

Town of Brunswick, Maine
Shelter Task Force
Wednesday, June 27, 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; Matt Panfil, Director of Planning & Development; Jared Woolston, Town Planner

Councilor Alison Harris opened the meeting and asked participants to turn off their cell phones.

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 6/06/18: Councilor Alison Harris clarified comments she made at the bottom of page 2. Councilor Kathy Wilson moved, Councilor Alison Harris seconded, to approve the minutes of the June 6, 2018 meeting. The motion passed unanimously.

Matt Panfil, Director of Planning & Development: Took the working definitions and looked for a common attribute to see where they might fit best – maybe most similar to multi-family kind of use in terms of density. Used a number from the Recreation Impact Fee, which has been adopted and is in our ordinance, of 2.19 people per dwelling unit, and converted that to a beds per acre rather than dwelling units per acre. It helps to identify the places that are more accommodating to a higher density of people. Zones that encouraged a mix of uses, or pedestrian access, we looked at more favorably. Our analysis is strictly from a land use, zoning district intent, and existing uses perspective. We didn't get into any performance standards yet. If we get some agreement on the recommendations for districts – good, maybe or not at all – we can do more analysis and get deeper on what we think might work well, and then discuss the performance standards and density number. What we have prepared is the way we think a logical approach would be – the number is what was determined in the Recreation Impact Fee, looking for common characteristics among uses was the closest we could think of with data behind it. The Recreation Impact Fee looked at what the average number of people per dwelling unit, either an apartment, condo or large home, and get 2.19.

Jared Woolston, Town Planner: Presented the Task Force with an analysis from he and Matt, for which they would like Task Force comments. Their conclusion was that the most concentration of services for the homeless community is within the growth zone. The accompanying map is labeled and shows all the zoning districts, and the table shows all of the uses important to the discussion. They have also included descriptions and assessments of each the growth zoning districts – if there are eight dwelling units per acre, for example, that means 17.2 maximum beds per acre. They also made recommendations for Permitted, Conditional Use

Permit or Prohibited, thinking about homeless shelters as a residential hybrid – it's almost a business that serves a housing purpose as well.

Alison Harris: We're assuming bed is a single bed, because a double bed where a couple might sleep is two people, bunk beds take up the same space but it's two people, so I'm not sure we're getting at the number of inhabitants.

Matt Panfil, Director of Planning & Development: By beds we mean people. We will clarify.

Jared Woolston, Town Planner: The map is split up with non-profit food banks, local public services, healthcare facilities, Tedford Shelter services, career and education services, campgrounds, subsidized housing and mobile home parks, and then the growth role area boundary. We've also included the METROBreez, and there's ½ mile buffer along their published route, and the Brunswick Explorer, also with ½ mile buffer along their published route. The public transportation issue has come up – I don't know how much of that you want to use in your analysis – but I can do other buffers as well if you want.

Alison Harris: One comment we received was the possibility of development at Brunswick Landing, and it would mean bringing in public transportation.

Jared Woolston, Town Planner: The map doesn't show a lot of services on Brunswick Landing. It does offer a lot of sidewalks, a lot of pedestrian access and egress throughout the former base. For the homeless population, we are probably not looking at the majority having a car. They're either using public transportation or looking at the safest route from point A to point B.

Alison Harris: The northern end of Brunswick Landing puts them in proximity to Merrymeeting and Cook's Corner shopping centers, which are useful.

Jared Woolston, Town Planner: We recommended Permitted Use in there.

Matt Panfil, Director of Planning & Development: Anything within the Village Review Overlay that would be overseen by the Village Review Board – even though those might seem ideal, we've marked them as Conditional Use because they may have an additional layer of protection in the VRO area.

Alison Harris: It would be helpful to see where office use is permitted, since offices will be a part of this facility. Where could you put dwelling units that also incorporates some offices, without changing the current zoning? I think that would be primarily the mixed-use zones – they're not welcome in the residential zones due to bringing more traffic and other issues.

John Eldridge, Town Manager: That is what mixed use is for. Anything that generated that level of traffic was discouraged in the growth residential zone. The group started by focusing on the growth zone – now, within the growth zone, maybe we say none that are residential only mixed, to refine it.

Jared Woolston, Town Planner: We can look at office uses allowed and not allowed, but home occupation would still be permitted in every residential district. A home occupation could be no greater than 750 sq. ft. of the building, or 35% of it.

