

Town of Brunswick, Maine
Shelter Task Force
Wednesday, May 30, 2018
4:00 PM
85 Union Street – Council Chambers

Meeting Minutes

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

Other Panelists: John Eldridge, Town Manager (arrived late); Jared Woolston, Town Planner; Ryan Leighton, Assistant Town Manager; Panelists: Charlie Frizzle, Planning Board Chair; Margaret Wilson, former Comprehensive Plan Chair and former Planning Board member; Jeff Emerson, Deputy Fire Chief and Health Officer; Kristin Collins, Town Attorney; Mark Waltz, Police Commander; Jeff Hutchinson, Code Enforcement Officer

Acknowledgement that the meeting was properly noticed: Alison Harris affirmed that the meeting was properly noticed.

Adjustments to the agenda: None.

Approval of meeting minutes from 5/9/18: Alison Harris moved to accept the minutes of May 9, 2018 and May 16, 2018, and Kathy Wilson seconded. The motion passed unanimously.

Chair Mason: Explained that this discussion was proposed to define the two types of working definitions the Task Force has created – apartment-style and non-apartment-style. The Task Force’s proposal will go before the full Council for acceptance. Need guidance to decide how these uses are going to be applied to our zoning ordinance, and also to decide where this type of use is going to be permitted.

Councilor Alison Harris: Would like to start with the discussions that took place around the Comprehensive Plan (Comp Plan) in 2008, as that is the basis for our zoning code.

Margaret Wilson, former Comprehensive Plan Chair and former Planning Board member: The issue with the Comp Plan is similar to our experience in the Planning Department when discussing the zoning ordinance. The issue of an emergency shelter did not come up. The Comp Plan doesn’t get to the level of “what are uses in town?” That is left to the zoning ordinance. The language in Policy 5 is excellent – it talks about the need for affordable housing to people who live in Brunswick, and talks about the need in Brunswick for housing for people from modest means to more substantial means. When we had public input about the Comp Plan, it struck me that when Brunswick residents expressed an opinion, were anxious that places shouldn’t be sequestered – all the affordable housing wasn’t supposed to be in one part of Brunswick. This came up frequently. Nothing about that was incorporated into the Comp Plan itself, that I recall. There is an action item in Policy 5 or the vision statement that says we wish there were fewer homeless people, but the Comp Plan doesn’t have a mechanism. I don’t know that that kind of affordable housing support is going to solve Tedford’s problem. Would that support reduce the number of their clients? One of the other contentious issues around the Comp Plan was livable

neighborhoods – it can come up with any big institution because that’s where the impacts come from – traffic, etc. The language is there in the Comp Plan that the idea of livable neighborhoods is to be valued. That doesn’t mean not changing anything – it just means that people live in a neighborhood for a reason, either in established neighborhoods or newer neighborhoods. That was a big point when we weighed natural resources, housing, importance of commercial development to Brunswick – that people like the security of their neighborhoods, Those were some concepts that we felt were important at the time. Affordable housing is the next step in the transition to secure and stable housing, but whose function is it to create that next step?

Chair Mason: It highlights the concern of having the definitions be for an “emergency shelter”, because with emergency one gets the idea of an extremely short-term use, and that’s not the services that our providers provide, nor is it what’s needed. We’re trying to get away from the use of the term “emergency shelter” because it tends to limit and that’s not what we’re trying to do. How are we going to define the limits of each of these uses and where is it going to be situated?

Charlie Frizzle, Planning Board Chair: The reading he’s done puts a lot of emphasis on the access to public services for these shelters, and that would tend to limit one to – I would set that limit to the growth area of the town. That’s still a very large piece of the town, but it’s a piece of the town that has reasonable access to those services, albeit some of the extremities of the growth area might require some sort of transportation.

Chair Mason: If we limit it to the growth area, what are we excluding?

Charlie Frizzle, Planning Board Chair: You’re excluding all of the rural areas that aren’t served by public water and sewer. That’s pretty much the definition of the growth area.

Jared Woolston, Town Planner: Not all of the growth zone has water and sewer. The intention is to have water and sewer there, but it is not realized yet.

