

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

DRAFT FINDINGS OF FACT REQUEST FOR CERTIFICATE OF APPROPRIATENESS FOR ADDITIONS AND ALTERATIONS VILLAGE REVIEW BOARD

PROJECT NAME: 9C Oak Street Fire Egress

CASE NUMBER: VRB 24-028

LOCATION: Map U14, Lot 66; 9C Oak Street

APPLICANT:
Edwin Dijkshoorn
7 Dayspring Drive
Topsham, ME 04086

OWNER:
Dayspring Property LLC
7 Dayspring Drive
Topsham, ME 04086

REVIEW DATE: January 23, 2025

PROJECT SUMMARY

The property at 9 Oak Street is an Italianate 2.5 story home built circa 1892 and is currently utilized as a three-family home. The applicant is requesting a Certificate of Appropriateness for Alterations to add two egress balconies for the third-floor apartment bedrooms as required by the Fire Department for life safety.

REVIEW STANDARDS, SECTION 5.2.8.C, TOWN OF BRUNSWICK ZONING ORDINANCE

(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.**

The proposed modifications to the property require a building permit from the Codes Enforcement Office.

- b. **In meeting the standards of this Ordinance, the applicant may obtain additional guidance from the *U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings* and the *Village Review Zone Design Guidelines*.**

There is no reference to fire egress in the Village Review Design Guidelines. The guidelines do contain a section on building access that refers to fire code, though fire balconies are a form of egress and do not provide access to a building. Regardless, a statement in the guidelines made about access is broad enough that it should also apply to forms of egress, "the design for a new means of access should be compatible with the historic building and

its setting".

The U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings states that adding a balcony at an existing window where one did not exist before would be incompatible with the historic character of the building, however there is no mention of the need to do so to meet life safety requirements.

(2) New Construction and Additions and Alterations to Existing Structures

- a. In approving applications for a Certificate of Appropriateness for new construction, additions or alterations to contributing resources, the reviewing entity 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.**

The code required balconies will be constructed of galvanized powder-coated black steel as it is fireproof and has less mass than a wooden balcony.

- ii. Alterations shall remain visually compatible with the existing streetscape.**

The proposed change to the structure is minimal and it will remain visually compatible with the 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.**

No character defining features will be concealed as part of the proposed project.

- iv. New construction or additions shall be visually compatible with existing mass, scale and materials of the surrounding contributing resources.**

The addition of the balconies shall have little effect on mass and scale of the structure and will be visually compatible with the neighboring properties.

- v. When constructing additions, the applicant shall maintain the structural integrity of existing structures.**

Not applicable.

- b. In approving applications for a Certificate of Appropriateness for new construction of, or additions to commercial, multi-family and other non-residential structures, the Village Review Board 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.

Not applicable.

- ii. **Site plans shall identify pedestrian ways and connections from parking areas to public rights-of-way.**

Not applicable.

- 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.**

Not applicable.

- 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.**

Not applicable.

- v. **The use of cinder block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.**

Not applicable.

- 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.**

Not applicable.

- vii. **Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.**

Not applicable.

- viii. **No building on Maine Street shall have a horizontal expanse of more than 40 feet without a pedestrian entry.**

Not applicable.

- ix. **No building on Maine Street shall have more than 15 feet horizontally of windowless wall.**

Not applicable.

- x. **All new buildings and additions on Maine Street shall be built to the front property line. This may be waived if at least 60 percent of the building's front facade is on the property line, and the area in front of the setback is developed as a pedestrian space.**

Not applicable.

- xi. **If adding more than 50 percent new floor area 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.**

Not applicable.

- xii. **The first-floor facade of any portion of a building that is visible from Maine Street shall include a minimum of 50 percent glass. Upper floors shall have a higher percentage of solid wall, between 15 percent and 40 percent glass.**

Not applicable.

- 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 resources.**

Not applicable as the structure is a contributing resource.

(3) Signs

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

Not applicable.

