

Rural Brunswick Smart Growth Project

Some Questions & Answers

Prepared by the Planning & Development Department
August 2005

To remain healthy and vibrant, Brunswick needs growth. In the past few years, most of our new single-family residential growth has taken place in rural Brunswick. This pattern is likely to continue, and perhaps accelerate, simply because rural Brunswick is a desirable place to live. But unplanned rural growth—or “sprawl”—often replaces the desirable aspects of rural living with a fragmented landscape and loss of local identity. The intent of the proposed Rural Brunswick Smart Growth (RBSG) zoning districts is certainly not to stop growth, but to provide the tools to promote better growth for the future of rural Brunswick.

1. What’s wrong with the way Brunswick has been protecting habitat?

While our typical review of residential subdivisions has considered vehicle traffic and stormwater control, we have too often failed to consider other off-site effects of development. We do offer Open Space Development (OSD) as an alternative approach, but the existing ordinance gives little guidance to developers and often results in open-space set-asides of property with little conservation value. The net result of our current regulations is the gradual but permanent loss of Brunswick’s wildlife habitat, especially the large unfragmented blocks of forest.

The Rural Brunswick Smart Growth (RBSG) plan combines data on the status of current wildlife habitat with a variety of subdivision design options and non-regulatory tools to ensure fair and equitable returns on land investment. Protecting viable wildlife habitat for our future and encouraging growth are not mutually exclusive: they can be balanced by proper planning and by considering competing interests.

2. Will RBSG prevent me from using my property?

No. RBSG will not change present allowed development densities. Nor does it render *any* property undevelopable. For example, if under the present ordinance your land can support 5 house lots, then under RBSG you will still be able to develop 5 house lots. RBSG can help developers meet their financial objectives and at the same time minimize damage to habitat and maintain intact woodland. It also offers incentives to rural landowners who want to hold on to their land as well as technical assistance to those who want to enhance the value of their land for habitat purposes.

3. Does RBSG change the way I can develop my property?

Not necessarily. This proposal does not mandate “Open Space Subdivisions”, nor does it take away the ability of a landowner to split off a lot to a relative or to realize income. The proposed overlay districts are intended to provide more options and incentives to encourage the property owner to avoid unnecessary habitat fragmentation while achieving the same economic gain permitted today. One provision of the proposal would allow rural landowners to split off a parcel without having to give up rights to a full 2-acres (*or minimum lot size of the zone in question*) of land. New lots could be created as small as 20,000 square feet leaving the balance of the density (*1.5 acres in this example*) under the control of the original owner for forestry or continued agricultural use.

4. If I sell a 2-acre lot, will I have to give up 2 other acres of my property?

No. RBSG aims to keep a percentage of the Overlay District intact in any proposed development, but leaves design options up to the landowner. Here’s how it works:

A 2-acre residential lot typically has 10,000-20,000 square feet of “disturbance,” created by clearing for the house, lawn, septic, and driveway. This area of disturbance typically happens in the designated building envelope when a subdivision plan is submitted to the Planning Board. If open space is determined to be necessary for a subdivision under this proposal, the amount is based on the 10-20,000 square feet of actual disturbance, *not* the total lot size. A simple deed restriction, covenant, or conservation easement outside of the disturbance - but only on the remainder of the lots - could satisfy ordinance requirements, without affecting the development potential within the designated building envelope. This proposal does not mandate building window sizes, but leaves final configuration up to the developer.

For example, consider the following scenarios: 20 acres fall entirely within the proposed overlay (100% habitat), in a zone with a 2-acre minimum lot size. With RSBG, up to 5 acres can be directly altered (cleared) for houses, lawns, septic, and driveways, with no conservation easements, property set-asides, or fees. This means 10 2-acre housing lots with 15,000 square foot of disturbance each, plus 68,000 square feet for road and driveway construction. No property outside of the 10 lots would be involved in meeting the requirements of RSBG as long as deed restrictions or covenants limit additional disturbances from construction outside the designated building envelopes.

As an alternative, the same 20-acre property could be developed with 10 1-acre lots with no covenants or deed restrictions on the lots themselves, and with the back 10-acres set aside as open space for subdivision residents, or a homeowners association. Either approach would satisfy RBSG without any fee or requirement of public access.

5. I heard you were going to charge me to use my own land?

There is *no* required fee for the use of property that falls within the Overlay District. There is a provision in RBSG for a per acre fee for each acre of developed land *only* if there are no options for conservation easements, deed restrictions, or similar approaches to protect the habitat. The preference is habitat protection within the development design or through an agreement with a nearby landowner. This fee is only intended as a last resort in the case of a major development project with no other option. It is not intended to penalize individual home-owners in any way, and the fee is set well below the value of an acre of developable property.

