

Town of Brunswick, Maine
Shelter Task Force
Wednesday, July 18, 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

Chair Mason opened the meeting.

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 6/27/18: Councilor Alison Harris moved, Councilor Kathy Wilson seconded, to approve the minutes of the June 27, 2018 meeting. The motion passed unanimously.

Discussion of Zoning Districts and Standards

Chair Mason would like to conduct an overview of the staff recommendations for the zoning districts, and then solicit comments when the Task Force then reviews and discusses each section in more detail.

Chair Mason appreciates the time and consideration that went into the creation of this staff recommendations document, which he feels is well done, and it captures many of the ideas that the Task Force has been discussing. Does not want this process to be an “us” vs. “them” mentality.

Alison Harris: Would echo Jim’s comments. The document is a very good piece of work and captures the questions and comments that the Councilors have received from the public, as well as discussions occurring in the Task Force meetings. It does highlight the problem we have in Brunswick – siting the shelter in a location which is helpful and will facilitate the goals of those who care for the homeless, in terms of moving them toward permanent housing. Thank you to all who contributed to this recommendation.

Kathy Wilson: Hasn’t yet had the chance to study the recommendations thoroughly, but is anxious to go through it by section. Overpowering thought is that whatever we do or decide now is going to be lived with by people after us, and keep in mind how much change to areas occurs, and how much services can change. Admiration and thanks to all who worked on the staff recommendations.

Matt Panfil, Director of Planning & Development: The approach was to take into consideration the feedback given at the last meeting. They reviewed the concept of mixed use shelters, commonly known as a resource center, and added our analysis into the table for those kind of uses. We are not recommending a new definition at this time, just the concept and how to go forward with those type of uses for something that was neglected in the previous meeting. We removed any requirement for a conditional use based strictly on being located within the Village Review Overlay (VRO) zoning district, but that didn't significantly change anything. We also reconsidered, based on recommendations, whether or not such a use would be appropriate in GM5 and GI zoning districts. We included, within the proposed table, comparison to a boarding house, so we've listed what the established regulations are for boarding house. One of the biggest changes is you'll see there are no more Permitted by right uses listed – those have all changed to Conditional Use. There was a lengthy staff discussion, and we think that the Conditional use permit is a way that the public and the surrounding area would be notified early in the process.

John Eldridge, Town Manager: We wanted to be sure that there would be adequate notification and, since we're recommending some additional conditions, those would be taken up in a Conditional use permit process, and that would occur before the Planning Board. A Permitted use could conceivably be approved by the staff, so this would add a level of transparency to the process. It would not be something that would happen without the Planning Board process or a review process that was a public process. There is significant public interest in a project of this type.

Chair Mason: If it is a Permitted use, that would not happen and it would be directed towards staff?

John Eldridge, Town Manager: Depending on size. A regular house is a Permitted use; it goes before staff and there are no additional requirements. Size can trigger review by the Planning Board, and in this case, because we've added conditions that would be part of the approval, we felt that those ought to be evaluated by a body that would hear public input.

Alison Harris: Apartments are apartments. If the residents of the apartments require additional services, I'm not comfortable with the fact that because they are temporarily homeless and require services, they are different from people that also require services for some other reason.

John Eldridge, Town Manager: We did talk about that. The concept we came up with was if it's a duplex, then perhaps only the conditions apply, and we would either change the definition to be "a shelter would be three or more units in a single building", or we would get at it through providing a standard that said "these standards only apply when the facility is three or more units", or whatever it has to be, rather than changing the definition. We didn't get to the second part of that, whether you want to change the definition or put it as a performance standard. We agreed and tried to accommodate what you're saying.

Matt Panfil, Director of Planning & Development: We realized "hotel" was a very similar use, one that maybe we should have been looking at earlier. If you take away compensation from the definition of hotel, it says it's a facility that provides sleeping accommodations for transient guests. We looked at the existing regulations for hotel and aligned some of our recommendations with that as well. For performance standards, the idea is to go through them one by one. Our principle concern is they have to be enforceable and administrable – we have limited resources.

Alison Harris: Questions why GR5 is Prohibited for all homeless housing.

