000 sf
Junkyard or automobile graveyard	1 per 1,000 sf of storage area
Marine activity	See Section 4.9.1.E
Mineral extraction	See Section 4.9.1.E
Recycling collection facility, as a principal use	3 per station
Renewable energy generating facility, as a principal use	See Section 4.9.1.E
Utility facility, major	See Section 4.9.1.E
Utility facility, minor	n/a
Warehousing and storage	1 per 2,500 sf

NOTES:

1. When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.
2. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on square feet of floor area, all computations shall be based on gross floor area.
3. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the maximum occupancy capacity, all computations shall be based on the occupant load of the building or facility as established in accordance with the Brunswick Building Code.
4. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), or the maximum enrollment (for students), or the fire-rated capacity (for residents), as appropriate.

C. *Exemptions-Special Provisions in the Growth Mixed-Use 6 (GM6) District.*

(1) Off-street vehicle parking spaces are not required for a use in the GM6 District that:

- (1i) Is located on a lot less than 10,000 square feet in size; or
- (2ii) Is housed in an existing building with less than 10,000 square feet of gross floor area.

(2) There shall be no off-street vehicle parking located within 30 feet of the edge of the public right-of-way of Maine Street. Compliance with this provision shall be required notwithstanding any nonconforming status of a structure or use, and shall be implemented upon any change of use or reconstruction of the principal structure. Compliance shall also be required upon reconstruction of the parking area, to the extent reasonably practical.

D. *Applicability to Existing Development Use Changes and Expansions.*

- (1) A change in the use of an existing development shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this Section for the existing use and the minimum number of spaces required by this Section for the new use.
- (2) If an existing structure or use is expanded in terms of the size unit used in this Section to determine the minimum number of off-street vehicle parking spaces required for the applicable use (e.g., dwelling units, floor area, seating capacity), such expansion shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this section for the expanded development.

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E. *Uses with Variable Parking Demands.* Some uses have widely variable parking demand characteristics that make it difficult to establish a single appropriate minimum off-street vehicle parking standard. On receiving an application proposing such a use (as designated by reference to this Subsection in Table 4.9.1.A), the Director, in consultation with the Code Enforcement Officer, is authorized to apply a minimum requirement for a listed use deemed most similar to the proposed use, establish the minimum requirement by reference to a standard parking standards resource, or establish the minimum requirement based on a parking demand study prepared by the applicant using data from the Institute of Traffic Engineers (ITE) or other acceptable source.

F. *Requirements for Developments with Multiple Uses.* Developments containing more than one (1) principal use shall provide vehicle parking spaces in an amount equal to the total of the requirements applied to all individual principal uses. This does not limit the opportunity to reduce the resulting minimum requirement through approval of an alternative parking plan justifying shared parking (see Subsection 4.9.4.A (Shared Parking)).

G. *Maximum Number of Off-Street Vehicle Parking Spaces.* For Retail Class II uses with more than 50,000 square feet of gross floor area, the number of off-street vehicle parking spaces shall not exceed 125 percent of the minimum number of spaces required by this Section unless the additional spaces are located within a parking structure or are allowed through approval of an alternative parking plan pursuant to Subsection 4.9.4.C (Provision over the Maximum Allowed).

H. *Accessible Parking Spaces.* Within each off-street vehicle parking area, a portion of the total number of parking spaces shall be spaces specially designated, located, and reserved for use by persons with physical disabilities ("accessible parking spaces") in accordance with the standards of the Americans with Disabilities Act.

**4.9.2. Minimum Bicycle Parking Requirements.**

A. All parking areas containing ten (10) or more vehicle parking spaces shall provide bicycle parking facilities (e.g., bike racks/lockers) to accommodate the parking of at least two (2) bicycles for every ten (10) vehicle parking spaces required, provided that no more than 20 bicycle parking spaces shall be required in any one (1) parking lot.

B. Any bicycle parking facilities shall be located in a well-lit location that is conveniently accessible to a primary entrance(s) to the development's principal buildings, does not interfere with pedestrian traffic, and is protected from conflicts with vehicular traffic.

