

Town of Brunswick, Maine
Shelter Task Force
Wednesday, June 13, 2018
4:00 PM
85 Union Street – Council Chambers

Meeting Minutes

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

Staff: John Eldridge, Town Manager; Ryan Leighton, Assistant Town Manager; Kristin Collins, Town Attorney

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

Adjustments to the agenda: None.

Approval of meeting minutes from 5/30/18: Councilor Kathy Wilson moved, Councilor Alison Harris seconded, to approve the minutes of the May 30th, 2018 meeting. The motion passed unanimously.

Review of Mid-Maine Shelter Site Visit – June 6, 2018 - Waterville

Chair Mason: Shelter located a little bit from downtown, bordered by train tracks, not in residential neighborhood – a little bit of remove. It was the only land they could acquire and eliminated neighbor complaints. There were services within walking distance – Boys and Girls Club, library, Social Security, bus station, food, mental health clubhouse – New Hope. Talking with staff, past half a mile in distance travel is difficult, especially in the winter. Having the shelter located in proximity to vital services seems like something that we should think about.

Alison Harris: Very strict about leaving, even families, and they all have to check in at a specific time. They are then “in for the night”. Strict because it is a shared facility with families and singles – not as strict when they’re segregated. Had an extensive series of programs – you may have left the bedroom area, but may spend a lot of time in “front of house” classroom, with classes in financial management, parenting, job skills, etc. Had a store upstairs of donated goods, which could be earned by doing chores, and gave retail experience by working there.

Kathy Wilson: Strict rules and schedules, very smooth. Smoking breaks, approximately 2 or 3, 10 minutes each, went with staff – that’s the only time they could go.

Chair Mason: Described the layout of the facility

Alison Harris: Family and single all dormitory living.

Chair Mason: Beds, not necessarily the room that they’re in, is the limiting factor – density. Maybe our definition should reflect bed density.

Alison Harris: Some concerns we've heard are putting a large facility in certain neighborhoods, and whether it was the size itself and not the activities within the building that is problematic -the number of people that will be living there. What makes an apartment facility for a homeless person any different than an apartment for people who use services? Independence Association runs apartments in town, and all of the residents there require services on-site and off-site. If we are talking about a modest sized apartment building with five apartments, why are we zoning it any differently because it houses people who were homeless?

Kristin Collins, Town Attorney: Prepared a handout. Doesn't think it's a definitional thing – she's comfortable with the two different definitions. Alison's point is well taken. Can separate by definition apartment-style and non-apartment-style. Non-apartment-style would be the more traditional shelter, per bed possibly, but apartment-style shelters would be allowed wherever multi-family units are allowed and subject them to the same density requirements. Easy to administer and regulate. Multiple uses are allowed in one building. If those uses are defined in the ordinance, they will be looked at separately. The only difficulty is if there are two ways of calculating the size limits. One suggestion would be to say that the apartment-style ones, if they're in the same building, would be treated with the density standards applicable to everything else, then you'd have to assign some sort of number to the number of beds – adding them together to be a total number of dwelling units for the purpose of density. I think Jared said 2.3 people per dwelling unit - average.

John Eldridge, Town Manager: I believe that's what the Rec was using. He suggested a different calculation for dormitory style.

Shelter was regimented, mindful of who came in at what time – monitors throughout the building, separation between families and singles. The second floor was sort of a boarding house, with actual renters.

Chair Mason: The average time people stayed at the shelter, including families and singles, was 4-5 months.

John Eldridge, Town Manager: Responded to a question about security systems. Cameras throughout the building, and operations center with monitors with employee 24/7. Several offices had a bank of television screens. Outside cameras as well. Director had ability to pull up video on his phone. The location of the shelter was between two railroad spurs and a road, with police and district court next door. 80% of the shelter's population were from Waterville, 20% were north or west of Waterville.

Kathy Wilson: Asked if other towns in the area contributed money if they asked for it, and was told yes, they did. Waterville did not pay something every year.

Courtney Neff, NorthWest Brunswick Neighborhood Association: Interested to hear the Task Force's response to a closing statement from the tour that if they had enough money, they would definitely separate singles from families.

Alison Harris: I thought it made sense. It's an administration headache to have them in the same building. It takes a lot more security and staff. It requires two physical plants, duplication of staffing, etc. In the winter, they use the common room as a day shelter, both for the guests staying there and others who needed a warm place, but they had to go through the security system. I can see it would be difficult in the winter when they're trying to clean and having everyone using the day shelter.

