

**Town of Brunswick, Maine**  
**Shelter Task Force**  
**Wednesday, May 16, 2018**  
**4:00 PM**  
**85 Union Street – Room 206**

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**Meeting Minutes**

**Task Force:** Councilor James Mason (Chair), Councilor Kathy Wilson, and Councilor Alison Harris

**Staff:** John Eldridge, Town Manager; Jared Woolston, Town Planner; Ryan Leighton, Assistant Town Manager

**Others Present:** Jane Millett, Councilor; Ted Brown, Emmy Brown, Darlene Breton, Michael Scholl, Clark Labbe, Craig Phillips, Executive Director of Tedford Housing; Andree Appel, Courtney Neff, NorthWest Brunswick Neighborhood Association, Merry McGuire, Field Griffith, Marybeth Burbank

A sign in sheet was provided for this meeting.

**Acknowledgement that the meeting was properly noticed:** Manager Eldridge affirmed that the meeting was properly noticed.

**Approval of meeting minutes from 5/9/18:** The Committee has not yet had the chance to review the meeting minutes from 5/9/18. These may be approved at the next meeting.

### **Discussion of Proposed Definitions**

**Chair Mason:** The definitions incorporate everything we've talked about at the last meeting.

**Alison Harris:** I appreciate removing "emergency", because I think that was tough to define. I think that John and Kristin were able to capture what we talked about. I'm not sure if we're ever going to talk about who is eligible to live in apartments or want to deal with that, since we've removed "family" from the definition, and we're having a tough time defining "family" anyway. I don't know if we're ever going to need a distinction about who is eligible.

**Kathy Wilson:** I'm not sure if that's our job.

**Manager Eldridge:** There is a problem using the word "family".

**Alison Harris:** I understand why it's not in there. Maybe this is where we move forward to Standards of Operation. Eventually we may want to determine who is eligible to be in an apartment. There was a term raised that it could become some sort of boarding house; functioning like the singles but in an apartment building.

**Chair Mason:** Keep in mind that this is a working definition, and it will be revisited at the end of this process.

**Kathy Wilson:** I'm fine with what we have here, but I will listen to listen to the discussion.

#### **Public Comment:**

**Craig Phillips, Executive Director of Tedford Housing:** It looks like you've sorted through the issue of "on an overnight basis" and "emergency shelter", so that's not in the new definition. It seems okay to me. I don't see any reference to "short-term", "long-term" duration.

**Alison Harris:** I think there's a definition in both of them that I find helpful – it's that they're temporary, and that they're intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. It's true of both types of shelters.

The Task Force unanimously agreed to use the proposed draft definitions as the working definitions. They will be added to the website.

**Manager Eldridge:** In response to a question from Marybeth Burbank, Manager Eldridge replied that the note referred to the more restrictive standards being used if there is a combined facility. If one use is not permitted in the zone, then the combined facility is not permitted.

#### **Discussion of Zoning Districts and Standards**

**Jared Woolston:** The Town Council adopted a new zoning ordinance last fall. "G" districts are growth, "R" districts are rural districts, "GM" is growth mixed use, "GR" is growth residential, "GC" is growth special purpose, "GI" is growth industrial. A mixed-use district is going to have a more intense land use than a residential. There are also overlay zones, which trump whatever is in the underlying zoning district and are usually more restrictive. Jared explained how the Comprehensive Plan of 2008 related to the zoning ordinance. Both were approved by the Town Council, and in accordance with state law, they have to be consistent. The Comp Plan includes policy decisions, broad planning goals, and action statements for implementing certain things. The zoning ordinance will look at these planning areas and break it up into specific parts of town that need attention for certain reasons. He explained the overlay and how it related to building something in that part of town.

**Alison Harris:** The zoning code does include some operating standards, including noise, traffic and light. As we look at the shelter issue, we need to see what might be incorporated into the zoning code, and what might be kept out as a separate ordinance.

**Manager Eldridge:** The zoning ordinance is an appendix to the Brunswick Code of Ordinances, which regulates town activities, but is separate because it is so large and it changes more often.

**Chair Mason:** Thinking of those separations as part of enacting standards as a separate ordinance, like the chicken ordinance, versus putting it in the zoning code.

**Jared Woolston:** The Council has to say to the Planning Department – we want you to give us some advice on this thing – so Planning Board would serve as an advisor to the Council. If it's a separate thing that's not part of the zoning ordinance, the Council can unilaterally make its choice.