Matt Panfil, Director of Planning & Development: GR5 is single family and two family units only, with the note that we think we're going to characterize the homeless shelter, apartment-style as having at least three units, in which case, if it is a homeless shelter, apartment-style, three units would be more than what is traditionally allowed in GR5.

Alison Harris: But boarding houses are permitted in that district?

Matt Panfil, Director of Planning & Development: I think we touched on it during the last meeting – our boarding house regulations are interesting for comparison, but boarding houses may need to be revisited, rather than homeless shelters being based on boarding houses.

Alison Harris: We need to have that discussion. Right now, the adults only shelter seems to operate very much like a boarding house. Also, GM2, for non-apartment-style and resource centers, went to strictly X with no footnote, as opposed to Permitted in the last draft.

Matt Panfil, Director of Planning & Development: That decision was based on the characteristic of GM2. It's probably our smallest district, with some parcels off Harpswell Road. Looking at the limited amount of GM2 and the characteristics of the lots, it didn't seem to make sense.

John Eldridge, Town Manager: With this iteration, we specifically looked at each district and the characteristics of that district – it's like a second sifting of the data.

Chair Mason: I'll accept comments on the idea of switching from Permitted and Conditional uses to just Conditional uses for the reasons stated by staff.

Public Comments on Conditional Use:

Craig Phillips, Executive Director of Tedford Housing: Would like to comment in writing after he's had more chance to review the document.

Chair Mason: Going forward, all future recommendations and staff materials will be published on the website at the time the Task Force receives it. At the next meeting, we will be taking comments on this document also.

Councilor Jane Millett: Would be helpful to have individual maps of each zoning district, since they have changed recently with the zoning rewrite.

Field Griffith, Tedford Board member: Gone from being permitted in many zones to not being permitted in any zones. As a reflection of that change, they will need to get their heads together. Being not permitted anywhere makes it more difficult for Tedford to provide effective services to the community by building a new facility, and creates an uncertainty for fundraising. Take into consideration as the Task Force is deliberating. There is a similarity to a hotel with their resource center, so why can't it be sited in those same zones.

Kathy Wilson: I keep hearing Tedford – we're not figuring this out for Tedford Shelter, we're figuring it out for any shelter of this kind in the future.

Matt Panfil, Director of Planning & Development: There are some – they are kind of one-off businesses, like arena or boat storage – they are all Conditional – utility facilities.

Chair Mason: It is Permitted with a Conditional use permit, but fair to be concerned over the potential affect that type of designation could have.

John Eldridge, Town Manager: It's taking all the tools in the toolbox to come to a reasonable land use and regulatory condition that you want to accommodate. If you want to be expansive in terms of where you put things, put more conditions and review in that so there's a comfort level among the public that this will work in that zone.

Councilor Jane Millett: The biggest complaint about the zoning ordinance thirty or forty years ago was that there was no certainty to it, so I would agree with Mr. Griffith, and the Task Force needs to be cognizant of the fact that it's going to affect their ability to buy anything. When you make everything Conditional, you're inviting the neighborhoods to speak loudly about it.

John Cunningham, Tedford Attorney and 8 Spring Street resident: Although he's Tedford's lawyer, he reviewed the materials to see whether they were appropriate for all kinds of shelters, not just Tedford. It's acceptable to require a permit as long as the code makes it clear what the criteria are being applied by the Planning Board, not open and unknowable or up to political forces. There are analogous uses, such as hotels, permitted in some districts. They don't want to be stigmatized, and want to be judged by the same uses as similar facilities.

Kathy Wilson: I lived across from the Tedford Shelter for 2 years. There is a difference, and people and neighbors are going to think differently. I understand treating everything the same on one hand, but it isn't the same.

Matt Panfil, Director of Planning & Development: I haven't been here long, but I believe the Planning Board is extremely professional and fair, so allowing them to make that decision – I didn't have the fear of people convincing them of the negatives.

John Cunningham, Tedford Attorney and 8 Spring Street resident: If the Planning Board has the same sort of requirement set forth in the code, my fears are gone. As little as possible do I want the Planning Board to act as judges of community feeling. I'd like the Planning Board to be similar to the code enforcement officer – there are conditions written down in the ordinance that tell the Planning Board what to consider, so they will apply those conditions and respond to the neighbors that it meets the conditions or it doesn't meet the conditions in the code.