(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 located on the same property, shall be prohibited unless the application satisfies at least one of the following criteria.**

- i. **The structure poses an imminent threat to public health or safety. An application must be accompanied by a report from a qualified structural engineer for review by the Codes Enforcement Officer and photographs depicting the current condition of the building.**

There is no demolition proposed and therefore this standard is not applicable.

- 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.

Not applicable.

- b. Demo, 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.**

Not applicable.

DRAFT MOTIONS
MAP U14, LOT 66 (9C OAK STREET)
REQUEST FOR A CERTIFICATE OF APPROPRIATENESS FOR ALTERATIONS
VILLAGE REVIEW BOARD
REVIEW DATE: JANUARY 23, 2025

Motion 1: That the Certificate of Appropriateness application is deemed complete.

Motion 2: That the Board approves the **Certificate of Appropriateness for Alterations** to renovate and alter the structure at 9C Oak Street at Map U14, Lot 66; 9C Oak Street, as outlined in the application and as satisfied by Subsection 5.2.8.C with the following condition(s):

1. That the Board's review and approval does hereby refer to these findings of fact, the plans and materials submitted by the applicant and the written and oral comments of the applicant, his representatives, reviewing officials, and members of the public as reflected in the public record. Any changes to the approved plan not called for in these conditions of approval or otherwise approved by the Director of Planning and Development as a minor modification, shall require further review and approval in accordance with the Brunswick Zoning Ordinance.

Received: 12/17/24
By: H

VRB Case #: 24-028

**VILLAGE REVIEW BOARD
CERTIFICATE OF APPROPRIATENESS
APPLICATION**

1. Project Applicant:

Name: Edwin Dijkshoorn
Address: 7 Dayspring Dr, Topsham 04086
Phone Number: 207 406-0234
Email Address: eddjks@gmail.com

2. Project Property Owner:

Name: Dayspring Property LLC
Address: 7 Dayspring Dr Topsham 04086
Phone Number: 207 406-0234
Email Address: eddjks@gmail.com

3. Authorized Representative: (If different than applicant)

Name: _____
Address: _____
Phone Number: _____
Email Address: _____

4. Physical Location of Property Being Affected:

Address: 9C Oak St., Brunswick 04011

5. Tax Assessor's Map # U14 Lot # 66 of subject property.

6. Underlying Zoning District GR10

7. Type of Activity (check all that apply):

- Additions and New Construction
- Structural Alteration
- Demolition/Moving of Structure
- Sign Permit

8. Describe the location and nature of the proposed change(s), including a brief description of the proposed construction, reconstruction, alteration, demolition, proposed re-use, or other change (use separate sheet if necessary):

By Fire department requested Egress
balconies for 3rd floor Apartment Bedrooms.

Applicant's
Signature

**VILLAGE REVIEW OVERLAY
APPLICATION FOR CERTIFICATE OF COMPLIANCE
APPLICATION CHECK-LIST**

This checklist will be completed by the Department of Planning and Development. The Department requires that all application materials be submitted in BOTH hard copy and digital format. In addition, for Major Review applications, EIGHT (8) HARD COPIES are required after your application is considered complete by Department staff. Your project will not be placed on the Village Review Board's agenda until this determination is made. For assistance, please contact the Department of Planning and Development at (207)725-6660.

- Completed application form
- A copy of the building survey prepared by the Pejepscot Historical Society pertaining to the structure under review (*provided by Department Staff*).
- A drawing showing the design, texture, and location of any construction, alteration, demolition for which a certificate is required. The drawing shall include plans and exterior elevations drawn to scale, with sufficient detail to show their relations to exterior appearances and the architectural design of the building. Drawings need not be prepared by an architect or engineer, but shall be clear, complete, and specific.
- A site plan or photographs showing the relationship of the changes to the surroundings.
- If architectural features are to be removed or replaced (including but not limited to original windows, siding, roofing material and other design elements), provide photographic documentation or a written assessment from a preservation professional or contractor explaining the condition of the material and reason for removal/replacement.
- Photographs of the building(s) involved, its context, and detailed photos of immediate area.
- List all proposed materials and products, and clearly identify their location on the drawings. Indicate texture of material, if applicable.
- Provide manufacturer's product information and, if possible, bring material samples to the meeting.
- Provide information such as dimensions, photographs or source for salvaged or reused materials.
- For demolition applications, provide detailed information addressing standards contained in Subsections 5.2.8.C (4) of the Brunswick Zoning Ordinance.