**4.9.3. Design, Construction and Maintenance of Parking Areas.**

A. *Location and Configuration.*

(1) Each parking area shall be designed with adequate access, turning radii and snow storage areas. Minimum dimensional standards shall apply as follows in Table 4.9.3:

Table 4.9.3: Minimum Parking Space Dimensional Standards

Parking Angle (degree)	Stall Width (feet/inches)	Skew Width (feet/inches)	Stall Depth (feet/inches)	Aisle Width (feet/inches)
90	9'0"	0"	18'	24'0"
60	8'6"	10'5"	19'0"	16'0" (1-way)
45	8'6"	12'9"	17'5"	12'0" (1-way)
30	8'6"	17'0"	17'5"	12'0"

(2) No parking area may be constructed within a required setback.

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- (3) Where practicable, in the GM6 District and Village Review Overlay Zone, off-street parking shall be located to the rear of the development's principal building and shall be accessed from a secondary street.
- (4) In all Growth Mixed-Use (GM) and Growth College (GC) zoning districts, a maximum of one (1) row of off-street parking may be located in front of the principal building being served (but not within the required front yard).
- (5) Parking lots shall be designed and landscaped to avoid long, uninterrupted rows of parked vehicles. Surface parking lots containing more than 30 spaces shall be broken into separate parking areas by the use of landscaped islands, pedestrian and bicycle areas, or buildings.
- (6) The Review Authority may waive the requirements of this Subsection where a primary structure already exists on the parcel and there is no other alternative for siting parking, or where compliance would be impractical.

B. *Landscaping.* The following landscaping standards shall apply to all surface parking areas other than those for single and two-family dwellings on a single lot.

- (1) *Perimeter Landscaping.*
  - a. Where a parking lot is within 50 feet of and visible from a street, other development (except another parking lot), or vacant property, perimeter landscaping shall be provided and maintained within a strip of land between the parking lot and the adjacent street right-of-way or easement or property line except where such strip is crossed by an authorized vehicular, bicycle, or pedestrian accessway, or utility easement.
  - b. The perimeter landscaping strip shall be at least the minimum width necessary to adequately accommodate the proposed plantings and other screening material and avoid damage to such materials by parked vehicles.
  - c. Perimeter landscaping shall consist of any combination of trees, evergreen shrubs, berms, walls, and fences that form a continuous solid/completely opaque screen not to exceed four (4) feet in height along the perimeter of the parking lot that is designed to screen the headlights of vehicles in the parking lot yet allow security surveillance of the parking lot from the adjacent street.

(2) *Interior Landscaping.*

- a. Parking lots containing more than 30 parking spaces shall provide and maintain landscaped islands:
  - i. At the end of every row of parking spaces;
  - ii. Along a long row of parking, spaced no more than 20 parking spaces apart; and
  - iii. Between at least every three (3) parallel parking bays.
- b. Islands shall be at least the minimum width necessary to adequately accommodate the proposed plantings and any proposed walkway through it and avoid damage to landscaping by parked vehicles.
- c. Each landscaped island shall include at least one (1) shade tree, provided that understory trees may be substituted for canopy trees in areas beneath overhead utility lines.

C. *Surfacing, Drainage, Lighting.*

- (1) Parking areas shall be constructed with a suitably durable surface that minimizes dust and is appropriate for the use of the land, with adequate drainage.

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- (2) Surfacing, grading and drainage shall facilitate groundwater recharge by minimizing impermeable pavement and run-off. Oil traps may be required for larger paved parking lots.
- (3) Parking areas shall be lighted in a manner that does not result in direct lighting to or glare to abutting residential properties or cause a traffic hazard due to glare.

D. *Modification/Waiver of Design Requirements.* The Review Authority may waive or modify the design and construction standards in this subsection on finding that the total number of parking spaces required for the use cannot be accommodated in accordance with the standards, that the site layout prevents compliance with the standards, or that existing development on the site has been determined by the Code Enforcement Officer to be nonconforming with the standards.

E. *Maintenance.* All parking lot areas shall be maintained pursuant to Section 4.15 (Maintenance).

#### **4.9.4. *Parking Alternatives.***

The Review Authority may approve alternatives to complying with the requirements in Subsection 4.9.1 in accordance with the following standards.