**Manager Eldridge:** Yes, and the process for adoption is the same for either one, except that zoning requires the Planning Board input. The process is proposal, public hearing, adoption.

**Jared Woolston:** In the structure of the zoning ordinance, if you go to a particular district, there will be a permitted use table, which will define certain things as uses – farm, kennel, nursery, etc. There are definitions for uses and other things, and if you go to the use table for each individual zoning district, it will say whether or not the use is permitted, prohibited, conditional or accessory. Jared explained the use table and how to interpret it.

**Chair Mason:** The existing facilities here in town – what are the uses? Is there existing congregate?

**Jared Woolston:** The existing shelters don't have a definition, but in the old ordinance assisted was split out, congregate living was split out into something else, so it was defined differently in the old ordinance. They're under the old zoning ordinance. The definitions in zoning districts change over time. This new assisted/congregate living facility – the preface to that definition is long-term – but that was initially where we thought we'd go with this when we were talking to Tedford. Jared also explained the supplementary use table and standards.

**Alison Harris:** For a facility with apartment-style and non-apartment-style, and they wanted small business as well – would the offices be considered a primary use or an accessory to the two residential uses?

**Jared Woolston:** It's usually based on the scale, so an accessory use would be limited in size, but a small office might qualify. The Code Officer would look at what was the primary use. After the use is permitted, dimensional and density standards are applied. In density, we talk about families – single family = 1 unit. With dimensional standards, numbers are applied to the site plan – say it's an apartment in GR 1, and the dimensional and density standards table limits you to 8 (eight) single-family units, your lot width needs to be at least 40 feet wide, there are no standards for building frontage, the front setback minimum is 0 (zero), impervious surface coverage % limit towards lot coverage, building height limit of 24', building height max of 50' with note (may not apply), and building footprint per structure max 1,000 square feet, so 20,000 square feet. This is supposed to set, for any particular district, limits on land use intensity. It's not arbitrary. Neighborhood protection standards are built in the new zoning ordinance, specifically for the boundaries between residential districts and any other district except another residential. They help to buffer whatever impact the mixed-use or industrial district has on the residential district.

**Alison Harris:** The zoning code doesn't speak about public transportation.

**Jared Woolston:** No, but it might be in the Comprehensive Plan. There are no standards that say you have to be x amount of feet from a bus stop. Through the Planning process, the city of Portland did – they were the only town - they looked at what was proximate to certain bus routes or other services. They ended up zoning emergency shelters of a certain scale in a lot of these bus corridors. With a smaller scale facility, they were integrated into mixed-use or near residential. There are only a handful of Maine towns that have looked at this. It's really a policy issue for the Council; I can make it fit wherever within the bounds of the Comprehensive Plan and the zoning ordinance.

**Manager Eldridge:** Part of the conversations we've had revolved around size and scale.

**Jared Woolston:** Size and scale, and then for an emergency shelter, what I saw most often as a performance measure that was difficult for a town to deal with, is the letting people out first thing in the morning and letting them out onto the street, versus a 24/7 facilities that allow people to stay.

## Public Comment

**Andree Appel:** Jared, you said when an applicant appeals to the Planning Board for a conditional use exception, it's up to the Planning Board. Were you saying that the Planning Board has the final decision on conditional use?

**Jared Woolston:** They do, and it's different than what the Special Use permit used to be. Special Permit in the old ordinance would go through the Planning Board and then the Town Council would have 30 days to decide whether to overturn. That's different from the Conditional Use permit, where the Planning Board makes the final decision. The code would need to be amended to use a Special Permit. The Special Permit also serves a weird function – it allows you, through the Planning Board and the Town Council, to expand an existing nonconforming building

**Andree Appel:** If a Special Permit is for an existing building, would all new, different conditional uses fall under Conditional Use?

**Jared Woolston:** The Use Table is probably the simplest way to explain it. You'll have Permitted Uses by Right, Prohibited Uses, then Conditional Use Permits. If you can get the Planning Board to approve your Conditional Use Permit, then by right you effectively have a Permitted Use. It has to be designated in the Use Table as a "C".

**Alison Harris:** If you are denied the approval you seek, your next step is not the Town Council, but the Zoning Board of Appeals (ZBA). After the ZBA, it goes to the courts.

