

FARMINGTON PLANNING BOARD

153 Farmington Falls Road

May 13, 2019 – 6:00 P.M.

Minutes

Planning Board members present: Chairman Clayton King, Lloyd Smith, Donna Tracy, Craig Jordan, Gloria McGraw, Jeff Wright, and Mike Otley.

Alternate member present: Judith Murphy.

Alternate member unable to attend: Dave Robbins.

Others present: Richard Davis, Town Manager; Joshua Bell, Chairman, Board of Selectman; Captain T.D. Hardy, Fire Rescue Department; Deputy Chief Shane Cote, Farmington Police Department; Steve Kaiser, Code Enforcement Officer; Kate Foster, Code Assistant; Chris Magri, Bobbie Wheeler, and Andy Parlin representing Western Maine Homeless Shelter (WMHO); Steve Bracy, minister of Living Waters Church; Bill Hamilton, project architect; abutting property owners, John Moore & Jennifer Bjorn and their attorney Matthew Manahan from Pierce Atwood; Jeff McKay, facility manager for the University of Maine at Farmington (UMF); Ed David, Mike Pond, and Marilyn Hylan, parishioners from 1st Congregational Church of Farmington (a/k/a Old South Church); and other members of the public.

Mr. King opened the meeting at 6:00 P.M.

1. Designate alternate members, if needed

All voting members present.

2. Review minutes of April 8, 2019

Mrs. Tracy made a motion to approve the minutes of April 8, 2019 as written.

Mr. Otley seconded the motion.

VOTE: 8 – Affirmative

Mr. Jordan disclosed that, even though he works for John Moore and Jennifer Bjorn, he does not feel this influences his opinions and views of the application at hand.

Mrs. Tracy made a motion to allow Mr. Jordan to sit as a voting member for the application.

Mr. King seconded the motion.

VOTE: 7- Affirmative

3. 19-SR-04

Western Maine Homeless Outreach

227 Main Street

U15-037

Dry Homeless Shelter

Mr. King acknowledged the application and said that the Board members will ask two questions each and continue in rotation until they no longer have questions, followed by questions from the audience. He said these meetings run until 8 P.M., at which time there will be a vote on whether to continue in 15-minute increments. Mr. King asked who was presenting this application.

Mr. Magri stated he was presenting the application with the assistance of Ms. Wheeler and Mr. Parlin of Western Maine Homeless Outreach (WMHO).

Mr. King asked if WMHO was leasing or purchasing the property.

Mr. Magri stated WMHO is going to be leasing the property.

Mr. King requested anyone speaking to state their name for the record and to stand in front of the table close to the recorder so the Board could clearly hear due to the room's echo. He then asked Mr. Magri to continue his presentation.

Mr. Magri stated he has been a member of Old South Church (OSC) for 17 months and is its moderator, he is also vice-chairman of WMHO, and he's been delegated to present the application. He said WMHO wants to do good and be good neighbors, with a 5½ year positive track record as a shelter provider. Mr. Magri said not all homeless shelters are the same - rural shelters differ from urban shelters and wet shelters differ from dry shelters. He said the WMHO shelter is entirely different than the Preble Street shelter in Portland, and WMHO's is completely dry with strict procedures and policies to follow unlike most others in Maine.

Mr. Magri stated every guest at the shelter is searched every time they enter the building and has a drug screen and background check before being initially accepted. He said the guests aren't allowed to keep their medications - which are put in a locked cabinet, and there has only been one threat in 5½ years and it was guest on guest. Mr. Magri stated there are WMHO guests all around town and someone in the community wouldn't be able to tell they were homeless just by appearance, noting that one out of eight community college students are homeless. He said their clients tend to be women with children and whole families that have ended up in bad situations. Mr. Magri stated a study done in 2008 showed property values near shelters did not decrease and crime rates did not increase. He said WMHO in good faith feels as though the shelter will help people in a good way and not negatively affect neighbors or the community, and they're ready to take it to the next stage.

Ms. Murphy made a motion to accept Mr. Magri's presentation.

Mr. Wright seconded the motion.

Mrs. McGraw asked how many local people are served by the shelter versus outsiders.

Ms. Wheeler, the WMHO shelter director, stated most people coming into the shelter are from Franklin County and want to be re-housed in the area. She said there are potential clients from outside the community who aren't a good fit for the shelter and don't want to be housed in Franklin County, and they're referred to another shelter better suited for their needs.