Charlie Frizzle, Planning Board Chair: A thought I had was perhaps in the mixed-use zones within the growth zone, one would lean more towards a Permitted Use. Within the purely residential portions of the growth area, I would still allow it, but as a Conditional Use, and there might be some very specific extra conditions that might be added dealing with proof of adequate transportation. They would have to satisfy the Planning Board that they can provide transportation for these homeless people to wherever it is in town that they need to go. They could do that by establishing a relationship with a local cab company or by owning their own vans. There are a number of ways they could satisfy the Board that they can provide transportation. Perhaps this is a place to start the discussion.

Margaret Wilson, former Comprehensive Plan Chair and former Planning Board member: Has this group talked at all about size limitations? There is a real difference between a 60-bed place and a 15-bed place. I would encourage you to look in that direction as well. The current zoning code distinguishes even between large-scale daycare centers and small ones. Small-scale ones are permitted in almost every district, but the larger ones have either Conditional Use or are Restricted. We also do that with commercial buildings larger than 20,000 square feet, so size is something dealt with in the Brunswick Zoning Ordinance.

Charlie Frizzle, Planning Board Chair: You’d have to look at each of the different zones and determine what the dimensional requirements are, but in general, the larger facilities would fit

more easily into the mixed-use areas, because they would permit larger building sizes than the residential areas tend to allow.

Mark Waltz, Police Commander: The Police Department would emphasize that point also – we ran our numbers for calls for service for the last couple years, and we’ve been averaging around 50 calls a year at the single shelter, and around 25 at the family shelter - that’s just for the current population. If you put all that together, that’s going to be around 75 calls for service at whatever location if they’re consolidated. That’s maybe a couple a week at the current numbers, but it makes more of a significant impact if it’s bigger. The calls for service range from emergency calls, which the Fire Department might go to, to criminal offenses and welfare checks. Some ideas we put forth when we met with the Shelter Director were a daytime program, rather than being released during the day, and a requirement of no panhandling if staying at the shelter.

Councilor Kathy Wilson: We aren’t tasked with finding a suitable location or the size, and I’m not sure we can require a daytime program.

Councilor Alison Harris: I read the Portland article. They have a more acute problem than we do, and a serious issue in the Bayside neighborhood, with a large percentage of law enforcement activity in an area with a small population. They have moved toward having the city establish a huge facility, serving 200 people, and they are talking about putting it in an industrial district, moving away from the downtown. They have a much better transportation network than we do. They have very strict performance standards – there has to be an office within sightline of the sleeping area, and say you have to have a daytime program and services on-site because it could be in an isolated area. We could do that.

Jared Woolston, Town Planner: For some perspective, I looked at daycare facility in the existing ordinance. Small – provides service for no more than 6 children or adults, large – more than 6 children or adults. Based on those distinctions for scale, the Use Table indicates the small daycare facility is allowed everywhere in the growth zone except for Growth/Natural Resources, which is a conservation district. The large-scale daycare facility would be allowed as a Conditional Use in any Growth/Residential district, a Permitted in any Growth/Mixed-Use district and everywhere else, except for Growth/Natural Resources.

Public Comment:

Sean Donohue, MacMillan Drive: Reasonable progress on working definitions, with room for modifications. The next step, where these kinds of facilities may be located, may be slipping through the cracks. There is specific language when the zoning ordinance is approved and goes for amendment, what standard they need to meet. That standard is compatibility with the surrounding planning areas and zoning districts. Each of the planning areas in each of the zoning districts has a description of uses which are generally considered what is intended or expected to be in that area. Through looking at how those areas are characterized and the types of uses that are intended to be there, you may be able to see where a homeless shelter might fit it in each planning area and in each zoning district. The access to services is another major point. If you have an area with residential uses in place, or mixed residential uses, there’s an expectation of what might end up on abutting lots based on the zoning that’s allowed and in place now. In our zoning, we have provisions for calculation density, so you can have a certain number of multi-family units in each district. In our comprehensive plan, we have information on the average number of people that inhabit a dwelling unit in this town – 2. If you were to take a district where you have – some have up to 24 dwelling units per acre, and some districts allow as little as 4 dwelling units per acre – and multiply it by 2 (the average amount of people per dwelling unit in

our town), you can arrive at a sort of metric for what might reasonably be expected to occur there for a housing density under our existing rules. When you start looking at a max density for a facility like this, you shouldn't exceed that. It may need to be smaller, but it shouldn't go above it. Calls for services – relevant to effects on public safety services, and numbers have been given by Commander Waltz. The Cumberland Street facility has 16 beds and the Federal Street facility is an apartment-style facility for families – I believe 29 beds. If you were to take the total number of calls over those time periods for each facility and divide them among the number of beds, the rate of call per bed is approximately 4x higher at the individual facility than it is compared to that for families. That is relevant to siting, for neighborhood effects, but also thinking about bed density for the two different kinds of facilities here, and how that might affect the number of calls for public services.

