



Town of Brunswick, Maine

PLANNING BOARD

85 UNION STREET, BRUNSWICK, ME 04011

**PLANNING BOARD AGENDA
BRUNSWICK TOWN HALL
85 UNION STREET
COUNCIL CHAMBERS
TUESDAY, JANUARY 8, 2019, 7:00 P.M.**

1. **Case #18-046 Village Green Ventures Anaerobic Digester Conditional Use Permit:** The Planning Board will host a **PUBLIC HEARING** and take action on a **Conditional Use Permit** application submitted by Wright-Pierce on behalf of Village Green Ventures to allow for expansion of the existing use, a renewable energy generating facility, at 27 Bioenergy Way. The subject lot (Map 40, Lot 2) is within the **GA (Growth Aviation) Zoning District**.
2. **Case #18-045 Village Green Ventures Anaerobic Digester Expansion:** The Planning Board will take action on a **Final Plan Major Development Review Amendment** application submitted by Wright-Pierce on behalf of Village Green Ventures to expand their facility at 27 Bioenergy Way by 7,122 square feet. The subject lot (Map 40, Lot 2) is within the **GA (Growth Aviation) Zoning District**.
3. **Case #18-047 – Zoning Ordinance Amendment – Homeless Shelters:** The Planning Board will hold a **PUBLIC HEARING** and provide a recommendation to the Town Council on a Zoning Ordinance Amendment for homeless shelters in accordance with Chapter 12.2-5 of the Brunswick Code of Ordinances.
4. **Other Business**
5. **Approval of Minutes**
6. **Adjourn**

This agenda is mailed to owners of property within 200 feet of proposed development sites and 300 feet for Conditional Use or Special Use Permits. Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521. This meeting will be televised.

Town of Brunswick, Maine

DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Planning Board

FROM: Matt Panfil, AICP CUD, Director of Planning & Development

DATE: January 8, 2019

SUBJECT: Public Hearing – Zoning Ordinance Text Amendment – Homeless Shelters

I. INTRODUCTION:

The Planning Board held a series of three (3) workshops to discuss the proposed zoning ordinance text amendments for homeless shelters on November 13, November 27, and December 11, 2018. At their December 11, 2018 meeting, the Planning Board set a date for a public hearing on January 8, 2019. Pursuant to Section 5.2.11.B of the Town of Brunswick Zoning Ordinance (see also Title 30-A M.R.S. §4352.9) staff published a first notification in a local newspaper on December 26, 2018 (at least 12 days before the public hearing) and December 31, 2018 (at least 7 days before the public hearing).

II. REQUESTED ACTIONS:

Pursuant to the Brunswick Code of Ordinances in Section 12-2.5, the Planning Board shall be an advisory body to the Town Council and land use ordinances of the Town of Brunswick shall not be revised or amended until the Planning Board has made a recommendation on all proposed revisions or amendments.

Section 5.2.11 of the Brunswick Zoning Ordinance, states:

The Planning Board shall prepare a written recommendation to the Town Council. In making its recommendation, the Board shall review whether the requested amendment is compatible with the Planning Area (as listed in Appendix A) in which the zoning district is located and the Brunswick 2008 Comprehensive Plan, as amended. The written recommendation shall include draft zoning/language and/or draft zoning map changes.

III. SUMMARY OF PLANNING BOARD RECOMMENDATIONS & TOPICS FOR FURTHER TOWN COUNCIL CONSIDERATION:

Based on the previous three (3) workshops, the Planning Board recommends the following changes to the Shelter Task Force recommendations and additional topics of discussion for the Town Council's consideration:

Proposed Changes:

1. In the definitions, replace the term "single housekeeping unit" with "household" for consistency as *household* is an established definition in Section 1.7.2 of the zoning ordinance.

