
MEMORANDUM

TO: John Eldridge
Town Manager

FROM: Shelter Task Force
Matt Panfil, AICP CUD, Director of Planning & Development
Jared Woolston, AICP, Town Planner

DATE: September 12, 2018

SUBJECT: Shelter Task Force Recommendations to Town Council

I. PREFACE

Homelessness is systemic. The goal of the Shelter Task Force is not to end, or even reduce, homelessness, but as specified by the Town Council on April 17, 2018 (Attachment A) the task force shall:

- Develop definitions of shelter housing;
- Determine appropriate zones for the location of shelter housing; and
- Develop performance standards and other appropriate regulations to govern the operation of shelters.

In doing so, the Shelter Task Force seeks to provide objective land use-based regulations that allow shelters to provide individuals and households with a safe place to sleep in the event that all options for permanent housing are lost. A broader policy to reduce homelessness is best addressed in a future update to the *Comprehensive Plan 2008*. As the Shelter Task Force believes that the availability of affordable housing can help reduce homelessness, the task force suggests that the comprehensive plan update include a special emphasis on encouraging, if not regulating, the development of affordable housing.

II. SUMMARY OF SHELTER TASK FORCE RECOMMENDATION PROCESS:

Beginning on April 20, 2018 the Shelter Task Force, consisting of Town Councilors James Mason (Chair – District 7), Alison Harris (At Large), and Kathy Wilson (At Large), met ~~thirteen (13)~~^{fourteen (14)} times: ~~eleven (11)~~^{twelve (12)} public meetings and two (2) site visits, to formulate recommendations to the Town Council in regards to amendments to the Town of Brunswick Zoning Ordinance that defines and regulates the use of homeless shelters.

In support of the Shelter Task Force were John Eldridge, Town Manager, Ryan Leighton, Assistant Town Manager, Kristin Collins, Town Attorney, Jared Woolston, Interim Planning and Development Director / Town Planner, and Matt Panfil Planning and Development Director (as of June 27, 2018).

A. Meetings

1. April 20, 2018

At this meeting, the Shelter Task Force developed a framework in which to operate, first by developing a working definition for a shelter and then analyzing specific zoning districts suitable for the use and any potential supplementary standards to be implemented with said use.

In developing the working definition, the Shelter Task Force reviewed relevant federal, state, and regional municipalities' statutes and regulations. The Shelter Task Force also discussed:

- A need to better understand the scope of services provided by shelters;
- Potential supplementary standards such as hours of operation, transportation to and from the shelter, size, and typology (apartment-style and shared space among individuals); and
- Available information from professional organizations such as the American Planning Association (APA).

2. May 2, 2018

In order to better understand the operations and needs of shelters, the Shelter Task Force requested Craig Phillips, Executive Director of Tedford Housing, give a presentation about homelessness in the area and his organization's history, existing facilities, and future plans.

3. May 9, 2018

The Shelter Task Force reviewed the proposed definitions for shelters: *homeless shelter*, *apartment-style* and *homeless shelter, non-apartment-style*. Revisions occurred throughout the process with the final versions of each definition and a subsequently added definition regarding mixed-use shelters: *resource centers* are located below in Section III.A.

4. May 16, 2018

Jared Woolston provided background information on the Town's various zoning districts, a summary as to how the *2008 Comprehensive Plan* relates to said zoning districts, and the process for amending the zoning ordinance. Further discussion topics included:

- How to determine appropriate zoning districts for homeless shelters; and
- How to determine maximum occupancy / density standards.

5. May 30, 2018

Guest panelists were invited to share their technical expertise as to the potential impacts of shelters on the Town. Among the panelists were Jeff Emerson, Deputy Fire Chief and Health Officer, Charlie Frizzle, Planning Board Chair, Mark Waltz, Police Commander, and Margaret Wilson, former Comprehensive Plan Chair and former Planning Board member.