**Craig Phillips, Executive Director of Tedford Housing:** I'm trying to think through how far zoning can go towards what I might see creeping into operating the program or having the ability to operate the program. How do you see going about making this policy change?

**Jared Woolston:** The policy choice I was talking about, if we're going to define it, you're going to have to put dimensional limits on it, talk about capacity and time of day. We do have some standards in here about hours of operation for a business – there are some limits in there. I was more getting at the release of x amount of people, depending on the size of the building and the capacity for beds, and then the impact on public facilities. That's not something that the zoning ordinance typically gets at, so say if Tedford needed some help disbursing a crowd every day, that's more of a policy issue.

**Jane Millett, Councilor:** I had a phone call from a business person downtown this morning, who said that he'd called the police because there was a person across the street sleeping on the sidewalk.

**Alison Harris:** That's not uncommon, but they're not always homeless.

**Marybeth Burbank:** Is it addressed, either in the Comprehensive Plan or the zoning ordinance, any human element – how many people can occupy this whatever it is?

**Jared Woolston:** Building and life safety codes dictate occupancy, and the Fire Department might look at that – even our Code Enforcement Officer, when it comes to an issue of building permit, would look at occupancy. There might be a way to look at a per-bed as a way to go. The Town’s attorney said to not define family, and to not even go there. That means, in terms of setting limits on land use intensity, we’d have to go a different route.

**Alison Harris:** The only thing that I can think of that gets close to this, and it’s unrelated to shelter, is the new requirement for rec fees – isn’t that assessed by bedrooms? Of course, a bedroom can have more than one bed, so that doesn’t even get to what Marybeth was asking about.

**Jane Millett, Councilor:** What about boarding houses? There’s a limit there.

**Jared Woolston:** The Boarding House definition probably needs to be cleaned up, but there is a limit on that. It’s basically a rental unit per bedroom versus an apartment.

**Alison Harris:** The reason that the Tedford adult shelter doesn’t fit the boarding house is because it’s not one person per bedroom. Is that the issue?

**Jared Woolston:** The Boarding House definition states that one pays rent.

**Kathy Wilson:** Are we finding where in our zoning code this could go, or are we making a definition into the zoning code as to where these things can go?

**Manager Eldridge:** You’re making a definition into the zoning code as to where these will be allowed.

**Kathy Wilson:** We do not have to follow anything that’s been done before. In other words, if we want to put limits on the number of people or beds or bedrooms, we can, or not.

**Jared Woolston:** Not being able to use “family” doesn’t mean you can’t limit land use intensity a different way.

**Alison Harris:** We could have an occupancy standard - x number of occupants in the facility.

**Manager Eldridge:** The “P’s” and the “C’s” go in the Use Table, then you can add specific standards, either in the zoning ordinance or in a licensing ordinance, like the chicken license, so you can get at it. To get back to Kathy’s question, there’s definition and then placing it within the ordinance, and after you’ve placed it you can come up with whatever standards you want to apply.

**Alison Harris:** If you put it in one district, you might have an occupancy level of x, and if you put it in a different district, for that same type of facility you could have an x + y.

**Manager Eldridge:** You could – you could use a footnote. Ultimately you make a recommendation, and this group would report to the full Council first, and the Council will send it on to the Planning Board or have you go back and do something before we send it to the Planning Board. Then it comes back to Council for consideration. The Council can then say they liked what this group came up with, or after we heard something at the public hearing, we like this. The Council does not have to adopt the Planning Board’s version – it just has to take input from the Planning Board.

**Mike Scholl:** Knowing that siting and performance standards were on the agenda, I'd like to mention some codes because I may not be able to make future meetings.

**Chair Mason:** If you could please send that to us, it would be easier to digest.

**Jane Millett, Councilor:** Whatever he sends you should go on the website also.

**Alison Harris:** We don't typically put correspondence that the Council receives on the website.

**Mike Scholl:** I don't need it posted – I just wanted to know that someone received it.

**Alison Harris:** I responded to it just before this meeting.

**Marybeth Burbank:** Are you confining yourself to the definition in the Comprehensive Plan that this type of activity would take place only in the growth area?

**Chair Mason:** We're not confining ourselves to anything right now. Right now, every zone is on the table.

**Alison Harris:** They said they wanted the intense occupancy levels to be in the growth area, and less dense capacity in the rural areas. The zoning code is supposed to implement the Comprehensive Plan, but I don't think it's specific to shelters (Policy Area 5).

