



Town of Brunswick, Maine

PLANNING BOARD

85 UNION STREET, BRUNSWICK, ME 04011

PLANNING BOARD AGENDA BRUNSWICK TOWN HALL 85 UNION STREET THURSDAY, MARCH 3, 2022, 7:00 P.M.

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All Votes to be Taken Via Roll Call

THE PUBLIC MAY PROVIDE COMMENT VIA EMAIL (mpanfil@brunswickme.org) PRIOR TO THE MEETING OR THEY MAY PROVIDE LIVE COMMENT AT THE MEETING VIA ZOOM OR IN PERSON.

- 1. Case No. 22-001 – Zoning Ordinance Text Amendment – Impact Fees:** The Planning Board will hold a **PUBLIC HEARING** to review and provide a recommendation to the Town Council on various text amendments pertaining to impact fees including Sections 4.2.5 – Supplementary Dimensional and Density Standards and Exceptions, 4.5.3 – Solid Waste Disposal, 4.7 – Residential Recreation Requirements, and Appendix E – Recreation Facilities Impact Fee Methodology, as Amended
- 2. Other Business**
- 3. Adjourn**

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

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Julie Erdman, Code Enforcement Officer

DATE: March 3, 2022

SUBJECT: PUBLIC HEARING – Zoning Ordinance Text Amendment – Sections: 4.2.5.D(3) Benefits Provided Affordable Housing Projects; 4.5.3 Solid Waste Disposal; 4.7 Residential Recreation Requirements; and Appendix E – Recreation Facilities Impact Fee Methodology, as amended.

I. BACKGROUND INFORMATION:

In an effort to consolidate information it is suggested that the Recreation Impact Fee Standards and Methodology be removed from the Brunswick Zoning Ordinance and added to Impact Fee Ordinance, Chapter 20 of the Brunswick Municipal Code of Ordinances. Language that refers to a solid waste impact fee should also be removed as payment of this fee is no longer a requirement of the Town.

II. PROPOSED TEXT AMENDMENTS:

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

4.2 Dimensional and Density Standards

4.2.5 Supplementary Dimensional and Density Standards and Exceptions

D. Affordable Housing Developments

(3) **Benefits Provided Affordable Housing Projects**

The Town shall provide the following benefits to developments providing additional affordable housing units, including new construction and renovation of existing units, but not existing projects that have already been deemed “affordable” by regulatory agencies as of September 19, 2005. The Town shall reduce fees for affordable housing units as provided below:

- a. Only projects that require Major Development Review are eligible for fee reductions.
- b. Application fees for any project may not be reduced.
- c. Percentage reduction of Building Permit fees, ~~and~~ impact fees for recreation, ~~solid waste,~~ and other facilities imposed by the Town shall be:
 - i. A 50 percent reduction in the regular fee for each unit affordable to Moderate Income households;
 - ii. A 75 percent reduction in the regular fee for each unit affordable to Low Income households; and
 - iii. A 100 percent waiver of the regular fee for each unit affordable to Very Low Income households.
- d. If a reduced traffic impact fee would exceed \$10,000, the Town Council may further reduce or waive the fee upon request on finding that the added reduction or waiver is required to make the project economically viable.

[For more information see Chapter 20, Article II of the Brunswick Municipal Code of Ordinances.](#)

4.5 Basic and Municipal Services

4.5.3 Solid Waste Disposal

A. General Standard

Development utilizing municipal solid waste disposal services shall not cause an unreasonable burden on the municipality's ability to dispose of solid waste.

~~**B. Specific Standards**~~

~~The developer/applicant shall pay the solid waste impact fee as calculated by the Brunswick Public Works Department.~~

4.7 Residential Recreation Requirements

4.7.1 General Standard

New dwelling units shall pay a recreation facilities impact fee or reserve land for recreational use to avoid the creation of additional burdens on the Town's ability to provide recreational services. [For more information see Chapter 20, Article II of the Brunswick Municipal Code of Ordinances.](#)

~~**4.7.2 Specific Standards**~~

~~**A. Applicability**~~

~~Any construction that creates one (1) or more new dwelling units shall pay a recreation facilities impact fee or reserve land to be used by the Town for recreational purposes, based upon the expected population of the proposed development considering typical occupancy rates. This includes single and two-family dwelling units that are not part of a subdivision or site plan, conversions of non-residential buildings to residential use, and modifications to existing buildings that increase the number of dwelling units. For purposes of this Subsection, dwelling units shall include assisted living/congregate living~~

~~facilities, boarding homes, and nursing homes. In the case of an activity that increases the number of dwelling units in a building or property, the fee or reserved land area shall be based upon the increased number of dwelling units. A fee or reserved land area shall not be required for the replacement of existing dwelling units, either demolished or reconfigured onsite.~~