John Eldridge, Town Manager: Isn't the difference that the primary use of that is as your home? You're not expected to have a lot of traffic.

Jared Woolston, Town Planner: It might fit into the more traditional use of boarding house, for an accessory use where you live there and are also renting some bedrooms, maybe 750 sq. ft. or less is your office space to serve the boarding house, but probably not a homeless shelter.

John Eldridge, Town Manager: We've had an issue with how boarding houses have been historically defined, and what they should be defined as. I think that's one of the things out of the Zoning Ordinance Review Committee and out of this process that needs some examination. The definition wasn't clear for boarding house, and it wasn't clear why some of the areas were prohibited. Other uses that seem somewhat similar, you would think they would have similar permissions.

Jared Woolston, Town Planner: Boarding house is permitted in GR5, conditional in GR4, GR6, GR8 and GR9.

John Eldridge, Town Manager: So this was the high-level view of the growth zone, and based on the definitions or the criteria that described the districts, that's how you came up with it. Then, within that, you came up with some kind of density based on the Rec impact fee. It wasn't intended to be a recommendation – it's like the first sifting of the sand.

Matt Panfil, Director of Planning & Development: We see this as a way to start eliminating options and start identifying areas where we'd like to take a deeper look.

Alison Harris: Read the current definition of boarding house. When this issue came up, part of the problem we discovered with Tedford's application was the criteria it didn't meet – to charge rent, and the density of no more than two people per bedroom. Tedford often has four.

John Eldridge, Town Manager: Also, in the moratorium we cited boarding houses would be considered shelters for the purpose of the moratorium. We put them together because that was problematic. The question became whether or not our boarding house definition is where we want it to be – there was some thought of whether or not a boarding house should be an owner-occupied facility. Right now it is not required.

We've gotten data and information, and now it's just honing it down. Maybe we start with the Use Table for residential, and try to rule out areas through high traffic for offices, etc., which might put it in a mixed-use zone.

Alison Harris: We would like to go through Planning's recommendations.

Matt Panfil, Director of Planning & Development: This is only the start, without taking into consideration offices or proximity to services. That's the next step.

Jared Woolston, Town Planner:

- **GR1:** Recommended **permitted** use for shelter, apartment-style and shelter, non-apartment-style. Consistency with intent of zoning district, as GR1 is intended to provide a variety of housing types in a compact, pedestrian-oriented setting. The GR1 district is consistent with the two new proposed uses. This is before looking at office use.
- **GR2:** District specifically states only one- and two-family residential uses are permitted. The two proposed uses may not be consistent with the intent of the district, which is to

exclude multi-family residential uses. There is a maximum beds per acre of 8.76. Staff recommends that both homeless shelter, apartment-style and homeless shelter, non-apartment-style be a **conditional** use to allow for the possibility of smaller-scale shelter facilities within one- and two-family structures that would blend with the character of the neighborhood but still have access to the services downtown.