Chair Mason: Let's move along to some of these performance standards.

Matt Panfil, Director of Planning & Development:

- *Size and density* – homeless shelter, apartment-style units should keep the density of the underlying zoning district. Resource center – they would be looking at a combination of things; if there are apartment-style units, how are they counted; beds per acre was said last time, but whoever corrected us and said that beds were people was correct and we took that out; in establishing some sort of number we threw out 2.19 as the average household size in the town and had mixed reactions. Other communities range between three and ten. Do we want to cap a maximum size?

Chair Mason: The number 2.19 comes from the Recreation Access fees, and seems like too low a number.

Matt Panfil, Director of Planning & Development: Most communities struggle with this idea, but it's something we need to figure out.

Chair Mason: My inclination would be to send you back to review of what you've seen and give us a proposed number. The smallest that we saw in Waterville was four people per room.

Alison Harris: I also think it's too low for a dwelling unit. I'm confused with GR8 – first of all, hotels aren't allowed, and the Daniel is on Water Street, and there are several apartment complexes on Water Street, and yet the staff has recommended that apartment-style is Conditional and the mixed use shelters are Prohibited. I think in that zone offices are Prohibited. I'm pretty sure Brunswick Housing has offices and their units are there.

Jared Woolston, Town Planner: We didn't look at these.

John Eldridge, Town Manager: We'd want to look at that again. All of the GR's were primarily residential. When we're looking at hotels, we're saying that doesn't go in a primarily residential zone. In some situations, we've got existing facilities that maybe would be better called a non-conforming use in a residential zone.

Matt Panfil, Director of Planning & Development: We have pretty good direction for size and density to try to come up with a number and justification for it.

Chair Mason: Maximum size – I think we'll ask for that recommendation as well – should we have a maximum size, and if we do, what would be the staff recommendation?

Matt Panfil, Director of Planning & Development: To some extent, life safety code is somewhat established – as far as how that translates to an actual density, I'm not quite sure.

Public Comments on Size and Density:

John Cunningham, Tedford Attorney and 8 Spring Street resident: I'd urge you to take a look at whether measuring by dwelling units is the appropriate way to try to figure out the proper density for the non-apartment-style shelters. I think the analysis that apartment-style shelters look and feel like multi-family dwellings makes perfect sense, but this is probably one of the areas that Councilor Wilson is pointing out, where there are distinctions between a homeless shelter and certain other uses. A non-apartment-style homeless shelter doesn't really fit the mold of how many people are in a dwelling unit. It's a different circumstance and I think maybe it needs to be judged differently. Trying to set the density based on how many people make up a dwelling unit, and how many dwelling units you can allow, is going away from how you want to look at a non-apartment-style homeless shelter. Does it fit in this district? Is this a good spot for it? There may be districts where you say that would be a great place to put them, not densely developed now – all the more reason why it might be a good place to put this kind of facility. If there is going to be such a standard as how many people make up a dwelling unit, it ought to be put in the code that allows it to shift with time. My recommendation would be, when you're dealing with this kind of facility, within each district what is the appropriate maximum number of people who should be in the facility in that district, as opposed to a formula.

Matt Panfil, Director of Planning & Development: It's certainly something we can research. It doesn't account for variations in lot size. In some districts it doesn't matter; in some it would be a problem.

Chair Mason: What most people were worried about, besides being a shelter, was how many people would be housed there.

Matt Panfil, Director of Planning & Development: Dwelling units is the easiest way to find some sort of an equivalency that regulates density and keeps it consistent with other uses in the zoning district. We admit that the non-apartment-style is hard to figure out.

Chair Mason: Would the dwelling unit scale be affected by size? We saw some bedrooms with four people, other bigger ones with twelve people.

Matt Panfil, Director of Planning & Development: We're just establishing a maximum number of people per acre or per square foot, so it doesn't matter how the bedrooms are arranged.

Jim Bridge, 62 Pleasant Hill Coalition: Thinking of the analogous uses in town that have beds, such as hotels, boarding houses and congregate care, how do we deal with density for those uses, or would it be the building envelope?