This application was certified as being complete on 1/27/2025 (date) by J. G. Tremain of the Department of Planning and Development.

THIS APPLICATION WAS:

- Granted
- Granted With Conditions
- Denied
- Forwarded to Village Review Board
- Building Permit Required
- Building Permit NOT Required

Applicable Comments: _____

Signature of Department Staff Reviewing Application

COMPLIANCE WITH ZONING STANDARDS

Notice: *This form is to be completed by the Codes Enforcement Officer and filed with the application.*

This is to certify that the application for Certificate of Appropriateness submitted by

Edwin Dijkshoorn, relating to property designated on Assessors Tax Map # U14 and
Lot # 16 has been reviewed by the Codes Enforcement Officer and has been found to be in
compliance with all applicable zoning standards:

Comments: _____

Signed: _____

Date: 1-8-25

u-14 66

HISTORIC PRESERVATION SURVEY

Cumberland Brunswick 9 Oak Street
County City/Town Street Address and Number

historic: ca. 1892 residence of Alexis Theberge

Name of Building/site: Common and/or Historic

Approximate Date: ca. 1892 Style: Italianate



Type of Structure:

Residential Commercial Industrial Other:

Condition: Good Fair Poor

Endangered: No Yes

Surveyor: J. Goff Organization: Penobscot Regional Survey Date:

Rating:

Historic Significance to the Community:

.....
.....
(For Additional Information — Use Reverse Side)

Maps: 1910 #9=A. Theberge

Deeds: 590:196 Albert S. Rines to Alexis Thiberge \$550 lot. east=S.J. Boardman;
west=A.S. Rines. 11/17/1891
584:380 AT \$1 mortgage to Franklin C. Webb "premises" 4/8/1892
591:270 AT \$400 mortgage to Brunswick Loan & Building Association
"shall keep said buildings insured" 6/9/1892

1910 Directory: Mrs. Esther Theberge, wid. of Alexis, res. 9 Oak
Wilfred Theberge, clerk, 9 Oak
Adelard Bernier, emp. Cabot Mill, bds 9 Oak
Napoleon Couillard, mason tender, MCRR, bds. 9 Oak
Joseph LeBel, emp. foreman Electric Rd., 9 Oak

1917 Directory: #9= Ovide Theberge/Mrs. Atella Fortin



Dayspring Property LLC

P.O. Box 77

Topsham, ME 04086

Date: December 16th, 2024

Egress platform / balcony for 3rd floor apartment at 9 Oak street, Brunswick ME, 04011

Goal:

Add EGRESS platforms on the right side of the building under the 3rd floor bedroom windows (Fire Department Requirement)

Adding EGRESS platform as per Brunswick fire department.

In November of 2021 the Brunswick fire department did an inspection for the previous owner. All items from this report have been addressed during the last 2 years of remodeling of this building. Except for the 2 EGRESS platforms required for the 3 floor apartment bedrooms, which are mentioned in the inspection report..

We have made provisions to be able to install these platforms

Please see attached NFPA Life Safety Code requirement doc.

These platforms need to be installed on the right side of the building when standing in front of the building facing it, under the two 3rd floor bedroom windows.

EGRESS platforms (2): 48" x 36"42" (L x W x H)



Placement of platforms.



Placement of balconies

Example of a balcony (no S-brackets mounted in this picture)



Drawing of balcony with S-brackets and wooden platform. We will install a steel platform

This permit application is for:

- 2 EGRESS platforms as explained above

Materials used for balconies: galvanized and then powder-coated steel (black) steel frame with a residential style steel deck.