- **GR3:** GR3 district states only one- and two-family residential uses are permitted. The GR3 district does allow for a slightly increased density over the GR2 district – maximum beds per acre is 13.14. Staff recommends that both homeless shelter, non-apartment-style and homeless shelter, apartment-style be a **conditional** use to allow for the possibility of small-scale shelter facilities.
- **GR4:** The GR4 district states limited non-residential uses are allowed as conditional uses, while maintaining the character of the established neighborhoods. The overall intent appears to exclude multi-family residential uses. The district does provide for a broader range of uses. Maximum beds per acre is 13.14. Staff recommends that both homeless shelter, non-apartment-style and homeless shelter, apartment-style be a **conditional** use.
- **GR5:** GR5 district accommodates a variety of residential uses beyond single and two-family dwelling units, and also allows for limited non-residential uses. This indicates that the two new proposed uses may be consistent with the underlying intent of the district. Maximum beds per acre is 15.33. Staff recommends that both homeless shelter, non-apartment-style and homeless shelter, apartment-style be a **permitted** use.
- **GR6:** GR6 district accommodates a mix of residential uses by right, and also allows for limited non-residential uses by conditional use permit. Additional focus on pedestrian walkability indicates that the two proposed uses may be consistent with the underlying intent of the district. Maximum beds per acre is 21.9. Due to GR6 being located within the Village Review Overlay (VRO), staff recommends that both homeless shelter, non-apartment-style and homeless shelter, apartment-style be a **conditional** use. The requirement of a conditional use permit is recommended to avoid undue external impacts to existing resources, such as buildings, contributing resources, site conditions, historic structures, etc., within the VRO.
- **GR7:** The GR7 district accommodates mixed residential uses and limited non-residential uses. This indicates that the two new proposed uses may be consistent with the underlying intent of the zoning district, provided any applicant can achieve compliance with the VRO and historic district requirements where applicable. Maximum beds per acre is 10.95. Staff recommends that both homeless shelter, non-apartment-style and homeless shelter, apartment-style be a **conditional** use. Requirement of a conditional use permit is recommended to avoid undue external impacts to existing resources. Staff also notes that due to the established density within the district, any shelter would be of a smaller scale.
- **GR8:** GR8 district accommodates a variety of residential uses beyond single- and two family dwelling units, and also allows for limited non-residential uses. This indicates that the two proposed uses may be consistent with the underlying intent of the district. Maximum beds per acre is 13.14. Staff recommends that both homeless shelter, non-apartment-style and homeless shelter, apartment-style be a **conditional** use.
- **GR9:** GR9 district accommodates mixed residential uses and limited non-residential uses. This indicates the two proposed uses may be consistent with the underlying intent of the district, provided any applicant can achieve compliance with the historic district requirements where applicable. Maximum beds per acre is 13.14. Due to the GR9 District being located within the VRO, staff recommends that both “homeless shelter – non-apartment-style” and “homeless shelter – apartment-style” be a **conditional** use

within the district. The requirement of a conditional use permit is recommended to avoid undue external impacts to existing resources (buildings, contributing resources, site conditions, historic structures, etc.) within the VRO.

- **GR10:** GR10 district states that only one- and two-family residential uses are permitted. This statement indicates that the two proposed uses may not be consistent with the underlying intent of the district, which is to exclude multi-family residential uses. Maximum beds per acre is 8.76. Staff recommends a **conditional** use consistent with GR10 for smaller facilities.
- **GM1:** GM1 district allows for a mix of uses, indicating that the two new proposed uses may be consistent with the underlying intent of the district. Maximum beds per acre is 13.14. Staff recommends **permitted** use for both proposed uses.
- **GM2:** GM2 district allows for a mix of uses and a greater residential density than GM1, indicating that the two new proposed uses may be consistent with the underlying intent of the district. Maximum beds per acre is 21.9. Staff recommends **permitted** use for both proposed uses.
- **GM3:** GM3 district allows for a mix of uses and the same density as GM2 (21.9). The two new proposed uses may be consistent with the underlying intent of the district. Staff recommends, due to the proximity of industrial uses, a **conditional** use permit.
- **GM4:** GM4 district allows for a mix of uses; a high-density and pedestrian access to services. The two new uses may be consistent with the underlying intent of the district. Maximum beds per acre is 2.85. Staff recommends **permitted** use.
- **GM5:** GM5 district specifically states residential units are not encouraged, so the two uses may not be consistent with the underlying intent of the district. Maximum beds per acre is 13.14. Staff recommends **prohibited** use because of that statement.
- **GM6:** GM6 district allows for a mix of uses, flexible in density and pedestrian access to services. The two new proposed uses may be consistent with the underlying intent of the district, however, the requirements of the conditional use permit is recommended to avoid undue external impacts to existing resources in the VRO. There is no maximum beds per acre because it was not applicable in the density table. Staff recommends **permitted** use.
- **GM7:** GM7 district allows for a mix of uses, high density and pedestrian access to services. The two new proposed uses may be consistent with the underlying intent of the district. Maximum beds per acre is 52.56. Staff recommends **permitted** use.
- **GM8:** While the GM8 district is not specifically intended for residential uses, the associated use table allows for a mix of uses that may be consistent with the two new proposed uses. Maximum beds per acre is 13.14. Staff recommends **permitted** use.
- **GC1:** The intent of the GC1 district is to allow Bowdoin College flexibility in their operations. In order to maintain this flexibility, the two new proposed uses may be consistent with this district. Maximum beds is 26.28. Staff recommends **permitted** use.
- **GC2:** GC2 district is not specifically intended for residential uses, indicating that the two new proposed uses may not be consistent with the underlying intent of the district. Maximum beds 52.56. Staff recommends **prohibited** use.
- **GC3:** GC3 district is not specifically intended for residential uses, indicating that the two new proposed uses may not be consistent with the underlying intent of the district. Maximum beds 10.95. Staff recommends **prohibited** use. I'm going to check this again.
- **GC4:** GC4 district allows for a mix of uses with a high density, indicating that provided any applicant for the two new proposed uses is able to comply with the BNAS Reuse Master Plan, they may be consistent with the underlying intent of the district. Maximum beds 52.56. Staff recommends **permitted** use.