Ms. Wheeler stated WMHO's main goal is to help women with children first, then the elderly, followed by veterans. She said people generally don't prefer Farmington's shelter because it has such strict policies, lacks many of the resources they need, and intake can take days with the background check - so many end up referred to other shelters.

Mrs. McGraw asked Ms. Wheeler if other shelters like Bangor send homeless people to Farmington, and if she had statistics.

Ms. Wheeler agreed to get statistics, stating their goal is not to serve all types of homeless people. She said they don't market or recruit outside Franklin County, which is the only County in Maine without a homeless shelter, and Farmington already has a significant amount of homeless people right here to serve.

Mr. Otley said he was confused about the letters and discussion between Mr. Kaiser and Mr. Manahan and asked if the issues had been resolved.

Mr. Kaiser said there was a homeless shelter meeting a year ago where he told the proponents that he categorized it as a Group Home under the Town's Zoning Ordinance. He said, although they do not require licensing by the State, the shelter requires review and approval by the State Fire Marshal's Office (SFMO) of the project's plans, life-safety, and accessibility for them to issue a construction permit for use of the facility as a homeless shelter.

Mr. Kaiser said, regarding the Farmington Village Corporation (FVC), in any conflict between the FVC zoning and the Town's Zoning Ordinance, the Town's trumps theirs. He said he discussed the shelter with former Town attorney Mr. Underkuffler last year, and he concurred with his categorization as Group Home as the best fit under the Town's Zoning Ordinance Table of Uses.

Mr. Manahan and Mr. Underkuffler then stood asking to be heard, and Mr. King said they would get their chance once the Board has finished questioning the applicant.

Ms. Murphy asked what the average length of stay was.

Ms. Wheeler stated clients stay 28 days or less depending on the situation, with 55% less than 30 days. She said each guest meets with a navigator or case manager within the first week of being in the shelter to begin making a plan.

Ms. Murphy followed by asking if those case managers and staff will be helping the guests to find jobs.

Mr. Parlin, a shelter coordinator/navigator, stated his main job is to help the guests find work and housing with vouchers, grants, and programs. He said not everyone is able to find a job or housing due to age or disability, and part of the requirement is that clients receiving any type of income have to save half to go towards a deposit on an apartment because the shelter does not pay for housing.

Ms. Murphy asked how many of the current 16 beds are occupied by women and children.

Mr. Parlin stated presently the shelter is not full, and currently has two women, three children aged six months to ten years, and three men.

Ms. Murphy said she is having a hard time understanding the management plan where it states that every guest has to take all of their belongings with them while required to be absent from the shelter between 8 A.M. and 4 P.M.

Mr. Magri stated that's not worded correctly and they only have to take what they need for the day when they leave the shelter.

Ms. Wheeler stated once an individual or family has completed the intake process and receives a bed, that bed is assigned to them and they are a resident until they decide to leave or have completed the program. She said, if a guest chooses to not call and/or not return to check in, they usually are not allowed back.

Mr. Wright asked if WMHO is going to have fundraisers to come up with the funds needed.

Mr. Magri stated the goal is, once they have Planning Board approval, they want to hold a capital campaign and a community fundraiser, as well as applying for funds from State and federal grants, and soliciting donations.

Ms. Wheeler stated they also have a big donor.

Mrs. Tracy asked how many police calls involved the homeless shelter.

Deputy Chief Cote stated in 2017 there were 17 and in 2018 there were 18 calls involving the homeless shelter.

Mrs. Tracy asked where the guests go during the day.

Ms. Wheeler stated some will go into town, to the community center or to the library, but the majority go with family for the day. She said they only stay in if they're doing a day program at the shelter.

Mr. Smith asked how the residents' belongings are stored, and how the premises is cleaned sufficiently of creatures and bugs after a guest leaves or finishes the program to prevent spreading disease.

Ms. Wheeler stated guests are not allowed to bring in their own blankets or pillows, their other belongings go into a metal bin, the shelter provides laundry baskets, and all bedding, and all furniture is washable. She said they have a high-heat dryer for bedbugs, they track client's hygiene, they promote preventative care, and Hep A is prevalent so they connect clients with healthcare services.

