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**News**

**Council seeks common ground on Smart Growth**

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BRUNSWICK - For the second night this week, the Town Council worked into the evening Thursday on a controversial ordinance designed to protect wildlife habitat from development.

By night's end, the council agreed to consider a series of changes aimed at clarifying the document and resolving some of the more controversial aspects of the original Rural Brunswick Smart Growth proposal, including one measure that would allow the town to levy a \$5,000 per acre fee for habitat disturbance.

No formal decisions were made at Thursday's workshop, but the seven of nine councilors who attended the discussion expressed a willingness to consider changes to a proposal that even ardent supporters have said needs some amending.

The council will next discuss the Smart Growth proposal at its Feb. 21 meeting, when councilors are expected to finalize the proposed amendment wording and set March 6 as the date for a public hearing on the changes. The council also is scheduled to vote March 6 on whether to adopt the ordinance. The Town Council first took up the Smart Growth ordinance debate last year.

The measure would place 7,500 acres in rural Brunswick into new wildlife protection overlay zones. Any development to occur in these areas would be subject to regulations aimed at preventing destruction of the most sensitive wildlife areas. The proposal would, for example, give "density bonuses" to builders when they avoid disturbing habitat. In other words, a developer could build more units than normally permitted, provided the buildings are located away from the best habitat.

If the property owner opts not to take such steps, he or she would be required to mitigate the loss of habitat through the preservation of land elsewhere on the property or on an altogether different piece of property. As a last resort, the current proposal would allow the town to assess a \$5,000 per acre impact fee to mitigate the loss of habitat.

In October, after months of contentious debate among members of the public, the council voted down the proposal by a 4-3 vote. Almost immediately, a group of supporters began circulating a petition to bring the

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proposal back before the council. Petitioners collected more than 1,800 signatures, enough to force the council to take action on the proposal.

The council now can either adopt the ordinance as originally written or send it out to referendum.

In an effort to make the proposal more palatable, however, the council decided Monday to consider possible amendments to the ordinance. Because councilors cannot amend a proposal brought by citizen petition, they plan to vote on adopting the original wording March 6 and then, if the ordinance passes, amending it that same night.

Town staff spent the last several days rewriting the ordinance in an attempt to clarify language. One of the most common complaints about the original plan was that it was confusing and vague.

In addition to wording changes, town staff also proposed several substantive changes. These include:

— Adding an exemption that would allow a property owner to split off a single lot, to give to a family member, for example, without coming under the provisions of the ordinance, provided the lot has frontage on a public road.

— Rewording a section of the ordinance to make it clear that expansion of family farms or the creation of new ones are desired activities because they help maintain the rural character of the town.

— Adding additional density bonus incentives for developers who own land that is almost entirely or is entirely located within the proposed overlay districts.

In addition to these staff-written changes, the council suggested Thursday removing the provision that would allow assessment of impact fees.

"I think it's unnecessary and I think it's confusing," said Councilor Jacqueline Sartoris, who proposed eliminating the fee Thursday. While several councilors agreed, others said they wanted more time to consider the idea.

The organizers of the petition drive say they support the proposed changes, at least in concept. Although some had concerns about specific wording changes, they said the original intent of the ordinance had been preserved.

"All of us are very supportive of the idea of amending the document and making it stronger. I want nothing more than to make it more palatable to everyone," said petitioner Steve Prescott.

Some opponents of the ordinance, however, said that no amount of tinkering will make the ordinance acceptable.

"I really don't think we need this thing," said Ruth Fraser, who has lived for 57 years on her family's land on Collinsbrook Road. "I think this thing is heavy handed and I resent that people who live downtown ...(sign) a petition and then try to tell me what to do with my land."

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