Chair Mason follow up: Calls per facility – is there any neighborhood noise?

Mark Waltz, Police Commander: The calls do originate from those residences.

Probably half of them would have lights and sirens. That is certainly much more than any other residence in the Northwest Neighborhood. The closest type of building that would have this amount of calls for service would be the hospital.

Councilor Jane Millett: 2003 Study on Affordable Housing – was on that committee for years, and the Housing Subcommittee for the 1980 Comp Plan revision. Recalls an intense analysis of affordable housing, which included the mobile home parks. The conclusion at the time was that mobile homes generally were not affordable housing because, at the time, they required a higher down payment, they were financed over a shorter period of time, and they were financed at a higher interest rate. In that study, a large incentive was encouraged to developers to include some affordable housing units in their developments. That has not happened. We have a few Habitat for Humanity developments in town, and the base housing, which are both affordable housing, but the prices have gone up considerably since they first were sold. The continuum of housing is an important concept when considering where you're going to be.

Margaret Wilson, former Comprehensive Plan Chair and former Planning Board member: What are the incentives? They are critical in trying to maintain some pricing at a reasonable rate.

Councilor Jane Millett: I think the Comp Plan incentivized developers, but not in a large enough way to make it worth their while. Boston's affordable housing market includes building in affordable units and keeping them affordable. We're missing that in Brunswick.

Charlie Frizzle, Planning Board Chair: The inducements built into the zoning ordinance (and continued with the revision of the zoning ordinance) for affordable housing are fairly substantial as far as zoning is concerned. They include allowing someone who is going to keep their housing affordable the chance to build more dwelling units per acre, changes in the setbacks, physical dimension-type inducements, and the waiving of certain fees.

Chair Mason follow up: Should we focus on the average number per dwelling unit?

Charlie Frizzle, Planning Board Chair: It's not something the zoning ordinance currently deals with. We define dwelling units as single family, two family, multi-family. The town calculates the recreation impact fee from those numbers.

Kevin Bunker, Alder Drive and Tedford Housing Board member: The affordable housing density bonuses in town are 100% for affordability below 50% of AMI, which is half the area median income. Most zoning ordinances tend to make a distinction between a group home type

of use versus residential uses. If you use the comparison Mr. Donohue makes, the affordability would make it twice as dense. The Comp Plans also mention density increasing. Compatibility is maybe the key issue. The bottom line is Tedford asked where could this go; we're looking to get more efficient and meet this need. We were told what to call it and this is what can be done. We spent money based on that. The information turned out to be not good information, so we're here saying we need to come to an understanding to meet this need, and it seems surreal that you wouldn't have anyone from Tedford on your task force to talk about shelters. We have answers that could help you move along. Neighborhood representatives would also be helpful. There's certainly a tension between some of the uses and what goes on in a residential neighborhood. There's also a tension between the town's desire to help the homeless in Brunswick and not necessarily subsidize the homeless from every other town in the region. I don't know if you've set up the best process to work through this together.

Chair Mason follow up: The Task Force is the three Councilors; the charter given to us by the Town Council. The reason we've asked people here today to give input is because they don't have a stake in the ongoing issue, between a proposal that Tedford may have and the neighbors, who have expressed discomfort about that proposal. We're not trying to address a particular proposal, but to address something wrong with our zoning code.

Craig Phillips, Executive Director of Tedford Housing: Would like to clarify a few things. Affordable housing is part of the answer, and so a temporary transitional facility is really what we're talking about. An "emergency" has created the reason a person or family is homeless. We wish it was short-term, but because of the state of affordable housing more people are staying for longer times. Tedford has been a good neighbor; we appreciate the role public safety has. After discussion, sees Brunswick Landing as a potential landing spot. Ultimately, we'll inform Tedford of how it wants to proceed, if it wants to proceed, and where it wants to proceed.