Mr. Parlin stated during intake all clients are required to take a shower before entering sleeping quarters to prevent the spread of disease, and they sanitize everything when they move out. He said the chance of transmitting something is the same as being in your own home, and he doesn't want to take a chance of bringing anything home to his own family.

Mr. Smith asked how many staff members are present during the check-in period.

Mr. Parlin stated that one staff member handles 4 P.M.-10 P.M., one staff member handles 10 P.M.- 8 A.M., and one staff member can easily handle all 16 guests and the searches if the shelter is full.

Mr. Jordan asked, referring to the letters between Mr. Manahan and Mr. Kaiser, if the Town is getting a legal opinion, and he also asked, where does WMHO receive its money from.

Ms. Wheeler stated that they're a 501(c)3 entity, and most of their money comes from local donations, the Maine Department of Health and Human Services (DHHS), grants, State and federal funding, Maine Housing, United Way, etc. She added they get independently audited, and as long as they follow all procedures, policies, and guidelines they receive funds.

Mr. Magri stated these requirements are all another form of State approval due to the fact that they cannot operate the shelter if they do not follow all the policies, procedures, rules and regulations of State agencies.

Mr. Jordan asked how can WMHO refuse anyone if they receive money from State and federal governments.

Ms. Wheeler stated they have to prioritize without discriminating. She said they have very strict policies, procedures, and standards that don't apply to a lot of facilities and organizations, and they don't allow violent people, sex predators, etc.

Mr. Jordan said he heard on the news that the Preble Street shelter might start taking asylum seeking people that have crossed the border from Mexico, and they could send them on to Farmington. He asked how can WMHO say no to them.

Mr. Magri stated they could take those people as long as they meet all criteria and get through the intake process. He said Preble Street is very different from WMHO, and while we don't discriminate against anyone, there are strict policies that have to be followed.

Mr. Jordan asked, if nine people get dropped off that all fit the requirements and WMHO has nine open beds, would they be taken in. He then asked, if not, where would they go.

Mr. Bracy stated WMHO is a family shelter with a priority of women with children, and no one can just show up at the front door expecting to get right into a bed. He said the process takes time, often a day or two to finish the intake process, and the State cannot just call and say they are sending someone to WMHO.

Ms. Wheeler stated, if someone doesn't get through the intake process, they then leave the same way they got there. She said WMHO partners with other shelters to try and find a place better suited for that individual. Ms. Wheeler said we also partner with the Farmington Police Department, and if a homeless person has an issue with leaving, then WMHO would call the police to have them escorted off the premises. She said unfortunately we do not meet the needs of everyone, and we very often refer homeless people to other shelters that have area resources to meet their needs.

Mr. Jordan said the Preble Street shelter is supposed to have a capacity of 150 beds, but they house over 200 guests, and if this is happening there why couldn't it happen here.

Mr. Magri stated that they are not familiar with the policies and procedures of the Preble Street shelter so they can't answer anything about them, but it is unlikely the State would force guests on us that we do not want.

Mr. Jordan said he only knows from what he has seen on the news, and the way WMHO representatives answer the Board's questions will help people in the room to understand what WMHO is doing. He added he hopes all goes well, and asked if they have figured out how much the general expenses are going to cost such as sewer, water, cable, etc. and how they're going to pay for those ongoing costs.

Ms. Wheeler stated 40% comes from Maine Housing grants per bed, another 40% comes from the work that Mr. Parlin does with the guests to get them back on their feet, and the other 20% comes from donations, fundraisers, and small grants. She said the number and length of guest stays increases our funding.

Mr. Jordan asked if WMHO is paid or funded for an empty bed.

Ms. Wheeler stated yes, the State lumps all the available homeless shelter beds and divides up the available total funds per bed. She said Western Maine Community Action (WMCA) has offered to weatherize the Holman House and put new heat pumps in the building if the homeless shelter moves in there.

Mr. Magri stated the OSC and WMHO will pay the regular bills including items like sprinkler testing, etc.

Mr. King asked if someone can just call to make a reservation and show up to be processed whenever they get there per the management plan.

Ms. Wheeler stated they can only start the process if a staff member is present and available to do the intake process during a certain time of day, but it still doesn't mean they will receive a bed that night - and they aren't going to start an intake process at 10 P.M. She stated Mr. Parlin is there unless he's doing a day home visit.

Mr. King asked, if someone just shows up at the front door with no identification or paperwork, are they going to automatically be put back on the street.