- A. *Shared Parking.*
  - (1) The Review Authority may allow use of a common parking facility to meet the minimum parking requirements for multiple uses or uses on multiple lots on finding that the uses generate parking demands during different times, or have characteristics making it likely that a significant portion of people will use the same parking space to access the other uses sharing the parking facility.
  - (2) Shared parking spaces shall be located within 1000 feet walking distance of the primary pedestrian entrance to all uses.
  - (3) The Review Authority may require cross easements or other legally enforceable documents that ensure the participating uses or property owners the right to joint use of the parking facility as long as the shared spaces are needed to comply with this Ordinance. If the shared parking becomes unavailable to a participating use, the uses shall provide alternative means of meeting off-street parking requirements.
- B. *Off-Site and Satellite Parking.*
  - (1) The Review Authority may allow use of a parking facility located on one (1) lot to meet the minimum parking requirements for a use located on a separate lot.
  - (2) The Review Authority may require legally enforceable documents that ensure that the served use has the right to use the off-site or satellite parking facility as long as the spaces are needed to comply with this Ordinance. If the off-site or satellite parking facility becomes unavailable to the served use, the use shall provide alternative means of meeting off-street parking requirements.
- C. *Provision over the Maximum Allowed.* The Review Authority may allow the maximum parking requirement applicable to a development in accordance with Subsection 4.9.1.G to be exceeded on finding that the additional spaces are justified by a parking demand study demonstrating that they are necessary to adequately serve a development.
- D. *Parking Requirement Reductions.* The Review Authority may allow additional reductions of the minimum vehicle parking requirements in Subsection 4.9.1. To support a request for an additional reduction, the Review Authority may require a parking demand study showing reduced transportation and vehicle parking demand due to the location, characteristics, or committed operations of the particular use (e.g., type of development, proximity to transit, employee carpool/vanpool program, off-peak work schedules).

#### **4.9.5. *Minimum Off-Street Loading Requirements.***

A. *Minimum Number of Off-Street Loading Spaces.*

(1) *General Standard.* New development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development site shall provide a sufficient number of off-street loading spaces to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner.

(2) *Specific Standards.*

- Table 4.9.5.A(2) below sets forth the minimum number of off-street loading spaces that presumptively satisfies the loading space needs of medium-sized and large-sized delivery/shipping trucks based on the principal use and size of the development. It is assumed that the needs of small delivery/shipping trucks can be met through the temporary use of vehicle parking spaces or accessways, without impeding use of adjacent driveways or fire lanes.
- The Review Authority may require a higher or lower number of off-street loading spaces based on a finding that the characteristics of the particular development warrant such an increase or decrease, and that the general standard in Subsection (1) above is met.

**Table 4.9.5.A(2):**  
**Minimum Number of Off-Street Loading Spaces**

Gross Floor Area (GFA)	Medium-Sized Truck	Large-Sized Truck
<i>Public, Civic, and Institutional Uses and Office Uses<sup>1</sup></i>		
Up to 10,000 sf	0	0
10,001 to 50,000 sf	1	0
Over 50,000 sf <sup>2</sup>	2	0
<i>Commercial Uses Other than Office Uses<sup>1</sup></i>		
Up to 20,000 sf	0	1
20,001 to 50,000 sf	1	1
50,001 to 100,000 sf	1	2
100,001 to 200,000 sf	2	2
Over 200,000 <sup>2</sup>	3	2
<i>Industrial Uses</i>		
Up to 5,000 sf	0	0
5,001 to 10,000 sf	1	0
10,001 to 50,000 sf	0	1
50,001 to 100,000 sf	0	2
Over 100,000 sf <sup>2</sup>	0	3

NOTES:

- For mixed-use developments, gross floor area devoted to residential uses is excluded.
- Additional spaces may be required based on development-specific assessment relative to size.