Councilor Kathy Wilson: Agrees with the Landing location. The elephant in the room is a lot of people believe people are homeless due to drugs or alcohol. My concern about an all-inclusive place is the children. I'm against everyone under the same roof.

Giff Jamison, Brunswick and Tedford Staff: They serve people with substance abuse, mental illness; 1 out of 4 people in the United States live with mental illness. Also serve the medically compromised. Average life expectancy of chronically homeless is 20-30 years. Tedford assists with an improvement in their health.

Rhonda Weston, Harpswell: Is a consultant that helps businesses realize their visions. Has helped Tedford in this planning process, and hopes to help them raise the money for the project. Comp Plan said fewer people will be homeless – this is what it's all about. If your vision is to alleviate the issue, I would suggest the way to do that is to engage the stakeholders who have the knowledge to help you do that. Why would they not be part of this panel?

Chair Mason follow up: We are trying to address the zoning issue and wanted people who didn't have a stake in this issue.

Andrée Appel, Brunswick resident and Tedford Board President: Element of fear behind a lot of discussion. Urge Council to not be driven by fear or ignorance. The shelter, or the resource center, is a home, not an institution.

Councilor Jane Millett: I brought up the information Kevin was talking about to the Council and they created the three-person task force with no members of the public or the Tedford Group. We need to think about the things that were said here today.

Sean Donohue, MacMillan Drive: I see affordable housing and standards for homeless shelter development as two somewhat different things. The shelter is a bridge to something else, and that may be some kind of affordable housing unit. This is an exercise in looking at our ordinance, which involves legal consideration as well as technical standards relative to zoning. The standards that are in the ordinance for affordable housing – how, where and at what density those get built, may not be appropriate for a shelter facility. They are two significantly different uses, and need to be viewed as such. Also, I have not encountered anyone yet that's opposed to Tedford modernizing their facilities in Brunswick – I'm not opposed to that. As we revise the ordinance and move forward, I think we need to be focused on this as an ordinance review – technical standards, legal standards – in keeping with what we have now in our ordinance and what it aims to do.

Chair Mason: What we've heard here and in meetings previously are things that we could use to guide our decision about where these uses should be applied. What has come up is beds and beds/unit to distinguish those two, size, proximity to services, transportation. What are things that this technical group thinks we should be considering, and what should we have in our revised ordinance? How detailed should we go in our recommendation?

Charlie Frizzle, Planning Board Chair: A few things that you haven't mentioned that the current ordinance touches upon – how much parking do they need; do they have it on site or will it spill out onto the street?

Jared Woolston, Town Planner: Someone mentioned using the recreation impact fee numbers as a benchmark for a household number? The number that appears in the ordinance is 2.19.

Councilor Alison Harris: I don't have any issue with limiting it to growth zones, particularly when I went back and looked at the Comp Plan and the goal to increase density in the growth zone and limit housing development in the rural zone, and the fact that did not occur between 1997 and 2008 – 50% of the growth was in the rural zone. Then we can look at the size of the building and the services that might be provided – which gets to traffic, noise, and hours of operation, etc. I've been an advocate of incorporating standards of operation into our decision.

Councilor Kathy Wilson: I've read a lot of emails and other things we were sent about performance standards, and I liked a lot of what I read. I also agree with the growth district – at least as a starting point.

Charlie Frizzle, Planning Board Chair: When you're dealing with performance standards and regulation of what programs they offer, etc., generally speaking, the zoning ordinance doesn't deal with that, at least currently. Those generally end up in other ordinance places in the town's ordinance system. Zoning deals primarily with how the use of the building, in terms of noise, hours of operation, parking, and other external factors, affects the neighbors, not necessarily what's going on inside the building.

Jared Woolston, Town Planner: Comp Plan notes that Brunswick is a service center, which creates benefits and costs to the town, and the challenge is to ensure that the benefits of being a service center outweigh the costs. Does our budget support certain inspections, etc. that will be required for performance standards that may be suggested.

Jeff Emerson, Deputy Fire Chief and Health Officer: I would mirror what Commander Waltz said as far as the shelter use. I know Giff and Craig quite well, because their facility is a high-end user of the service. What Jared just read is one of the concerns the Fire Department brought up – they are an elevated user of public service, and an increase in the number of residents there is going to have an impact on our department as well as the police department.