Chair Mason: People would come back during the day for various programs, but only for the programs.

Andrée Appel, Tedford Board and Brunswick resident: Wondering if they had a transportation system of their own?

Chair Mason: The first level of transportation was walking; they are near some services. They provided taxi vouchers for further services, and bus transportation was available for services beyond what was available in the area. No organized transportation provided by the shelter itself.

MaryBeth Burbank, NorthWest Brunswick Neighborhood Association: Did you obtain the zoning regulations of Waterville that pertain to this facility? Is there anything you can bring to this discussion relative to the facility we're discussing that would enlighten us as to how they handled the zoning?

Chair Mason: We have them.

John Eldridge, Town Manager: The site itself was unique – it was an island unto itself. We'll go back and take a look at the zoning.

Kristin Collins, Town Attorney: What we have are performance standards. What's not clear is the zoning – where can they go.

Alison Harris: This area was truly unique – close to services and no residential neighbors. I can't imagine any area of Brunswick is comparable to the siting of the building. It's a business zone that's adjacent to downtown services.

Kristin Collins, Town Attorney: I just looked up the zoning ordinance and it seems they only allow them in one zone – I'm trying to find out if that one zone is where this particular facility is located.

Chair Mason: Let's go through and talk about the suggested ordinance amendments.

Kristin Collins, Town Attorney: Jared's general suggestion was to restrict the traditional non-apartment-style shelters to the growth zone, and allow the apartment-style ones in any of the same zones that multi-family units are allowed throughout town. If it's in a zone where multi-families are allowed and shelters are allowed, you could have a combined facility. In most of the downtown area, a combined facility would be allowed.

- **Size and Density:** For either of them, you could have a straight maximum number of beds, with the idea of preventing a 200-bed facility, which is probably more than we need in this town. It's a policy decision – to provide enough housing to support our local homeless, or large enough that it's a draw from other communities' where need is unmet. That's really the best way to get to density and size.
- **Apartment-style, non-apartment-style:** There's the issue of whether you want apartment-style facilities and non-apartment-style facilities to be mandated to be in separate structures, which has financial implications, but there are logistical benefits as in Waterville's shelter. One way of handling the combined facility would be to have a formula where you have a certain number of dwelling units, which are easy to calculate because they're apartment-style. Harder to calculate are the non-apartment-style, so ascribe some number of beds equals a dwelling unit, combine the two, and that's how you meet your density for one combined facility on a single lot.

- **Performance requirements for public safety:** One suggestion for consideration would be to require on-site management for any shelter housing more than a certain number of individuals – and set that number.

These are things that other municipalities have implemented. It's surprising how little regulation there is, so there's not much to draw from. Portland requires their facilities to be designed with a centralized operations office on each level, providing sitelines to sleeping areas. They also require submission of a management plan – I think this is probably a good idea – that outlines how management is handled, how to address neighborhood concerns, access concerns, surveillance, safety etc. The Planning Board would not get into the management plan or change it – it's more to show the community that these things are being handled. Waterville requires the shelters to provide sufficient and effective supervision to clients. These are performance standards, so these are ongoing.

John Eldridge, Town Manager: One way to do it is through the zoning ordinance performance standards, which would be a code enforcement issue, as opposed to the more strict way of doing it, which would be a licensing process, which would have to be renewed however often it had to be renewed. We did talk about performance standards in the sense of zoning and also in the sense of some other ordinance procedure, like a licensing ordinance.

Kristin Collins, Town Attorney: That's the “big picture” question for this group – how do you see it being regulated?

Alison Harris: Resident behavior, safety measures, process for resolving neighborhood concerns – that seems alien to a zoning code.

Kristin Collins, Town Attorney: I don't think so, necessarily. When you think about marijuana facility regulation, as long as it's within the police power and you're trying to prevent nuisances, I think that's perfectly within a zoning ordinance. The real question you need to resolve is when you have a licensing ordinance, the facility is always subject to not getting their license next year, and from a policy standpoint that gives a lot of discretion in any given year to whoever is in charge to say whether a facility comes or goes.