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- B. *Exemptions in Growth Mixed-Use District 6 (GM6).* Off-street loading spaces are not required for a nonresidential use in the GM6 District that:
  - (1) Is located on a lot less than 10,000 square feet in size; or
  - (2) Is housed in an existing building with less than 10,000 square feet of gross floor area.
- C. *Applicability to Existing Development Expansions.* If the gross floor area of an existing structure is expanded, such expansion shall be accompanied by the provision of any additional off-street loading needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this Section for the expanded development.
- D. *Design and Use of Off-Street Loading Areas.*
  - (1) Each loading space shall be of sufficient size to accommodate the types of vehicles likely to use it.
    - a. The minimum loading space that presumptively satisfies loading space needs of a medium-size truck is at least 12 feet wide and 35 feet long, and has at least 13 feet of vertical clearance.
    - b. The minimum loading space that presumptively satisfies loading space needs of a large-size truck is at least 12 feet wide and 75 feet long, and has at least 14 feet of vertical clearance.
    - c. The Review Authority may require larger or smaller loading spaces on finding that the characteristics of the particular development warrant the variation, and the general standard in Subsection (1) above is met.
  - (2) Where practicable, off-street loading areas shall be located to the rear of the principal building(s) it serves.
  - (3) Loading areas shall be located and designed so vehicles can maneuver safely and conveniently to the loading space(s) and complete loading/unloading without interfering with vehicular, bicycle, or pedestrian traffic or use on streets, bike lanes, crosswalks, and parking areas.
  - (4) Off-street loading areas shall be located and designed to screen and otherwise mitigate their potential adverse visual and noise impacts on adjacent streets and properties by any combination of buildings, walls or fences, or dense continuous hedge.

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## **Sec. 5.2. Specific Procedures.**

### *5.2.8. Village Review Overlay Design Review.*

#### **C. Review Standards.**

##### **(1) General Standard.**

- a. All Certificates of Appropriateness for new construction, additions, alterations, relocations or demolition shall be in accordance with applicable requirements of this Ordinance.
- b. In meeting the standards of this Ordinance the applicant and Village Review Board in its review shall be informed by guidance from the U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings and the Village Review Zone Design Guidelines.

##### **(2) New Construction and Additions and Alterations to Existing Structures.**

- a. In approving applications for a Certificate of Appropriateness for new construction or additions or alterations to contributing resources, the Review Authority shall make findings that the following standards have been satisfied:
  - i. Any additions or alterations shall be designed in a manner to minimize the overall effect on the historic integrity of the contributing resource.
  - ii. Alterations shall remain visually compatible with the existing streetscape.
  - iii. Concealing of distinctive historic or architectural character-defining features is prohibited. If needed, the applicant may replace any significant features with in-kind replacement and/or accurate reproductions.
  - iv. New construction or additions shall be visually compatible with existing mass, scale and materials of the surrounding contributing resources.
  - v. When constructing additions, the applicant shall maintain the structural integrity of existing structures.
- b. In approving applications for a Certificate of Appropriateness for new construction of, or additions to commercial, multifamily, and other non-residential structures, the Review Authority shall make findings that the following additional standards have been satisfied:
  - i. Where practicable, new off-street parking shall be located to the rear of the principal building and shall be accessed from a secondary street. In cases where off-street parking currently exists in a front or side yard, the parking area shall be screened from the public right-of-way with landscaping or fencing.
  - ii. Site plans shall identify pedestrian ways and connections from parking areas to public rights-of-way.
  - iii. All dumpsters and mechanical equipment shall be located no less than 25 feet away from a public right-of-way, unless required by a public utility, and shall be screened from public view.
  - iv. Roof-top-mounted heating, ventilation, air conditioning and energy producing equipment shall be screened from the view of any public right-of-way or incorporated into the structural design to the extent that either method does not impede functionality. Parapets, projecting cornices, awnings or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.

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- v. ~~A concrete product may be used on the exterior of a building if the Board finds the product resembles wood or stone to a high degree. The use of cinder block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.~~
- vi. The use of vinyl, aluminum or other non-wood siding is permitted as illustrated in the Village Review Board Design Guidelines. Asphalt and asbestos siding are prohibited.
- vii. Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.
- viii. No building on Maine Street shall have a horizontal expanse of more than 40 feet without a pedestrian entry.
- ix. No building on Maine Street shall have more than 15 feet horizontally of windowless wall.
- x. All new buildings and additions on Maine Street shall be built to the front property line. This may be waived if at least 60 percent of the building's front façade is on the property line, and the area in front of the setback is developed as a pedestrian space.
- xi. If more than 50 percent new floor area is added to a structure located on Maine Street, the addition shall be at least two (2) stories high and/or not less than 20 feet tall at the front property line.
- xii. The first floor façade of any portion of a building that is visible from Maine Street shall include a minimum of 50 percent glass. Upper floors shall have a higher percentage of solid wall, between 15 percent and 40 percent glass.
- c. Proposed additions or alterations to noncontributing resources shall be designed to enhance or improve the structure's compatibility with nearby contributing resources as compared to the existing noncontributing resource.