Councilor Alison Harris: When an applicant says they want to build a shelter and the Planning code examines the impact on the neighborhood, and it can be approved – where does the Council or the community say police, fire, library, can only sustain so much activity, therefore it’s important that there be a transportation system. I don’t know where that fits in – is it established before they get to the Planning Board? Or do they get approved and then have to meet certain standards?

John Eldridge, Town Manager: There are some things that are performance standards that won’t be in the zoning ordinance, as Charlie said. As I recollect, we don’t have anything like shelters or that type of performance standards. If someone comes before the Planning Board for a residential subdivision, we would ask if the schools could meet this, can we provide fire service to here, etc. That comes typically in site review, but not, perhaps, in the extent you’d like to get into at this point. We don’t have that level of regulation. You can regulate it de facto and say it can only be in certain places, and certain sizes – you can put that in the zoning ordinance. Or you can try to regulate it by saying we can allow more locations in the zoning ordinance, and go to another type of licensing mechanism, as to say – you have to have a license to operate a particular facility. Portland chose to get at it through zoning, by saying it can only go in these particular zones.

Councilor Alison Harris, follow up: Here’s an example. I live ½ block from the adult shelter, and for me it hasn’t been a problem. I do notice some traffic from law enforcement and fire, but nothing that is disturbing me. What would make a difference to my neighborhood is the issue of whether it shuts its doors at 9:00 in the morning, because where you notice the presence of the shelter guests is when they are standing around in the streets because they have nowhere to go. That has an impact on the neighborhood less than what goes on when the shelter is open. How do we factor that in to our report to the Council?

John Eldridge, Town Manager: My understanding is that some of those issues could be addressed through licensing, but I’ll defer to the Town Attorney.

Kristin Collins, Town Attorney: It could be addressed through licensing; it could be addressed through performance standards, or if we just switched it from an allowed use in these particular zones to a Conditional Use and made sure there were standards within that Conditional Use approval that could let the Planning Board look at it and say “this might be an issue in this area of town” because it’s close to a residential area. That would allow the Planning Board to place a condition like that. I would rather see it be an explicit requirement, either in a licensing requirement or a zoning ordinance, that they make some provision for the residents during the day.

John Eldridge, Town Manager: I don’t think I would get hung up on what ordinance it goes in, I think it’s what the policy this group wants to establish, and then we can figure out where it goes and how to best implement it.

Councilor Alison Harris: What could adversely impact a neighborhood?

Charlie Frizzle, Planning Board Chair: Because we have the town zoned for certain densities in certain areas, certain types of uses in other areas, and so forth, the assumption is made that when someone comes to us with an application that fits those requirements, that the police can serve, the fire department can serve, and the schools can serve. We

don't ask them to do anything special as far as providing any proof. We do have examples of requirements that are very specific. Every development is asked to provide a letter from the water department saying they have the capacity to serve that development. Every applicant is required to submit a letter saying that the sewer department, if they're on the sewer system, can handle that application. Most of the stuff we assume that the town services are going to be available because they're a part of the town, and the town has been zoned for that.

Councilor Alison Harris: How does the staff review process work with that?

Charlie Frizzle, Planning Board Chair: If Police and Fire have any particular concerns; generally they're brought up at Staff Review and resolved with the applicant so that the issue doesn't have to be addressed by the Board.

Jeff Emerson, Deputy Fire Chief and Health Officer: We have the ability to serve; it's part of our job to let you know when we see impacts coming down the road so you can properly plan. I personally think Staff Review focuses a lot of the time on site plan and the physical components, and we don't really get into this type of stuff as much.

Andrée Appel, Brunswick resident and Tedford Board President: I know that there is some opinion about scale and combining the adult and family shelters and I'm not sure what that's based on, but I would encourage the Task Force to look at the Waterville shelter and it might be reassuring. We came to a consensus while doing our research that this was a feasible and doable way to efficiently manage the services to those populations.

Councilor Kathy Wilson: Would like to visit the Waterville shelter.

Councilor Alison Harris: Interested in going to see it.

Sean Donohue, MacMillan Drive: Your next milestone should be to look at where in town these kinds of facilities can be allowed – which zoning districts. A logical sequence is definition, where, and then how and by what operational, performance, dimensional standards do they get built.

Chair Mason: Thank you all for the good information and questions. We will schedule the next meeting in 2 weeks.

Staff will coordinate a tour of the Mid-Maine shelter for the week of the 4th.