The Shelter Task force discussed the *2008 Comprehensive Plan*, specifically how Policy No. 5 states the need for affordable housing and an associated Action Item expresses a desire to reduce homelessness. Charlie Frizzle recommended that homeless shelters be limited to the Town's growth area because it provides access to services. Additional topics discussed included:

- Annual service calls (Police and Fire Departments) from existing shelters: approximately 50 calls per year for the individual resident shelter and approximately 25 calls per year at the apartment-style, shelter;
- Affordable housing; and
- Scheduling a site visit to the Mid-Maine Homeless Shelter in Waterville.

6. June 13, 2018

The Shelter Task Force provided a review of their site visit to the Mid-Maine Homeless Shelter in Waterville on June 6, 2018. Information gathered from the site visit relevant to the Town included:

- Importance of proximity to vital services;
- Bed density;
- On-site security measures;

- Separation of individual residents and households; and
- Transportation options available to guests.

The Shelter Task Force then reviewed potential supplementary standards to incorporate into zoning ordinance amendments:

- Size and density;
- How to account for combined apartment-style and non-apartment-style homeless shelters “mixed-use” or “resource centers” that may include non-residential uses; and
- Other measures such as on-site management, the submission of a management plan, hours of operation, minimum proximity to public transportation, a minimum separation between similar uses, and parking requirements.

7. June 27, 2018

At this meeting, staff prepared recommendations for suitable zoning districts in which to locate *homeless shelter, apartment-style* and *homeless shelter, non-apartment-style*. Staff’s recommendations were based on the intent, purpose, character, and permitted density of each zoning district. Staff also reviewed the status of other uses such as multifamily dwellings, boarding houses, and hotels. Revised multiple times, the final recommended amendments to *Table 3.2 Growth Area Permitted Use Table* are located below in Section III.B.

8. July 18, 2018

The recommended changes to *Table 3.2 Growth Area Permitted Use Table* were discussed as well as the reasoning behind staff’s recommendation that all homeless shelter uses require a conditional use permit. Staff had previously identified potential zoning districts in which some homeless shelter uses would be a Permitted Use, “P,” in *Table 3.2*. The change in approach was the result of further discussion among staff in which it was determined that requiring a conditional use permit for any of the proposed shelter uses would have the benefit of transparency through the early notification to the surrounding neighborhood and would also allow for a thorough review to ensure no adverse impact to the surrounding neighborhood. Staff made it clear that in no way should the requirement of a conditional use permit be seen as a tool to deny or obstruct an application for any homeless shelter use. The Shelter Task Force gave considerable consideration to this proposal and ultimately agreed with the recommendations found in *Table 3.2 Growth Area Permitted Use Table*, as presented.

In the words of Councilor Harris, the Shelter Task, “recommends that homeless shelters be permitted conditionally, rather than by right, to increase transparency in the application process, to ensure applicants a public forum in which to make their case, to allow all interested parties to be heard on the record, and to avoid leaving the determination for siting to a single individual on the town staff.”

The Shelter Task Force also began the process of reviewing and providing recommendations for supplementary standards for homeless shelters:

- **Size and Density:** It was agreed that there should be some limiting factor for the size and density of homeless shelters, but there was not a consensus as how to calculate density for *homeless shelter, non-apartment-style*. It was agreed that each unit in a *homeless-shelter, apartment-style* shall constitute one (1) dwelling unit;
- **Physical Separation:** The Shelter Task Force agreed: a.) not to recommend *that homeless shelter, apartment-style* and *homeless shelter, non-apartment style* must be located in separate structures; but b.) to recommend a policy regarding the interior separation between individual residents and households be included in a management plan; and
- **Management Plan:** It was agreed that a management plan be required as part of an application for a conditional use permit. Staff recommended a management plan to include, but not be limited to: a communication plan, emergency response plan, maintenance plan, transportation plan, and a “turn away policy.”