2. Allow *homeless shelter, apartment-style* as a conditional use within the Growth Residential 4 (GR4), Growth Residential 5 (GR5), and Growth Residential 9 (GR9) zoning districts.
3. Prohibit *homeless shelter, resource center* in the Growth Residential 6 (GR6) zoning district.
4. Add a new subsection c. to supplementary standard 3.4.1.X.(1):

The construction of a new homeless shelter, non-apartment-style, or a change in use of an existing structure or portion thereof to a homeless shelter, non-apartment-style shall require compliance with the maximum density of the underlying zoning district.

5. Change parking demand study requirements through the following:
 - a. Amend proposed Section 3.4.1.X.(2) as follows:

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

- b. Amend Section 4.9.4.D of the zoning ordinance as follows:

*The Review Authority may allow additional reductions of the minimum vehicle parking requirements in Subsection 4.9.1. **To support a request for an** ~~on finding that the additional reduction, is justified by~~ **the Review Authority may require** a parking demand study showing reduce transportation and vehicle parking demand due to the location, characteristics, or committed operations of the particular use (e.g., type of development, proximity to transit, employee carpool/vanpool program, off-peak work schedules).*

6. Delete subsections a., b., c., e., f., g., h., and i. from proposed Section 3.4.1.X.(3) as they are found to be either not pertinent to the zoning ordinance or redundant to the existing conditional use permit submission requirements.

Recommended for Town Council Consideration:

7. Recommend the Town Council consider the Growth Residential 1 (GR1) zoning district for its compatibility with *homeless shelter, resource center* as a conditional use; and
8. Recommend the Town Council consider the implementation of a separation requirement between homeless shelters.

IV. PROPOSED AMENDMENTS:

Based on the proposed changes outlined in Section III above, the following text amendments to the zoning ordinance shall be required:

Amendment 1 – (Red Font: Planning Board Change of a Shelter Task Force Recommendation)

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Chapter 1 - General Provisions
Section 1.7 - Definitions and Rules of Construction

Home Occupation: A lawful business, profession, occupation or trade, conducted within a dwelling unit or accessory structure by a resident of the dwelling unit, where the business, profession, occupation, or trade is incidental and subordinate to use of the dwelling for residential purposes. A home office, including for telecommuting purposes, which is carried on by only residents and does not involve any signs, public access, outdoor storage or displays is not considered a home occupation and is not regulated by this Ordinance.

Homeless Shelter, Apartment-Style: A facility of at least three (3) units, the primary purpose of which is to provide temporary accommodations to homeless households, established prior to arrival at the facility, 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 household~~ 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: 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. Such facility may also provide, in addition, 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: 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 also provides, 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.

Hotel: A facility that provides sleeping accommodations for compensation by transient guests, with or without a dining room or restaurant, including a Motel, but excluding Bed and Breakfast, Boarding House, and Residence Hall facilities.

Amendment 2 - (Red Font: Planning Board Change of a Shelter Task Force Recommendation)

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Chapter 3 - Property Use Standards
Section 3.2 - Growth Area Permitted Use Table

Table 3.2: Permitted Use Table for Growth Area Zoning Districts																													
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	Supplementary Use Standards	
	1997 ZONING DISTRICT	RR	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4, 11, 14	MU1, CC	HC1 & 2	TC1, 2, 3	RCMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2, I3, RBTT	R-R&OS	BCN		
Principal Uses																													
Public, Institutional, and Civic Uses																													
Community, Cultural, and Educational Uses																													
Club or lodge		X	X	X	X	X	C	X	C	C	P	C	C	C	C	P	P	P	X	X	X	X	X	X	C	X	X		
College		X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	P	X	P	C	C	P	P	X	X	X	X	4.8.1.D(2)	
Community Center		A	X	X	C	C	C	X	C	C	P	P	C	P	P	P	P	P	P	X	P	P	C	X	C	X	X		
Day care facility, small		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Day care facility, large		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
<u>Homeless shelter, apartment-style</u>		C	X	X	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X	X	X	X	X	X	C	X	X	<u>3.4.1.X</u>
<u>Homeless shelter, non-apartment-style</u>		C	X	X	X	X	C	X	X	X	C	X	C	C	C	C	C	C	C	X	X	X	X	X	X	C	X	X	<u>3.4.1.X</u>
<u>Homeless shelter, resource center</u>		X	X	X	X	X	X	X	X	X	C	X	C	C	C	C	C	C	X	X	X	X	X	X	C	X	X	<u>3.4.1.X</u>	
Hospital		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	
Library, museum, or art gallery		X	X	X	C	C	C	X	X	C	P	C	C	P	P	P	P	C	P	P	P	P	P	X	C	X	X	4.8.1.D(2)	
Municipal facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Park or conservation area		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious institution		X	X	X	C	C	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	X	P	X	X		
School		P	X	P	C	P	P	P	P	P	P	C	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	X	