We opted for this material solution, since it's fire proof, won't have snow and ice buildup as much as a wooden deck would have.

The other option for the balconies we have , is to build it from wood with maybe PVC coverings over the post and balusters, which in case of fire will be a less safe option. The latter is what you mostly see in Brunswick.

Also we feel that those type of balconies are very bulky and would be more of an eyesore than the proposed steel balconies. They are heavier and have larger diagonal support brackets which don't complement the aesthetics of a building.

Furthermore these steel balconies would be period correct with the building. The optional S brackets, as seen on picture 3, although structurally not needed, will be added for this purpose as well.

Attached:

- elevated aerial easements from neighboring property owner.
- Email from Joshua Shean (Deputy Chief Brunswick Fire Department)

Sincerely Edwin Dijkshoorn,

Dayspring property LLC

EASEMENT DEED

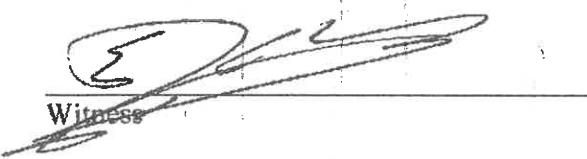
STUART C. BURNETT, of Hamilton, County of Loudoun, Commonwealth of Virginia (hereinafter referred to as "Grantor"), for consideration paid, does hereby grant to DAYSPRING PROPERTY LLC, a Maine limited liability company with principal place of business in Topsham, Sagadahoc County, Maine (hereinafter referred to as "Grantee"), with Quitclaim Covenant, easements over, across, and on the Grantor's property situated at 13 Oak Street in Brunswick, Maine, described as Lot 67 on Map U14 of the Town of Brunswick tax assessor records, and being more particularly described in deed dated July 5, 1978 and recorded in the Cumberland County Registry of Deeds in Book 4255, Page 137 and a second deed dated July 17, 1996 and recorded in said Registry in Book 12639, Page 305 (hereinafter referred to as "Burdened Parcel"), for the benefit of the Grantee's property situated at 9 Oak Street in Brunswick, Maine, described as Lot 66 on Map U14 of the Town of Brunswick tax assessor records, and being more particularly described in deed dated February 25, 2022 and recorded in said Registry in Book 39210, Page 99 (hereinafter referred to as "Benefited Parcel"), for the following purposes:

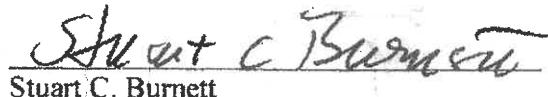
1. Easement for the use of the driveway on the Burdened Parcel for the purpose of maintenance and repair of the westerly side of the building located on the Benefited Parcel, including installation, maintenance, repair and replacement of two (2) balconies to be installed on the westerly side of the building situated on the Benefited Parcel.
2. Aerial easement over the Burdened Parcel for the location of the said balconies to be installed on the Benefited Parcel and which may extend beyond the bounds of the Benefited Parcel.

The easement rights described herein are binding upon and inure to the benefit of the parties, their personal representatives, heirs, successors and assigns and shall run with the land.

IN WITNESS WHEREOF, Stuart C. Burnett has set his hand and seal this 13th day of December, 2024.

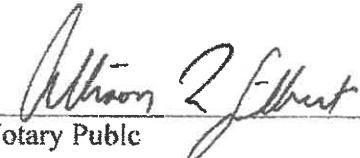
SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:


Witness


Stuart C. Burnett

STATE OF MAINE
County of Cumberland, ss.

Personally appeared before me the above-named Stuart C. Burnett and acknowledged the foregoing instrument to be his free act and deed.