9. July 25, 2018:

This meeting was a continuation of the review of staff’s recommendations pertaining to supplementary standards for *homeless shelter, apartment-style* and *homeless shelter, non-apartment-style*. Topics included:

- **Hours of Operation:** It was agreed that it may be onerous to require homeless shelters to operate 24 hours a day, but that at a minimum, potential guests be able to contact someone employed by the shelter 24 hours a day, seven (7) days a week. A narrative describing their ability to meet this requirement would be a component of a management plan;
- **Location / Proximity:** It was agreed that while it is logical to locate shelters in close proximity to public transportation and essential services, there are inherent difficulties in specifying a precise distance to such facilities. Difficulties include the fact public transportation routes and schedules are often altered to meet shifting demand, a close proximity to a service does not necessarily translate to easy walkability, and the widespread distribution of essential services throughout the Town. It was agreed that a transportation plan,

outlining the proposed shelter's proximity to public transportation and essential services and available transportation services for potential guests be a required component of a management plan; and

- Minimum Separation from Similar Uses: It was agreed that staff's recommendation of a 1,000 foot (straight line) separation standard from similar facilities was not a necessary supplementary standard.

10. August 1, 2018

This meeting was a continuation of the review of staff's recommendations pertaining to supplementary standards. Topics included:

- On-Site Facilities: It was agreed that a mixture of uses that does not exceed 40% of the total floor area are permitted as an accessory use, as defined by the zoning ordinance. Any proposed shelter with other uses such as office, retail, or classrooms that exceed 40% of the total floor area would be considered either a *homeless shelter, apartment-style (mixed-use)* or *homeless shelter, non-apartment-style (mixed-use)*;
- Off-Street Parking: It was agreed that *homeless shelter, apartment-style* shall provide one-half ($\frac{1}{2}$) parking space for each unit. *Homeless shelter, non-apartment-style* shall provide one (1) parking space for every three (3) individual residents. Parking demand for mixed-use homeless shelters, either *apartment-style* or *non-apartment-style*, shall be determined by individually calculating the demand for each separate use. Non-residential uses such as office space are to be calculated as established in *Table 4.9.1.A Minimum Number of Off-Street Vehicle Parking Spaces*. Furthermore, any applicant may request a reduction in the number of parking spaces required, as established in Section 4.9.4.D of the zoning ordinance. In such instances, a parking demand study shall not be required of the applicant;
- Size and Density: The Shelter Task Force agreed that based on staff's research on the subject, they are comfortable with staff making a final recommendation in regards to how many individual residents in a *homeless shelter, non-apartment-style* shall constitute one (1) dwelling unit;
- Minimum Square Footage: Neither staff nor the Shelter Task Force recommended the implementation of a minimum square footage per individual resident or unit requirement;
- Minimum Plumbing Fixtures: Neither staff nor the Shelter Task Force recommended the implementation of such a requirement;

- Maximum Length of Occupancy: Neither staff nor the Shelter Task Force recommended the implementation of such a requirement; and
- Building / Site Design Standards: The Shelter Task Force recommended that an outdoor area for guest use as well as a separate designated smoking area, screened from or non-adjacent to a residential use, be designated on a site plan submitted as a component of a management plan.

11. August 15, 2018

This meeting was the first meeting in which the Shelter Task Force prepared their final recommendations to the Town Council. As a result of this meeting:

- The working definitions of *homeless shelter, apartment-style* and *homeless shelter, non-apartment-style* were edited;
- The working definitions of *homeless shelter, apartment-style (mixed-use)* and *homeless shelter, non-apartment-style (mixed-use)* were deleted and replaced by one (1) new definition, *homeless shelter, resource center*; and
- Language to the Town Council regarding a lack of affordable housing as a major contributing factor in homelessness was added.

As a result of the changes in definitions, *homeless shelter, resource center* is prohibited within the GM2 and GM8 zoning district whereas previously, *homeless shelter, apartment-style (mixed-use)* was a conditional use and *homeless shelter, non-apartment-style (mixed-use)* was a prohibited use.

The working definitions prior to these changes are provided as Attachment C.