- **GC5:** GC5 district is primarily intended for sports fields and facilities, which are not consistent with the two proposed uses. Maximum beds 21.9. Staff recommends **prohibited** use.
- **Growth Aviation (GA):** The GA district encourages uses consistent with airport facilities and operations. While the use table allows a broader variety of uses, such as daycare, schools, and restaurants; no housing is permissible, and there are no associated residential density regulations within the zoning district. Staff recommends **prohibited** use.
- **Growth Industrial (GI):** GI district accommodates industrial and other types of more intensive non-residential development, however, the use table does not allow for uses such as assisted/congregate living facility which, by definition, is a long-term residence. The two new proposed uses may be consistent with the district, provided additional review for pedestrian-aided access and safety. Staff recommends a **conditional** use.
- **Growth Outdoor Recreation (GO):** Based on the clear intent of the GO district for public recreation, the two new proposed uses are not consistent, and staff recommends a **prohibited** use.
- **Growth Natural Resources (GN):** GN district intends for stewardship of natural resources, not development activities, and staff recommends **prohibited** use.

Matt Panfil, Director of Planning & Development: The next step would be to collect feedback and then doing some proximity analysis to services. I think that the performance standards would come later on.

Public Comment:

John Cunningham, 8 Spring Street and Attorney representing Tedford Housing: Would urge caution to the extent the decisions are made based on number of beds and density within a district – would suggest to be careful to not set up a system of density that can't be applied uniformly. If a given residential neighborhood currently has a density of 2.19 people per dwelling unit, that doesn't mean necessarily that we should have a restriction that says no one can have a house with larger numbers of people. The average can change depending on things that happen in town. A homeless shelter has characteristics from various types of uses. You probably would not want to put in a zoning restriction that a motel could not be put in a given area where it would increase the residential density. It's a factor to consider, but it's not the only factor. It's not the same as putting in an apartment building or a condo in the midst of a residential neighborhood, though there may be factors that are the same. We wouldn't want to be caught in a situation where we didn't qualify as a duplex because it was serving as temporary housing or emergency shelter, but we wouldn't want to be denied because we weren't big enough. The approach of let's put it in the zoning ordinance and see if anyone needs it, and then we can judge it then to see if it fits the mix I think is a better approach.

Chair Mason: Is it appropriate, in your opinion, to have a maximum number of beds?

John Cunningham, 8 Spring Street and Attorney representing Tedford Housing: I think you have to. I don't think a maximum that applied everywhere for every condition would be appropriate, but to suggest that in certain neighborhoods in town we would put in a facility that had, due to some enormous change in funding had 250 beds in it and was a large facility, obviously there would be situations where it would be decided it was not appropriate here, but it might be appropriate over here. I think that's the appropriate way to judge it.

John Eldridge, Town Manager: What is your reaction to saying in the definition, if we went back to the definition of shelter, that it's a minimum number of beds – to get away from duplexes?

John Cunningham, 8 Spring Street and Attorney representing Tedford Housing: Give us another definition – perhaps for a micro-shelter or something.

John Eldridge, Town Manager: I was more along the lines of it's not a shelter if it's under six beds – it's a duplex or something.

John Cunningham, 8 Spring Street and Attorney representing Tedford Housing: As long as the zoning says I don't qualify as a shelter because I've only got 4 beds, and I fit within the meaning of a duplex even though those people aren't owners or renters. As long as we don't get shut out. If it is a smaller activity that's going on, so that it doesn't require the broader review that a bigger facility would, and we just say make it qualify as a duplex – I love that.