(3) *Signs.* Signs shall comply with Section 4.13 (Signs) with consideration given to the Village Review Zone Design Guidelines.

(4) *Demolition and Relocation.*

- a. Demolition or partial demolition or relocation of a contributing or, if visible from a public right-of-way, a noncontributing resource, excluding incidental or noncontributing accessory buildings and structures not visible from the public right-of-way, located on the same property, shall be prohibited unless the proposed replacement structure or reuse of the property is deemed to be as appropriate and compatible with the existing streetscape and surrounding contributing resources and the application satisfies at least one (1) of the following criteria:
  - i. The structure poses an imminent threat to public health or safety. An application must be accompanied by a report from a qualified structural engineer for review by the Code Enforcement Officer and photographs depicting the current condition of the building.
  - ii. The condition of the structure is such that it cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, resulting in a reasonable economic return, regardless of whether that return represents the most profitable return possible, provided that the applicant can document he/she has not contributed significantly to the deterioration of the structure. An opinion shall be provided from an architect, licensed engineer, developer, real estate consultant or appraiser or from a professional experienced in historic rehabilitation, as to the economic feasibility for restoration, renovation, or rehabilitation of the contributing resource versus demolition or relocation of same.

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- b. Demolition, partial demolition or relocation of a noncontributing resource visible from a public right-of-way, shall be approved by the Village Review Board if it is determined that the proposed replacement structure or reuse of the property is deemed more appropriate and compatible with the surrounding contributing resources than the resource proposed for demolition.
- D. *Expiration of Certificate of Appropriateness.* If two (2) years after issuance of a Certificate of Appropriateness, the approved work is not found to be complete by the Code Enforcement Officer, the approval shall lapse. The applicant may, at any time before the date of approval expiration, make a written request to the Village Review Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if the Board grants an extension. The Board may consider any changes to this Ordinance or any other new information relevant to the application when considering an extension request.

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### 1.6.3. Nonconforming Uses.

The following standards apply both within and outside the SPO District, unless otherwise specified below.

- A. *Continuance.* A nonconforming use may be continued even though it does not conform to the use standards for the base zoning district (and any overlay district) in which it is located. A nonconforming use that is discontinued, whether or not there was an intent to abandon, for ~~36-24~~ consecutive months or more outside the APO, SPO, FPO, and WPO Districts, or for 12 consecutive months or more within the APO, SPO, FPO, or WPO Districts, may not be re-established except in compliance with the current standards of this Ordinance.
- B. *Change in Use.* A nonconforming use may be replaced by another use not allowed in the base zoning district (or any overlay district) if the Staff Review Committee determines that the new use will have no greater adverse impact on the water body, tributary stream wetland, aquifer, or on adjacent properties and resources, than the existing use. To show that no greater adverse impact will occur, the Change of Use application shall include written documentation assessing the probable effects on public health and safety, traffic, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, scenic features, as delineated in the 2002 Brunswick Parks, Recreation and Open Space Plan, as amended, flood plain management, archaeological and historic resources, commercial fishing and marine activities, and other functionally water-dependent uses.
- C. *Expansion of Use.*
  - (1) *Outside SPO.* A nonconforming use may be expanded throughout the existing structure housing the use. A nonconforming use may also be expanded throughout any expansion of the existing structure allowed by this Ordinance. Any additional expansion of area occupied by the use, whether from expansion of the structure or extension of the use to additional land area, shall be limited to 1,000 square feet over a five-year period; provided that further additional expansion of a nonconforming use may be allowed through approval of a Special Permit in accordance with Subsection 5.2.3.C.
  - (2) *Within SPO.* Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed in Subsection 1.6.4.B(2).
- D. *Reconstruction of Structure with a Nonconforming Use.* If a structure housing a nonconforming use is destroyed, removed or damaged by any cause, the nonconforming use may be re-established in the structure if it is restored or reconstructed provided that a Building Permit for the restoration or reconstruction is obtained within three (3) years after the date of destruction, removal or damage, if the property is located outside the APO, SPO, FPO or WPO Districts; or within one (1) year of the date of destruction, removal or damage, if the property is located within the APO, SPO, FPO or WPO Districts.