Matt Panfil, Director of Planning & Development: It's the building envelopes – how tall can the building be, what are the setbacks, what's the open space – the conventional zoning standards, then you can figure out how many rooms you can comfortably put in.

Jim Bridge, 62 Pleasant Hill Coalition: If we allow the building envelope standards to define density for these other uses that have beds, does it make sense to use that approach for shelters?

Matt Panfil, Director of Planning & Development: That's a good question for review.

Chair Mason: We'd like you to start reevaluating that number. Is that dwelling unit the right number or is it a maximum per zone? As we're moving through the sections, we'd like to give you a recommendation for each section.

Alison Harris: I'm still hung up on the different approach one might take for an apartment-style shelter or a non-apartment-style shelter. I can see in the apartment-style shelter following a fairly standard number of dwelling units appropriate for that neighborhood, yet we know that the shelters that we're familiar with that are non-apartment-style people live in close quarters, much closer than in a hotel or boarding house – it's not a 200 sq. ft. hotel room.

Matt Panfil, Director of Planning & Development: There are a few options: letting the underlying zoning standards dictate how big the building can be and however many they can comfortably fit within that; a lower number as far as individual residents equivalent to one dwelling unit; somewhere in the middle might be a bigger number that we can use. We will evaluate everything that's been brought up.

Matt Panfil, Director of Planning & Development:

- *Physical Separation* – This was brought up at a previous meeting – the idea that the apartment-style and non-apartment-style should be physically separated from each other. Staff's recommendation is that it seems an unnecessary burden, but would recommend some sort of way for interior separation.

Chair Mason: This came up in the context of not necessarily apartment versus non-apartment-style, but in the individual adult versus family. In Waterville, they made an effort to keep those separate, but the only physical separation was a folding door when needed. I don't think there needs to be a separate structure for the two separate uses. What do you mean by interior separation?

Matt Panfil, Director of Planning & Development: It was intentionally vague. It sounds like it's common practice anyway. It is a legitimate concern, so we did recommend some way to –by level, by partition – address that. We're looking for feedback. If we dropped this, I think it's common practice anyway.

Alison Harris: Much of this protects the children and keeps them safe.

Kathy Wilson: That's the most important reason. I was impressed with how Waterville handled it, even though the barrier was temporary. Their policies were excellent.

Chair Mason: That speaks more to a management plan as opposed to requiring interior separation standards. I think if we take that out we will probably be covered in other places, as Matt said.

Matt Panfil, Director of Planning & Development: I like the idea of including that as part of a management plan – just to know they have a policy in place to address those issues.

Chair Mason: Our recommendation would be to take that particular section out.

Matt Panfil, Director of Planning & Development:

- *On-Site management* – This is pretty broad. One of the ideas suggested was to provide sight lines from the management/office area to all sleeping areas. Staff recommends no such policy or a high-level supervision is determined like electronic surveillance. It would exclude a lot of buildings and it didn't make sense. The second thing that was discussed was the submission of a management plan that identifies procedures for resident supervision, response to neighborhood concerns, access restrictions, etc. These may be more difficult to enforce, but it would be submitted as part of a Conditional Use permit or as a supplementary standard, to give the surrounding community knowledge that there's a policy in place to address concerns. Within the management plan, and common in other management plans, is a litter control or maintenance plan, a communications plan, an emergency response plan, rules of conduct and registration process for residents, an interior floor plan, and a school safety plan, which only one other shelter had, in Boulder Colorado. Any facility that admits intoxicated residents and is within 600 feet of a school needs to develop a safety planning consultation with the local school district. I know people will have the question of proximity to schools. The staff recommendations for the management plan are for a communications plan, an emergency response plan, the rules of conduct and registration process for residents, a maintenance plan, a floor plan, exterior lighting – was a common request, to be identified early in the process how the parking lot would be lit, the school safety plan, a transportation plan as necessary, and a turn-away plan, not an actual policy. There had been a previous suggestion that we require accommodation for anyone turned away – that's pretty onerous on the shelter – but it would be nice to know they have plans in place.

Alison Harris: I think the school safety plan is treading on dangerous territory, and I didn't see anything in here about wet and dry facilities. If it's a dry facility, it's not related to the Boulder plan. You could have drug users and drinkers in an apartment house and they're not regulated, in terms of their proximity to schools.