Craig Phillips, Executive Director of Tedford Housing: One point regarding the Edwards Street facility that you toured last Friday – we consider it an apartment building. There's been a discussion about proximity and transportation. If all the zoning is based upon proximity, then that's a pretty narrowly defined location where we could look at a shelter. I think the idea of proximity to or providing transportation to create proximity might be a better direction to examine.

John Eldridge, Town Manager: If it's not going to be in proximity to services, then what's your reaction to a performance standard that says you have to provide transportation to those services?

Craig Phillips, Executive Director of Tedford Housing: In our practice, separate from the zoning context, as an organization we were understanding proximity issues and not wanting our guests to be isolated. We certainly would want or need to provide that means of transportation to services.

John Eldridge, Town Manager: This isn't about Tedford, it's about the zoning ordinance. There's your practice, and then there's what's going to be mandated by the code. It's up to this group to decide what they're more comfortable with. Personally, I'm more comfortable with, because it may not always be Tedford and things may change, would be to say if it's not in proximity to services, then transportation is mandatory – it's a performance condition.

Craig Phillips, Executive Director of Tedford Housing: It certainly would impact decision making. We had started that analysis as a practice, but in terms of being a requirement, it would have to be a better analysis on our part to figure out whether we could afford it or not.

Kathy Wilson: I'm looking at this not as the Tedford Shelter, but it may be a long time before we revise our zoning ordinance, and we have to look at what could happen in 15 or 20 years and live with the decision we make now. We're not finding a place for the Tedford Shelter; we're finding zoning that can allow shelters. I agree with John (Eldridge) on that point.

Alison Harris: It gives us a little flexibility in the zoning code if we went that direction because as services move around town, the requirement would change. The use and the transportation evolve with time as services move or become available.

Andrée Appel, Tedford Board and Brunswick resident: Instead of requiring the shelter to provide transportation, language might be included that said the shelter needs to provide a transportation plan, which would perhaps remove the financial burden of having a transportation system from the shelter provider and allow consideration of public or other means of transportation.

Alison Harris: I had never envisioned that we would require a shelter to have its own bus driver, but if they could do taxi vouchers or were near public transportation that was reliable, that would be acceptable. The dilemma is finding a location in the downtown area that is walkable to all of these services.

John Eldridge, Town Manager: If you want maximum flexibility in where you can be, you have to take ownership of how to move people around.

Christopher St. John, 14 Cedar Street: Thanked the Task Force for the work they're doing. They are taking a reasonable approach, but would like to caution them about using the density standard. It's an average, but not necessarily the best guide to where something like a shelter should be. On Baribeau Drive, there are several elder care kinds of facilities, and that seems to be a closer analogy to the kind of facility we're looking at. Issue does touch a lot of us, and has a daughter without permanent residence for about 2 years. Has no connection with Tedford, but is grateful they are there and met with his daughter. When they are all done figuring out what's consistent with existing codes, step back and ask themselves if they've made it possible to build the kind of services and facilities we want in the community to serve this population. We need this facility and we need these services, as many in the community are affected by them.

Matt Panfil, Director of Planning & Development: How density was used in this application: We looked at permitted density more as a tool for comparison – not to assign a number of beds or anything like that right now. Density is one of the ways to identify the character of a zoning district, or at least the desired character. One of the densities is 52 – obviously, this is a zoning district in which there probably is a mix of uses, and services are probably nearby because you have a concentration of people. It was an evaluative tool – the actual beds number per shelter is a discussion for down the road.

Alison Harris: It would be prohibited in GM5, which is the outer Pleasant Street corridor – it is similar to the neighborhood in Waterville which didn't have a lot of residential living nearby, and it also had services nearby plus the bus route and motels. I'm wondering if you would want to consider that as a potential site for a facility?

John Eldridge, Town Manager: I think when they looked at this, it was residential standards. That's probably why Pleasant Street, which is mostly non-residential, wasn't considered. I think it's a fair question to raise, and we should take a look at it. Because there were quite a few comments about family and how to get to that, I did talk with Kristin (Collins, Town Attorney) about that. The issue was using the word family and not being able to define it. She thought the idea of using "a unit is for 2 adults/guardians with dependent children" could probably work.

Chair Mason: Would like to have another discussion, Planning to take feedback from today to refine suggestions before next meeting, and the Task Force move toward a recommendation. Next meeting will be July 18, 2018.

The meeting adjourned at 5:58 p.m.