~~**B. Recreation Facilities Impact Fee**~~

- ~~(1) The recreation facilities impact fee shall be calculated and administered in accordance with the "Recreation Facilities Impact Fee Methodology, as amended" separately adopted by the Brunswick Town Council and attached in Appendix F.~~
- ~~(2) All impact fees collected under these provisions shall be segregated and accounted for in a separate impact fee account designated for the particular improvements in question.~~
- ~~(3) The Town shall use collected fees for the directly related costs associated with the construction of a new, or improvement of an existing, recreation or conservation area. Fees may be used for any of the following types of capital-related costs:
 - ~~a. Acquisition of land or easements;~~
 - ~~b. Engineering, surveying, and environmental assessment services directly related to the design, construction, and oversight of the construction of the improvement;~~
 - ~~c. The actual construction of the improvement including new recreation facilities, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment;~~
 - ~~d. Environmental mitigation costs;~~
 - ~~e. Legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project;~~
 - ~~f. Debt service costs including interest if the Town borrows for the construction of the improvement;~~
 - ~~g. Recreation facility or equipment relocation costs; and~~
 - ~~h. Additional costs that are directly related to the project.~~~~
- ~~(4) The Recreation Commission, by formal vote, may waive the payment of the required impact fee, in whole or in part, upon a finding that the developer or property owner is required, as part of a development approval by the Review Authority, or a State or Federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee.~~

~~**C. Reservation of Recreation Area**~~

~~The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner wishes to provide land or recreational facilities, the Commission shall consider the request in accordance with the provisions of this subsection and permit the provision of land or facilities to meet the requirement, only if the~~

~~Commission finds that the waiver standards of this subsection are met. The Recreation Commission may, by formal vote, waive the payment of a required impact fee, in whole or in part, if it finds:~~

- ~~(1) That the requirement for additional recreational facilities can be met in whole or in part within the development, and~~
- ~~(2) That the Commission determines the provision of these facilities as part of the development is preferred to the payment of the impact fee. In making this determination, the following standards shall apply:~~
 - ~~a. That one (1) or more of the following conditions are met:~~
 - ~~i. The land is adjacent to other recreational or preserved conservation land and its proposed development and use are consistent with the adjacent land; or~~
 - ~~ii. The land will allow for the connection and/or expansion of a trail system or other pedestrian facility that will be available for public use; or~~
 - ~~iii. The land will provide public access to a waterbody; or~~
 - ~~iv. The land will meet other recreational needs that have been identified by the Recreation Commission, or~~
 - ~~v. The land will be open for public use.~~
 - ~~b. The amount of land to be provided is based on an estimate of the number of anticipated residents of the development based on occupancy rates acceptable to the Town.~~
 - ~~c. The Recreation Commission determines that the reserved land and/or proposed facilities are suitable for recreational use.~~
 - ~~d. The designation of the land for recreational facilities is indicated on the plan for the development.~~

~~**D. Improvement of Recreation Area**~~

~~If the Recreation Commission determines that the proposed reservation area meets the standards in Subsection 4.7.2.C, the reserved recreation area shall be improved in accordance with the requirements of the Review Authority. In determining these requirements, the Review Authority shall consider the 2008 Comprehensive Plan and the long-range plans of the Recreation Commission.~~

~~**E. Ownership and Maintenance of Reserved Recreation Area**~~

~~The developer/applicant and Review Authority shall agree on the means of future ownership and control of the reserved recreation area, which shall be one (1) or more of the following:~~

- (1) ~~The recreation area may be held and maintained in common by the future owners of the development, under the by-laws of a property owners' association, as approved by the Review Authority.~~
- (2) ~~The recreation area may be held and maintained in perpetuity by a land trust or other suitable private organization.~~
- (3) ~~The recreation area may be deeded to the Town for future maintenance and improvement, if acceptable to the Town Council.~~

~~F. Refund of Recreation Facilities Impact Fees~~

~~Recreation facilities impact fees shall be refunded in the following cases:~~

- (1) ~~If the building or other permit is surrendered or lapses without commencement of construction, the permit holder, its successor, or the developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the Town Manager and a refund shall occur within 90 days of the request.~~
- (2) ~~Any fees collected that are not spent or obligated by contract for the specified improvements by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid together with interest calculated at three (3) percent per year from the date of payment. Upon a written request from the Town Manager, the current owner may authorize the Town to retain the fees paid, plus interest, for the specified improvements following the ten (10) year period.~~

***Appendix E – Recreation Facilities Impact Fee Methodology, as Amended** would be removed in its entirety from the zoning ordinance.

III. REQUESTED ACTION:

Pursuant to *Section 5.2.11 – Ordinance Text or Map Amendment* of the Town of Brunswick Zoning Ordinance:

- C. *The Planning Board shall prepare a written recommendation to the Town Council. In making its recommendation, the Board shall review whether the requested amendment is compatible with the Planning Area (as listed in Appendix A) in which the zoning district is located and Brunswick 2008 Comprehensive Plan, as amended. The written recommendation shall include draft zoning language and/or draft zoning map change.*