John Eldridge, Town Manager: The idea is that a management plan is submitted as part of the condition of approval, and then if you run afoul of your management plan, it becomes an enforcement issue. It's not zoned with that specific criteria in the zoning ordinance, but whatever the management plan requires them to address, they have to follow it. If approved, it becomes an enforcement issue. The licensing sets out specific criteria, but also may require a management plan, and it's subject to renewal.

Alison Harris: I'm wondering if the Planning Board has the expertise to evaluate a management plan for a shelter, but they can have town staff and the public comment on the plan through the public hearing process.

Kristin Collins, Town Attorney: Waterville has the too vague “effective supervision of clients”, so if a shelter has to turn somebody away, whether they're overfull or they don't meet the criteria, we might want to think about having some procedure in place to help the person get to the right place so they're not turned out on the street. I haven't seen anybody else with that type of requirement. Loitering prevention we could address.

Chair Mason: Do they have to be responsible for everybody coming to their door, even if they don't have space?

Kristin Collins, Town Attorney: They could meet this standard if it were worded this way by simply saying they have a referral list, and if someone were to get turned away, they could make a few phone calls and give them a voucher for a taxi.

Kathy Wilson: It's a great goal, but Tedford Shelter is often full, and handing that responsibility over to them is a bit much. I don't think I'd be comfortable making them do that.

Craig Phillips, Executive Director of Tedford Housing: They have a procedure known as coordinated entry for everyone coming in. Often they are full and other shelters have no spots, so they provide advice for them to get through the night, the next night, etc. It would be quite a drastic change to have that responsibility to find somebody. We used to have money from Midcoast Regional Redevelopment Authority (MRRRA) and could put people in hotels, but we no longer have that. In the wintertime, we don't turn anyone out into the cold.

Kristin Collins, Town Attorney: So they are already providing all of the suggestions up until making sure the facility they are referring them to can accommodate them.

- **Access to services:** Do they have to provide 24/7 accommodations, or somehow contract with another facility that is able to provide those accommodations during any times that the shelter's closed to residents? They don't have to enforce and make sure all the residents go to that place - but there would have to be another place available.

Another suggestion for discussion – that a shelter housing more than a certain number of residents must be located within ¼ mile (or whatever distance) of a public transportation line, or provisions must be made for facility-provided transportation service. Waterville says that the facility has to permit convenient access to shopping, medical facilities, public transportation, and fire and police protection, and certainly the site they found seems to fit all of those. I would say that Waterville has made a valiant effort to put regulations in place, but a lot of them are vague or subjective. Portland says you have to be within ¼ mile of Metro lines or within ½ mile of Metro line and provide adequate indoor space to permit everybody to stay there during the day. Portland also requires that the facility provide on-site services to support residents, including case management, life skills training, counseling, employment and educational services, housing assistance and other programs. It doesn't say exactly what they have to provide, and in Portland there may be many of these services nearby, so having them on-site doesn't seem to make much difference. Westbrook says that transit or means of transportation must be provided.

- **Compatibility, congestion at the facility:** Westbrook requires facilities to be a minimum of 1500 feet apart, and Augusta 1000 feet apart.
- **Site plan concerns:** Adequate parking, which is pretty easy to address; traffic, pedestrians. Portland requires suitable facilities on-site, like laundry, kitchen, pantry and storage, and also requires an outdoor area for guests to use, with adequate screening to protect guests.

Craig Phillips, Executive Director of Tedford Housing: About half of families have a car, and about 25-33% of singles.

Kristin Collins, Town Attorney: Bangor's standard might make some sense here and also accommodates for staff.

Alison Harris: Cumberland Street shelter residents park on the streets, so maybe would not need as much parking on-site. There is the snow issue and the zoning issue. If you're in a commercial district, you want to reserve parking for patrons.

Kathy Wilson: I think to expect on-street parking be allowed would conflict with not letting some cars park overnight on Page Street. I think it would be contradicting ourselves to allow very much on-street parking.

Kristin Collins, Town Attorney: To answer the question about parking requirements – a multi-family dwelling with 2 or more bedrooms requires 2 parking spaces; 1 bedroom requires 1 parking space. There are different standards for group living that we could try to use.

Public Comment:

Craig Phillips, Executive Director of Tedford Housing: A lot of what you saw in Waterville is what we're thinking about – becoming more of a comprehensive bridging facility. Neither facility is a night-by-night – once you're in, you're in. The models are changing due to needs. Case management services really try to address the problem and get people back into permanent housing. Proximity to service directs us more downtown versus Brunswick Landing. I hope we can have a discussion of the pros and cons and risks and benefits of the proximity of the service issues versus being on Brunswick Landing.