Amendment 3 – (Red Font: Planning Board Change of a Shelter Task Force Recommendation)

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Chapter 3 - Property Use Standards
Section 3.4 - Supplementary Use Standards

X. Homeless Shelters

(1) For the purposes of calculating density:

- a. **Each single household unit within any homeless shelter, apartment-style; homeless shelter, non-apartment-style; and homeless shelter, resource center shall constitute one (1) dwelling unit; and**
- b. **Every four (4) individual residents, not housed within a separate single household unit, within a homeless shelter, non-apartment-style and homeless shelter, resource center shall be the equivalent of one (1) dwelling unit.**
- c. **The construction of a new homeless shelter, non-apartment-style, or a change in use of an existing structure or portion thereof to a homeless shelter, non-apartment-style shall require compliance with the maximum density of the underlying zoning district.**

(2) Parking should 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 shall 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 may not be required of the applicant.~~

(3) Any applicant for a homeless shelter shall be required to submit 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 used;
- 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 registered 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 recreation space, if any.~~
- h. ~~Transportation Plan: A narrative identifying how guests may access the site and/or any policies for facilitating guest access to the site, services, public transportation, or any other alternative means of transportation.~~
- i. ~~"Turn Away Policy:" A narrative describing the applicant's procedures for denying access to the site based on the shelter being at maximum capacity or the determination that a person is unsuited for the facility.~~

(4) Any homeless shelter, non-apartment-style shall be dedicated for use by either unaccompanied minors under eighteen (18) years of age or adults, but not both.

Amendment 4 - (Red Font: Planning Board Change of a Shelter Task Force Recommendation)

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Chapter 4 - Property Development Standards
Section 4.9 - Parking and Loading

4.9.4. Parking Alternatives

The Review Authority may approve alternatives to complying with the requirements in Subsection 4.9.1 in accordance with the following standards.

D. Parking Requirement Reductions

The Review Authority may allow additional reductions of the minimum vehicle parking requirements in Subsection 4.9.1. **To support a request for an** ~~on finding that the~~ additional reduction, ~~is justified~~ **by the Review Authority may require** a parking demand study showing reduce transportation and vehicle parking demand due to the location, characteristics, or committed operations of the particular use (e.g., type of development, proximity to transit, employee carpool/vanpool program, off-peak work schedules).

V. ATTACHMENTS:

Attachments are the same as those included within the memorandum from staff for the October 25, 2018 joint workshop with the Town Council and the November 13, 27 and December 11 Planning Board workshops. Please contact staff if you would like to be re-emailed or need a new hard copy of the attachments.

- Attachment A: Shelter Task Force Responsibilities
- Attachment B: Summary of Recommendation Process
- Attachment C: Density Examples
- Attachment D: Maine Communities Shelter Regulations
- Attachment E: Communities Outside of Maine Recently Passed Shelter Regulations
- Attachment F: Individuals per Household Data
- Attachment G: Communities Inside and Outside of Maine Shelter Regulations
Summary Spreadsheet
- Attachment H: Existing Shelter Facilities and Essential Services Map