

Town of Brunswick Zoning Ordinance



Federal Street, 1906

Adopted by the Brunswick Town Council April 7, 1997
Last Revision Effective: October 20, 2010

Rural Brunswick Smart Growth Overlay District

9. Estimate of the cost of the proposed new construction, additions, alterations, relocations or demolitions, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Village Review Board for changes necessary for it to approve a Certificate of Appropriateness.
10. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

D. Lack of Information Made Available

In the event that the information required to be submitted by the applicant is not reasonably available, the applicant shall submit a written statement indicating which information is unavailable, and shall describe the reasons such information is unavailable.

E. Public Hearing

The Zoning Board of Appeals shall hold a public hearing on the application within 30 days of receipt of the complete application. Notice of the public hearing shall conform to the requirements found in Chapter 4 of this ordinance for public hearings.

1. When the applicant requests the demolition of a landmark or a contributing structure within the Village Review Zone, the applicant will, at the time of submission of the appeal, place a notice supplied by the Codes Enforcement Officer in a prominent place on the structure and maintain it there at all times during the pendency of the demolition application. The notice shall be substantially in the following form:

This structure has been proposed to be demolished by its owner. For further information, contact the Brunswick Codes Enforcement Officer at 725-6651.

206.12 Expiration of Certificate of Appropriateness

If two years after issuance of a Certificate of Appropriateness, the approved work is not found to be complete by the Codes 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 the Zoning Ordinance or any other new information relevant to the application when considering an extension request. (Amended 9/4/01 R)

(Section 216 was amended in its entirety on 4/18/06 R)

217 Rural Brunswick Smart Growth Overlay Districts

217.1 Purpose

- A. The purpose of the Rural Brunswick Smart Growth Overlay Districts (“overlay districts”) is to reduce the continuing loss of habitat for native species in rural districts, while simultaneously accommodating development in those districts.
- B. The intent of the requirements of section 217.3 is to minimize the removal of woody vegetation that breaks large unfragmented blocks of forest into smaller patches of forest; and to minimize activities that block or limit species movement between unfragmented blocks of forest. These activities are hereafter referred to as “fragmentation”.
- C. The overlay districts are the following
 - 1) Wildlife Habitat Block Districts, are the rural portions of large (greater than 150-acre) continuous blocks of naturally occurring stands dominated by woody vegetation, and;
 - 2) Wildlife Corridor Districts, are the overland connections between Wildlife Habitat Blocks and which provide naturally vegetated linkages that support daily and seasonal species movement between Wildlife Habitat Blocks

217.2 District Boundary

A. Geographic Coverage

The provisions in this section apply only to overlay districts depicted on the Town of Brunswick, Maine Zoning Map as “Rural Brunswick Smart Growth Overlay Zoning Districts” on file in the Department of Planning and Development.

B. Boundary Determination

The overlay district boundaries are based on aerial photo imagery and updated to include land-use changes known to have occurred through December 2005. The boundary of the overlay districts will be adjusted as approved development within the overlay districts occurs.

217.3 Requirements within Overlay Districts

A. Applicability. This section shall apply to the following activities in the overlay districts:

1. Disturbance, as defined in section 111;
2. New subdivisions;
3. Construction, enlargement or placement of a new building or structure;
4. Construction of a road, driveway, or parking lot;
5. Creation or expansion of commercial utility corridors;
6. Installation of a fence within the Wildlife Corridors except:
 - a. fences used as lawn accessories; or
 - b. fences that enclose existing cleared areas; or
 - c. fences erected for standard agricultural purposes; or
 - d. fences lower than 4-½ feet and that have at least 16 inches of clearance between the lowest horizontal part of the fence and the ground.