Chair Mason welcomes public comment and suggestions concerning this issue.

Jim Bridge, 14 Pasture Way: Would like to share a caution on parking and keeping the streets safe. We've seen parking that's been approved for a number of slots that are too low for the use, and people end up lining both sides of the road.

Alison Harris: Access comes to mind more than anything else when we talk of services. Depending on where the facility is located and who's staying in it is going to depend on how they access services. Maybe if it's remote, the services have to be on-site, otherwise the provider has to have their own transportation system – vouchers, vans, etc.

Chair Mason: We are meeting Friday at 4:30 for a publicly noticed tour of Tedford's facilities. No meeting next week.

Kristin Collins, Town Attorney: Is there anything the committee needs from staff before the next meeting to help move things along?

Chair Mason: The idea of doing a management plan and where that is going to reside, whether that's an ordinance or something separate through licensing – I don't know how I feel.

Alison Harris: I like the idea of approval by Planning Board to be contingent with a management plan – I just would like to have a little more understanding of the criteria for a management plan, and how a default in the management plan is addressed.

Kristin Collins, Town Attorney: Do you see it going more in the direction of licensing or one-time conditional use approval process where there are standards and conditions applied?

Kathy Wilson: I'm not big on the licensing part, but I am pretty strong on purposes and requirements short of a license.

John Eldridge, Town Manager: Isn't there a middle ground? It's a management plan that you give with a conditional use permit, the license, but then performance standards that you could put in an ordinance that just says if you operate a facility of this type you have to do a, b, c, d etc.

Kristin Collins, Town Attorney: You'd have performance standards any way you set it up. When it comes to zoning versus licensing, it's really just how frequently – is it one and done or do they come back on intervals?

Chair Mason: What happens in the non-licensing situation when there is deviation from the management plan? It seems like it's a violation of a code ordinance?

Kristin Collins, Town Attorney: If it's just a submission requirement, then that management plan is not enforceable by the town. If the town approves it conditioned upon certain elements of the management plan staying in place or certain nuances derived from that, then those conditions are enforceable going forward. In response to Kathy Wilson's question, nowhere else in the state that she knows of requires a license.

Alison Harris: I'm all for having expectations and performance standards, and I'm all for having as part of the approval by the Planning Board having a management plan, but what happens when there's a failure to live by the management plan.

Kristin Collins, Town Attorney: The management plan is just a simple way for them to show they plan to meet the performance standards of the ordinance, but what we're going to enforce is the performance standards of the ordinance.

Alison Harris: I'd like to see language on the turnaways. I found the suggestion a bit harsh. I would like something along the lines of what I think they're currently doing – they have resources and they refer them and deal with crises of the night – but they're not ultimately responsible. Also, how much of a burden do we feel it's appropriate to place on organizations for access to services, as at the moment we have an inadequate public transportation system?

Kristin Collins, Town Attorney: I don't think that language would differ too drastically from the two suggestions that were in here, unless you feel that's too harsh.

Craig Phillips, Executive Director of Tedford Housing: It would be an unusual requirement from an operating programmatic perspective, not from a zoning perspective. Based on our current experience, people have disbursed during the day fairly well with some exceptions, and there's always someplace for people to be.

Kristin Collins, Town Attorney: Based on what he just said, you could have a provision that said "the shelter shall make adequate provisions to ensure that there's somewhere for residents to go during times when it's closed", and that could be whether allowing people back in or making sure there are places around town, etc.

Chair Mason: We talked about density, maximum number of beds – we're going to have to think about what that is and what fits. We would welcome a recommendation and would solicit recommendations from the public. Same with the ideas about access and/or proximity to services.

Alison Harris: We've mentioned Brunswick Landing, but the Industrial Park on Church Road has a surprising amount of vacancies, and I know that one of the Oasis facilities is out there now, if we end up having to identify remote facilities that might be feasible for these bridge facilities.

John Eldridge, Town Manager: It's all interrelated. People can go to the Gathering Place or MCHPP, but that's not going to happen if they're at the Landing. If that's where you zone that use, you're going to probably have to require them to provide transportation, and maybe you are going to have to say they'll be open all the time.

The next meeting is June 27th at 4:00 pm.

Adjourn