**Clark Labbe:** One of the comments you made today was size and scale – I think a lot of this comes down to size and scale. I can see that a homeless, apartment-style facility could be permitted in most any zone in the community, as long as the scale of it fits the zone, be it a one or two family dwelling for homeless – it could go almost anywhere. A 4 (four) unit apartment could go where those size buildings go. An eighty (80) unit single shelter may not fit in the place in the place where the 1 (one) and 2 (two) family dwelling fits. I think you'll have multiple areas where various facilities could be permitted.

**Jared Woolston:** I think the density that's shown on the Dimensional Density Table is pretty informative.

**Craig Phillips, Executive Director of Tedford Housing:** Wondering how the Task Force decides what gets posted on the site. Some of the materials they have provided are posted.

**Chair Mason:** I don't think we have a policy of putting up emails sent to the Task Force onto the website. You can ask to have it posted and we can discuss it as a Task Force, but we don't do it on the Town Council, and I'm not sure there's any other Task Force or Committee where emails are publicly published.

**Alison Harris:** They're public information, yes, but that's not the way we've done things. We get masses of emails on various topics and we don't post them all. You may come here and read them.

**Jane Millett, Councilor:** I think if you get emails that are related to siting, it would contribute to everyone's understanding and it would be helpful.

**Jared Woolston:** It's not private, but it's time consuming.

**Alison Harris:** We also want the webpage to be user-friendly, so people can find the information they want quickly. I think putting up all the emails randomly wouldn't necessarily be helpful.

**Manager Eldridge:** I get emails, Jared gets emails, the Task Force gets emails, and the Council gets emails. There's got to be a focal point if you're going to gather those.

**Chair Mason:** I think that's an idea that's worth considering, and we'll think about it.

**Marybeth Burbank:** I'd like to suggest that you keep a complete set here in this office; that this office is open during the day, that the hours that it is open is put in the charge of the Town Clerk or whoever, so that someone could come in here and look at that file, and that the website say that.

**Manager Eldridge:** We'll have to make sure that everyone knows that if you get something, send it to a single source that can keep that record. If you get it, you'll probably have to send it to Deb. She'll create a file for it.

**Chair Mason:** If you are going to send an email about this topic, please send it to all of us on the same email rather than individually, so we know that all of us have gotten it.

**Alison Harris:** Every email we receive is public information. It will be posted in a book, probably posted on the website. If you would prefer not to have that be the case, telephone us.

**Chair Mason:** Now that we've gotten an overview, I'd like to have a panel discussion with people who have the technical knowledge to help us make the decisions about how we're going to address the zoning ordinances. That may take a little time to get people together. I will talk about getting a list and John will send invitations out. It will be a public meeting and will be open for comment.

The Committee discussed recommendations for panel guests.

**Chair Mason:** We will try to do this on May 30th, with June 6<sup>th</sup> as an alternate date.

**Andree Appel:** I heard you say people with technical experience, so are you looking for people with specific knowledge of the Comprehensive Plan and zoning, or are you looking for people who have ideas about where it might be zoned appropriately?

**Chair Mason:** I think both. The "technical" is because we have to deal with the siting as it relates to the zones, codes, ordinances, law, and the Comp Plan.

**Unidentified Female:** Are you considering someone from outside of the Greater Brunswick area? Other communities that have wrestled with this issue and perhaps resolved it?

**Alison Harris:** We had talked about that at an earlier meeting, and I'm keen to go visit Waterville and look at the facility there. I think that would be very helpful, but I think this is more just to get to the nub of the zoning code and the Comp Plan – our own internal documents. We have a lot of paper input from these other communities and information about them, but there's something to be said for actually talking to the individuals involved.

**Kathy Wilson:** I think it is important for us either to visit or talk to others, not necessarily on the panel, before we make a decision. I think it's a good idea to have as much information as possible.

**Alison Harris:** Our Comprehensive Plan is almost due for a thorough review. It's supposed to be revisited every 10 (ten) years, and 2008 was when it was adopted. Do we talk to these other communities and say this is what we're thinking of – how did it work in your community when you did it this way? The other thing is to get all the input from other communities and say ok, but I think we're just taking the approach of coming up with some working definitions and working sites, and I think you're right – to bounce them off people that have been through this before.

**Adjourn:** The meeting adjourned at 5:30 pm.