6. Am I going to have to get permission just to put up a fence?

It was never the intent of this proposal for the Town to micro-manage private property use. This proposal is primarily intended to address future subdivisions. Brunswick's rural residents typically have an appreciation for personal privacy, as well as the natural diversity within and surrounding their property. These folks are the appropriate ones to determine what works best for their yards. In drafting potential overlay district language a list of exempt activities is included that we feel would not result in significant habitat impacts and would only be overly burdensome to the land owner. These exemptions include the addition of structures, such as fences, in any improved area such as lawns, fields, or impervious surfaces. In fact, nothing in this plan prohibits a landowner from installing a fence around an entire 40-acre parcel as long as the design does not entirely block wildlife movement.

7. I want to continue to farm my land and harvest timber. How will RBSG affect me?

These activities, and others, are exempt from the provisions of RBSG. Exemptions include traditional timber harvesting and agricultural uses as well as any activities in residential yards, lawns, fields, etc. In addition, individual home improvements or new construction will still only require a building permit.

8. I've been told that the public will be roaming my woods!

This proposed ordinance has *NO* requirements for public access. Any land put into conservation easements or deed restrictions under the Habitat Mitigation Program can stay *private* and be used in multiple ways. If landowners are not interested in subdividing, we hope to help them hold on to their land with or without public access. The intent of RSBG is to ensure that green spaces remain in our rural area as future development occurs.

9. There's plenty of wildlife in Brunswick! Why this, why now?

Brunswick is indeed fortunate in that we still have large unfragmented tracts of land and an abundance of wildlife. Remarkably, we still have nearly all the same species of animals and plants that were present 100 years ago. However, the population of many of these species has decreased as a direct result of development patterns and changing land use. There certainly are species that can coexist within a suburbanized landscape, such as deer and raccoons, however, we are losing and will continue to lose populations of those species that require larger undeveloped areas, and that are less tolerant of disturbance, without changes in our current growth pattern. The sooner we incorporate ecological considerations into our planning process, the greater our legacy to future generations.

Based on a quick assessment of past growth, we calculated that approximately 320 acres of the unfragmented blocks mapped as part of this overlay have been lost as a result of rural subdivisions since 1990. This estimate does *not* include entire blocks that have been fragmented to the point of not being included in the overlay, and impacts to the mapped blocks from small developments – individual lot development or lot splits. As fewer and fewer parcels are available in the growth area, pressure will build to push new roads and houses into the remaining unfragmented blocks of wildlife habitat. RSBG aims to guide development in these remaining areas, not to stop it. Many communities in southern Maine have lost this opportunity and as a result, have lost much of their character and quality of life. This does not need to be Brunswick's future.

10. How were the boundaries of the overlay determined?

Unfragmented blocks of forest land were delineated based on April 2001 aerial photography and known changes from development review projects since April 2001. Each of the blocks delineated were determined to be at least 150 acres in size. This minimum acreage was chosen as being likely to support most woodland mammals, birds, reptiles, and amphibians known to occur in Brunswick. As delineated, the blocks do not include road frontage areas of vacant lots and typically include a minimum 200-300 foot buffer from existing improved areas. Habitat values increase with distance from development meaning that backlands with limited development potential are the areas this ordinance hopes to protect.

Connecting corridors between the blocks were designated based on an assessment of separation distance, development density, number of road crossings, and percentage of existing woody cover. Once identified, many of the corridor areas were visited during snow cover to assess wildlife track density and diversity in order to help verify corridor functioning. The proposed ordinance language does allow for on-site overlay boundary determinations in order to account for development that has taken place since the 2001 aerial photos were produced.

11. Won't this take land off the tax roles and cost all of us?

The Assessor has determined that adoption of these amendments will not have a significant fiscal impact. If there is an impact, it is expected to be a positive one based on the current assessment procedure for various approaches to residential development.

12. I'm still confused. How can I figure out how RBSG will affect me?

RBSG was drafted to give many options to landowners to develop land while still protecting habitat, but the numerous options can make this ordinance difficult to read. Any specific parcel with property within the Overlay District will have options that are somewhat unique to that property and the goals of the landowner. The Planning Department welcomes the opportunity to meet with landowners and discuss RBSG and the specifics of any parcel that may be affected by RBSG. Please call Steve Walker at 725-6639.