Notary Public

ALLISON LOUISE GILBERT
Notary Public
Maine
My Commission Expires
NOVEMBER 28, 2030

eddijsks@gmail.com

Van: Josh Shean <jshean@brunswickme.org>
Verzonden: vrijdag 6 december 2024 10:46
Aan: eddijsks@gmail.com
Onderwerp: RE: draft easement wording

Hello Edwin,

Yes, I agree this option offers a higher degree of fire safety than the common wood construction. The intent of the escape balconies is to remove the occupants from the hazardous atmosphere to an area where the fire department can perform the rescue. In most cases, the toxic smoke is more dangerous by direct flame contact.

I applaud your initiative to implement a better solution. Yes, this will meet the fire code requirements and the Village Review Board should be in favor of the look too.

Joshua Shean
Deputy Chief
Brunswick Fire Department
NFPA CFI-II, IAAI-FIT

207-725-5541
207-721-4152 (O)

With limited exceptions, e-mails sent to and from the Town of Brunswick are considered public records under Maine's Freedom of Access Act (FOAA). Public records are open to inspection and may be copied and distributed to others, including members of the media. Unless the e-mail meets one of the exceptions to the public records provisions, there should be no expectation of privacy or confidentiality.

From: eddijsks@gmail.com <eddijsks@gmail.com>
Sent: Friday, December 6, 2024 7:25 AM
To: Josh Shean <jshean@brunswickme.org>
Subject: RE: draft easement wording

Good morning Josh,

Before I submit my proposal for the egress balconies to the historical board I'd like to get your input on the following.

For the egress balconies I'm considering the following:



48"x 36"x 42" (l x w x h)

This is a fully steel galvanized and powder coated bolt-on balcony. According to the manufacturer it meets the national building codes.

I'd prefer this type of balcony over the ones you typically see in Brunswick. Where wooden brackets are holding up a wooden frame with flammable PVC railings. For the decking I also prefer the steel due to its durability and non-flammable character.

Although upfront cost of these steel balconies is more, I feel in the long run it is a better choice.

<https://deciron.com/plain-picket-balcony/>

I don't know how they stack up against any fire code in Brunswick and like to get your opinion, before I submit my application to the board.

Thank you for taking a look at this.

Kind regards,
Edwin Dijkshoorn
Ph. 207 406-0234

Van: Josh Shean <jshean@brunswickme.org>
Verzonden: woensdag 4 december 2024 15:44
Aan: Susan Karnes <skarnes@brunswickme.gov>; Taylor Burdin <tburdin@brunswickme.gov>; Mike Pindell <mpindell@brunswickme.gov>
CC: eddijs@gmail.com; Taylor Burns <tburns@brunswickme.gov>
Onderwerp: RE: draft easement wording

This works for me. I have no additional comments.

Josh Shean
Deputy Chief
Brunswick Fire Department
NFPA CFI-II, IAAI-FIT

207-725-5541

From: Susan Karnes <skarnes@brunswickme.gov>
Sent: Wednesday, December 4, 2024 1:28 PM
To: Taylor Burdin <tburdin@brunswickme.gov>; Mike Pindell <mpindell@brunswickme.gov>
Cc: eddijsks@gmail.com; Josh Shean <jshean@brunswickme.org>; Taylor Burns <tburns@brunswickme.gov>
Subject: draft easement wording

Hi there. Not sure if this should go to you two so if not, please let me know who to send it to.

Mr. Dijkshoorn of 9 Oak St. stopped in to have his draft easement reviewed. This pertains to the third story balcony egress he needs to install. He needs this easement from his neighbor to be in compliance with the fire department. I have copied Deputy Chief Shean and Assessor Burns in case they need to be in the loop as well.

Once Mr. Dijkshoorn is notified the wording is okay with the town, we need to let him know so he can have his attorney file the official papers.

Warm regards,
Susan Karnes
Administrative Floater (part-time)
Planning & Codes/Clerk's
725-6660 725-6658

Town Hall Hours
Mon.-Weds. – 8:30 AM to 4:30 PM
Thursday – 8:30 AM to 6:00 PM
Friday – 8:30 AM to 3:00 PM

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