Chair Mason: Several of these things are things that would be in any proposal – interior plans, lighting – but I like the idea of the transportation and the turn-away just to say there’s a policy in place.

Public Comments on On-Site Management:

Craig Phillips, Executive Director of Tedford Housing: Most of these items are things that most shelter facilities provide, and Tedford has many of them in policy and practice. These are reasonable and achievable using best practices. Regarding turn-away, if we were required to find a place for all people to stay, it would be virtually impossible, but we certainly seek to do that. We can define what we do in practice to address that need.

John Cunningham, Tedford Attorney and 8 Spring Street resident: I can’t see any objections to asking an applicant for a turn-away plan, but the harder part is specifying to the Planning Board what they do with that information. Is there some standard where the Planning Board can tell them their plan is not adequate?

Jim Bridge, 62 Pleasant Hill Coalition: Would the management plan be an up-front submission as part of the application process, or whether it’s an ongoing opportunity for political winds to be injected into an existing business? Going back to the analogous uses, do we require hotels to submit a detailed management plan, congregate care facilities, boarding houses – or is this something we’re setting up only for shelters? Is there any ongoing requirement to assess those things?

Matt Panfil, Director of Planning & Development: It’s frequent for the similar uses that they are asked for more information, not always spelled out in a specific list of what we’ll want, but yes, we do ask for above and beyond we want hours of operation, certain elements of the hotel. Staff’s intention is that the management plan is just a submission, although there are communities that require on either a biannual or even every five years to resubmit a management plan.

Jared Woolston, Town Planner: As far as hotels go, there are no limits on hotels except for dimensions of the building. We could look at existing hotels in each district as a benchmark. Would that be helpful? How many rooms, how many levels for hotels – bed and breakfast is limited to ten bedrooms or something like that, but there is a limit.

Chair Mason: Is this going to put us at an artificial number? The rooms at the shelter are approximately the size of the hotel room, but they fit four beds instead of two.

Kathy Wilson: There is a comparison between a shelter and a hotel, but the reality is – there isn’t. We’re dealing with a whole different issue. To compare them in some ways – yes – but we’re not dealing with the same issue. It does call for a different approach. In some ways we’re just trying to fit everything into this box, and that’s just not the case. We’re talking about shelters.

John Eldridge, Town Manager: If we had a use that already accommodated what other analogous uses were, we wouldn’t be here. You’re right – there are differences. We have similar uses, not the same uses, but similar, to get feedback and then sift it down again.

Chair Mason: Next meeting we’ll start with hours of operation, and the first sections may not be updated. Maybe you will, but that is not my expectation.

Public Comment, General:

Macauley Lord, 216 Woodside Road: Told a story about a former Tedford Shelter resident that became a counselor in Oklahoma.

Courtney Neff, NWNA: In addition to Kathy Wilson's comments on the hotel issue, I would point out that initially, and for several months, it set a goal of looking at what other communities in the state were doing. None of the ones we've looked at – Portland, Bangor, Waterville – throw hotels into the same category, and I don't understand why we're doing that. My neighborhood has been made Conditional for all of these because of the hotel issue, but would like the fact that the Zoning Ordinance Rewrite Committee (ZORC) removed general hotels from the zone be reviewed carefully, because it's very specific that a pre-existing historic building can be converted and even enlarged slightly to form an inn, but hotels are not allowed.

Alison Harris: My interest in the hotels is more for their physical structure than anything else – a building structure that holds a lot of people and has a lot of parking. I don't know that the occupancy or the layout has anything much to do with the shelters we're talking about. Only if it's valuable to the rest of you – I don't want to take up staff's time.

Jared Woolston, Town Planner: We're using hotels as a proxy for transient uses, where that use is not typical intown. We were sort of deviating from doing a per bed arrangement as a dwelling unit standard, so it seemed it might be more appropriate to look at the size of the building per district and go from there. I'm happy to do that.

Alison Harris: I wanted to look at outer Pleasant and some of those areas for potential sites for shelters.

Chair Mason: Next meeting July 25, at 4:00 pm, in Council Chambers, to continue with staff recommendations, and with a possible update from Planning.