12. August 29, 2018

This meeting was the second meeting in which the Shelter Task Force prepared their final recommendations to the Town Council. As a result of this meeting:

- Minor modifications to each of the three (3) proposed definitions were made to clarify the meaning of an “established single housekeeping unit;”
- Established the amount of apartment-style units permitted within a *homeless shelter, non-apartment style*;
- Added a fifth supplementary use standard that requires any of the shelters to be either dedicated for youth or adults/adults with juveniles as part of a housekeeping unit, but not both; and

- The Shelter Task Force recommended the Town Council extend the existing moratorium prior to its expiration.

III. FINAL RECOMMENDATIONS TO THE TOWN COUNCIL:

A. Definitions:

The Shelter Task Force recommends that *Section 1.7.2. Definitions* be amended to include the following definitions:

Homeless Shelter, Apartment-Style means a facility, of at least three (3) units, the primary purpose of which is to provide temporary accommodations to homeless families, grouped as established, prior to arrival at the facility, single housekeeping units, free of monetary charge or at nominal cost, in apartment-style units. Accommodations are provided on a temporary basis, meaning that the facility is intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. Each apartment provides housing to a single established housekeeping unit and contains sleeping, cooking, and bathroom facilities. Such facility may also provide accessory support services such as food, hygiene, laundry, staff offices, and meeting rooms for counseling, job training, and referrals to other agencies.

Homeless Shelter, Non-Apartment-Style means a facility, the primary purpose of which is to provide temporary accommodations to homeless persons, free of monetary charge or at nominal cost, in either a dormitory-style or barracks-style arrangement. Accommodations are provided on a temporary basis, meaning that the facility is intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. ~~The facility does not offer, or minimally may offer, separate units consisting of separate sleeping, cooking, and bathroom facilities.~~ Such facility may also provide, in addition to no more than two (2) apartment-style units intended for staff or guests with accessibility needs, accessory support services such as food, hygiene, laundry, staff offices, and meeting rooms for counseling, job training, and referrals to other agencies.

Homeless Shelter, Resource Center: means a facility, the primary purpose of which is to provide temporary accommodations to homeless persons, free of monetary charge or at nominal cost, in apartments or dormitory-style or barracks-style arrangements, or any combination of such arrangements. Accommodations are provided on a temporary basis, meaning that the facility is intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. Such facility ~~provides~~ may also provide, in addition to shelter, support services such as food, hygiene, laundry, staff offices, and meeting rooms for counseling, job training, and referrals to other agencies in excess of the maximum floor area percentage permitted as an accessory use.

B. Use Table:

The Shelter Task Force recommends that *Table 3.2: Permitted Use Table for Growth Area Zoning Districts* be amended to include the following uses (use ~~tabled table~~ recommended at the August 15, 2018 meeting is provided as Attachment B):

		P = Permitted C = Allowed Only with a Conditional Use Permit X = Prohibited																									
		A = Allowed Only as an Accessory Use																									
Land Use	CURRENT ZONE	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN
	1997 ZONING DISTRICT	RR	R1&8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, I1, I4	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1&3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3, RBTI	R-R&OS	BCN
Homeless shelter, apartment-style		C	X	X	X	X	C	C	C	X	C	C	C	C	C	C	C	C	X	X	X	X	X	X	C	X	X
Homeless shelter, non-apartment-style		C	X	X	X	X	C	X	X	X	C	X	C	C	C	C	C	X	X	X	X	X	X	X	C	X	X
Homeless shelter, resource center		X	X	X	X	X	C	X	X	X	C	X	C	C	C	C	C	X	X	X	X	X	X	X	C	X	X

C. Supplementary Use Standards:

The Shelter Task Force recommends that the zoning ordinance be amended to add Section 3.4.1.W, Homeless Shelters.

W. Homeless Shelters

(1) For the purposes of calculating density:

- a. Each single housekeeping unit within any homeless shelter, apartment-style; homeless shelter, non-apartment-style; and homeless shelter, ~~homeless shelter,~~ resource center unit shall constitute one (1) dwelling unit; and
- b. Every four (4) individual residents, not housed within a separate single housekeeping unit, within a *homeless shelter, non-apartment-style* and *homeless shelter, resource center* shall be the equivalent of one (1) dwelling unit.