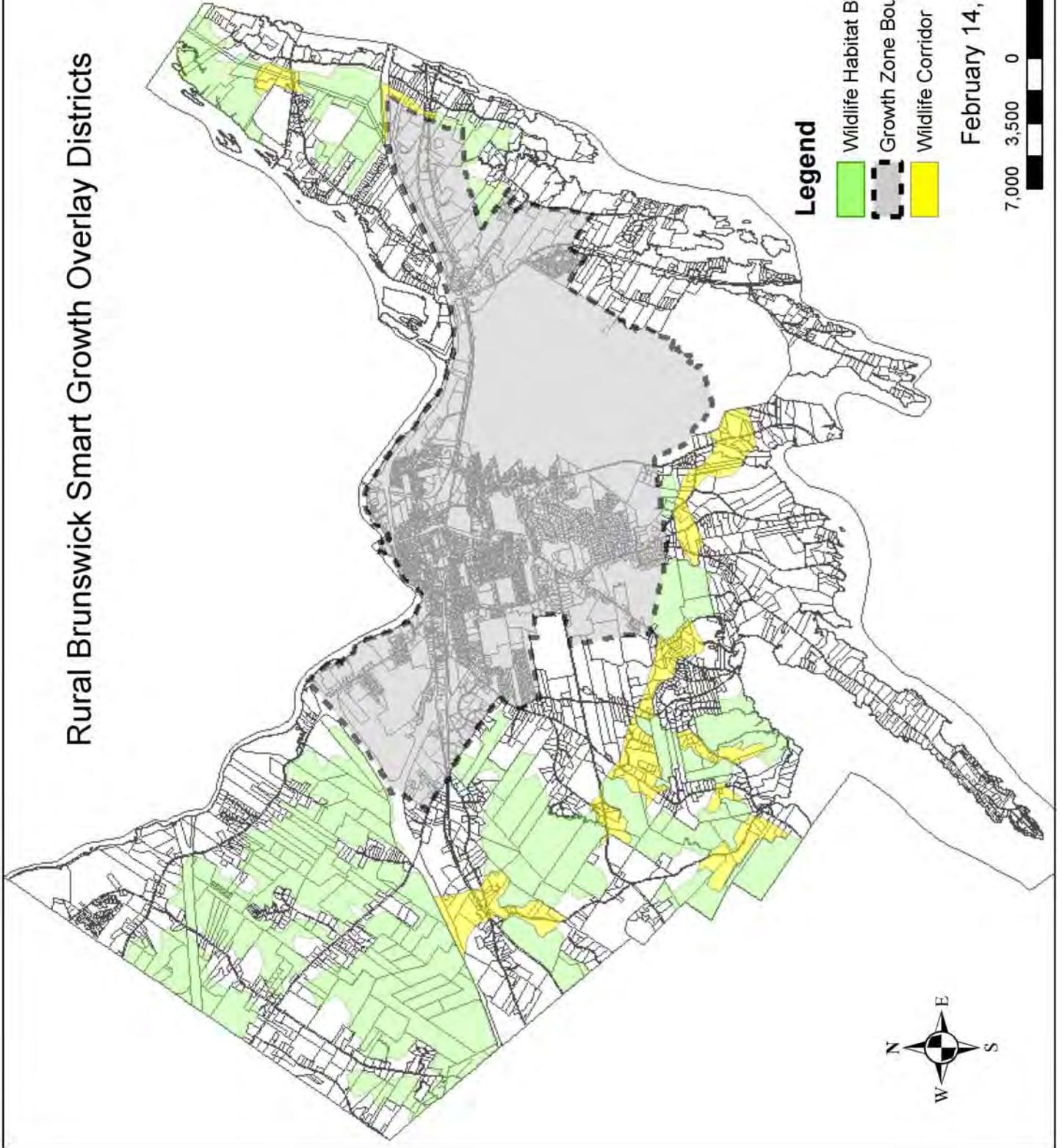
B. Exempt Activities

The following activities do not pose a significant adverse impact on the environmental value of unfragmented blocks and corridors, and therefore do not require approval under this section of the ordinance. The standards of the underlying zone would continue to govern these activities where applicable:

1. Maintenance of existing hayfields and pastures
2. Standard farming activities at an existing establishment practicing agriculture, including but not limited to:
 - the construction of traditional walls and fences for the purpose of enclosing existing livestock areas or delineating existing fields, pastures, crops, and garden plots
 - construction or improvement of structures used for agriculture
 - bush-hogging existing regenerating fields for agricultural purposes
 - creation of utility lines and corridors directly associated with farm operations
 - creation of impervious surfaces for the purposes of equipment and product storage, and access to existing agricultural facilities, fields and pastures.
3. Forest management activities including commercial woodlot management completed in accordance with Maine Forest Practices Act; harvesting of wood products for personal use, but not permanent clearing as defined in section 111; and removal of dead, dying, and diseased trees. The removal of stumps, and grading conducted to limit natural regeneration of trees is not considered a forest management activity.
4. Structures constructed or placed on existing maintained lawns or impervious surfaces.