(2) Parking shall be provided in accordance with the following:

- a. *Homeless shelter, apartment-style:*

One-half (½) parking space for each unit.

b. *Homeless shelter, non-apartment-style:*

One (1) parking space for every three (3) individual residents.

c. *Homeless shelter, resource center:*

Parking demand shall be determined by individually calculating the demand for each separate use. Non-residential uses such as office space are to be calculated as established in *Table 4.9.1.A Minimum Number of Off-Street Vehicle Parking Spaces*.

Applicants may request a reduction in the number of parking spaces required, as established in Section 4.9.4.D of the zoning ordinance. In such instances, a parking demand study ~~shall~~ may not be required of the applicant.

(3) Any applicant for a homeless shelter shall be required to submit a management plan as part of their application. Said management plan shall include the following:

- a. Communication Plan: A narrative describing the applicant's policy for how the shelter will communicate with adjacent properties and/or the Town of Brunswick municipal government, including the Police Department;
- b. Emergency Response Plan: A narrative, created in consultation with local emergency services, describing the applicant's policies for addressing emergency situations;
- c. Exterior Lighting Plan: Identification of types and locations of all exterior lighting fixtures on the lot;
- d. Interior Floor Plans: Dimensioned with spaces labeled with the proposed use;
- e. Maintenance Plan: A narrative describing the applicant's policy for regular building and site maintenance, as well as a litter control program;
- f. Rules of Conduct and Registration Process: A narrative describing the applicant's procedures for the screening of sex offenders, their rules of conduct, and a policy for the separation of individual residents and households within a combined *homeless shelter, apartment-style* and *homeless shelter, non-apartment-style*, if applicable;
- g. Outdoor Space: A site plan identifying outdoor space for guest use and a separate designated smoking area, if any, screened from or non-adjacent to a residential use;

h. Transportation Plan: A narrative identifying public transportation and essential services within one-half (½) mile of the applicant’s proposed location. For those shelters without access to any essential services or public transportation within one-half (½) mile of the applicant’s proposed location, the narrative shall identify any alternative means of transportation by which guests may access the site and/or any policies for facilitating guest access to the site; and

i. “Turn Away Policy:”

(4) In the GR6 District, *homeless shelter, apartment-style, homeless shelter, non-apartment-style, and homeless shelter, resource center* are limited to buildings identified as Village Review Overlay Zone contributing resources. The contributing resource may be structurally expanded by no more than 20% of the total square footage of the building existing on the effective date of this Ordinance, so long as all dimensional and other standards of this Ordinance are met. The listing of contributing resources is available through the Department of Planning and Development.

(5) Shelters shall be dedicated for use by either minors under eighteen (18) years of age or adults/adults with minors as part of a housekeeping unit, but not both.

IV. FINAL COMMENT FROM SHELTER TASK FORCE:

The Shelter Task Force notes that the lack of affordable housing in the area is a major contributing factor in preventing homeless from finding permanent shelter. The Shelter Task Force urges a timely update to the *2008 Comprehensive Plan* to address this deficit in Brunswick.

Other issues that arose in the course of the Shelter Task Force’s work that appear outside the scope of its charge, but that warrant consideration include:

- The definition of and zoning regulations for *boarding houses*;
- Homeless day shelters;
- Possible outdoor space requirement to provide on-site space for activities and to avoid congesting the public right-of-way, especially immediately before opening and after closing; and
- How to prevent smoking areas from polluting adjacent, nonsmoking, areas.

V. ATTACHMENTS:

- A. Shelter Housing Task Force Responsibilities, April 17, 2018
- B. *Table 3.2: Permitted Use Table for Growth Area Zoning Districts*, up to August 15, 2018
- C. Working Definitions, up to August 15, 2018