5. Permanent clearings within Wildlife Corridors less than 10,000 square feet in size.
6. The construction of one single family residence and accessory structures on a lot that is created by a single division of an existing parcel and has frontage on a public road. The total area of disturbance in the overlay district on the parcel must not exceed 1 acres.
7. The enlargement of existing agricultural clearings, or the creation of new agricultural clearings including pastures, provided the permanent clearings are utilized for agricultural purposes for a minimum of 30 years prior to any non-agricultural use. If such clearings are used for agriculture for fewer than 30 years , but are maintained as permanent clearings, the area maintained as a permanent clearing within the Overlay District shall be considered a disturbance for the purposes of 217.4. If the agricultural use is abandoned during the 30-year period and the clearing is allowed to naturally regenerate, the cleared area will not be considered a disturbance.

Rural Brunswick Smart Growth Overlay Districts



C. Standards for Development Activity

1. Activities in the overlay districts shall minimize disturbances to the extent feasible.
2. Activities in the overlay districts are subject to habitat mitigation, or eligible for bonus densities, based on the provisions in Section 217.4 Habitat Disturbance Analysis.
3. The Codes Enforcement Officer or Planning Board may reduce front, side, and rear setback requirements to minimize disturbances within the overlay district provided:
 - a. no other reasonable alternative exists, and
 - b. the setback reduction(s) will not cause unreasonable adverse impacts to the adjacent property.

D. Approval of Activities

1. Development review classifications and thresholds are defined under Section 402 of this ordinance.
2. Activities requiring a building permit, but not formal development review, will be reviewed jointly by the Codes Enforcement Officer and Planning Department for compliance with this section of the ordinance.
4. Activities requiring an Entrance permit must include a copy of the Entrance Permit Application with the building permit application. Clearing for these activities shall not occur until the driveway location and layout is approved as part of building permit review.
5. On-site project planning meetings with the Natural Resources Planner are encouraged in order to avoid and minimize disturbance of the overlay district.

217.4 Habitat Disturbance Analysis

In the case of subdivisions, disturbance shall include the area within residential lots other than those portions of the lot encumbered by deed restriction, conservation easement, or similar mechanism that limits future disturbances to those which meet the purposes of this ordinance.

A. Wildlife Habitat Block

Habitat mitigation, or density bonus eligibility, within the Wildlife Habitat Block District shall be provided in accordance with the following table. The amount of the disturbance is the cumulative amount on parcels that exist as of record on the date this section is adopted (“original parcel”). Division of the original parcel after the adoption of this ordinance does not change the measurement of cumulative disturbance on the original parcel.

The mitigation requirement is determined separately for each percentage category of disturbance.

Area of Overlay District within Original Parcel that is disturbed up to:	Area of Original Parcel covered by Overlay: 0 – 50%	Area of Original Parcel covered by Overlay: 51 -75%	Area of Original Parcel covered by Overlay: 76 – 100%
0%	no mitigation	15% density bonus	20% density bonus
15%	no mitigation	no mitigation	15% density bonus
25%	1:1 mitigation	no mitigation	10% density bonus
50%	2:1 mitigation	1:1 mitigation	1:1 mitigation
100%	3:1 mitigation	2:1 mitigation	2:1 mitigation

B. Wildlife Corridor

Subdivisions that avoid disturbance in the Wildlife Corridor, and place structures so as to avoid blocking wildlife travel ways, are eligible for a 15% density bonus.

217.5 Density Bonus – Permanent Habitat Protection Requirement

A density bonus will be granted only if the remaining land in the overlay district on the parcel is permanently protected through a conservation easement, deed restriction, or similar mechanism that limits future disturbance.

217.6 Habitat Impact Mitigation Requirements

Applicants are encouraged to discuss approaches to meeting this requirement with staff of the Department of Planning and Development prior to finalizing formal real estate agreements.

A. Acceptable Mitigation

1. Wildlife Habitat Block Requirement

- a. Land for mitigation shall be permanently protected through a conservation easement, deed restriction, or similar mechanism that limits future disturbance. Mitigation land should be within the same continuous block as the disturbed area; if the CEO or Planning Board determines that no land is available in the same district, then land in other wildlife overlay districts may be used to satisfy this requirement.
- b. The Town will maintain a list of landowners who are potentially willing sellers of acreage in fee, or development rights, of a portion of their property located within Wildlife Habitat Blocks.
- c. A conservation easement, deed restriction, or similar mechanism that limits future disturbance can be utilized on portions of newly created lots to meet the mitigation requirement.