Ms. Wheeler stated most guests know whether they have a chance of getting in or not, and if not, they leave the same way they showed up.

Mr. King asked if the day programs mentioned earlier are a requirement.

Ms. Wheeler stated guests stay in the building during the day if they are doing day programs such as taking a rent smart course, working with Children's Task Force staff, or getting help from Franklin County Health Network - except during the winter months.

Mr. King said the Farmington Police Department has been called to several public locations to ask homeless people to go elsewhere because they hang out in front of businesses, and he asked Deputy Chief Cote if he knew how often that happened.

Deputy Chief Cote stated he didn't know which out of the 18 calls in 2018 and 17 calls in 2017 were related to that topic because the records only show the homeless shelter address. He said other people loiter as well, not just the homeless.

Ms. Wheeler stated that WMHO wants to be made aware of problems their clients may cause so they can correct them, and they want to maintain good relations with the business community.

Mr. King said a new homeless shelter will draw more homeless people to Farmington.

Ms. Wheeler stated there's no incentive for the homeless to come here where we don't have many of the resources other areas do.

Mr. King said something is better than nothing for a lot of people, it's as simple as that, especially for someone who has nothing. He said transportation is now no longer an issue for someone without a vehicle due to increased free travel service from Western Maine Transportation Association (WMTA).

Mr. Magri stated WMHO's goal is to help families, and things are very tight at the shelter with absolutely no sex or physical contact allowed, and staff members check on everyone every hour.

Mr. Bracy stated WMHO runs a very strict shelter which is not an attraction for most.

Mr. King asked, once someone gets through the intake process, is that it and they stay as long as they want.

Ms. Wheeler stated the guests have to do their work, set goals, and participate in the programs - it's not a place where someone can come and just sleep and do nothing to better themselves.

Mr. Parlin stated there are certain requirements that clients must follow in order to stay, such as finding housing, and if they don't the guest can be asked to leave. He said guests are required to save half of any financial assistance they receive for housing and food.

Mr. King asked who is watching over WMHO and how the searches are done when the guests come back for the night.

Mr. Parlin stated that Maine Housing oversees WMHO, and as far as the checks go, it could be a male or female staff or volunteer checking a male or female client because there is no physical contact made - eyes only. He said guests are asked to do different things to comply with these no-touch searches, and every employee and volunteer has to pass a rigorous background check before being allowed to work at the shelter.

Ms. Murphy asked whether the outdoor smoke breaks are supervised, and she also asked about “by the birch tree” in the management plan because there’s no birch tree on the Holman House property.

Mr. Magri stated the smoking area is supervised and the management plan was for the current location, so that designated area needs to be changed - it will be by the outdoor fireplace.

Ms. Wheeler added there are door alarms to notify them anytime someone exits or enters.

Ms. Murphy asked if John Moore and Jennifer Bjorn were already living in their abutting property when the idea of moving the homeless shelter to this location originally started.

Mr. Magri stated they had no knowledge of a possible homeless shelter prior to purchasing their home, and he was in contact with them both before presenting the idea to the OSC congregation.

Mr. Otley said there’s no doubt we need a homeless shelter, but he doesn’t feel like this is the best location especially with UMF right there, and he wanted to double check on how many beds there would be.

Mr. Magri stated 16 beds are planned, but capacity could be expanded up to 30 beds. He said he also spoke to the interim university president and he didn’t have any problem with the shelter proposal.

Mr. Otley said his wife works at the UMF library, and some staff and students there have expressed concerns about the homeless shelter being at the proposed location.

Mr. McKay stated the university has a neutral position, neither for or against the project.

Mr. King said, while a shelter is needed, the Board has to consider the impact on the larger community, and it’s a 50/50 toss-up as to cost/benefit to Farmington. He said homeless shelter guests have already been ushered out of the UMF cafeteria who assumed the food is free, and business owners do not want them just hanging around their stores.

Mr. McKay acknowledged that the situation at the food court on campus has happened more than once.

Mr. Bracy stated they’ve been operating the shelter almost six years and have a lot of influence on their clients, their daily activities, and where they go during the day. He said they try to maintain very open communications with area businesses so no problems arise.

Mr. King said the job of the Planning Board is to look after the safety, wellbeing, and best interests of the town.

Mr. Wright asked if clients are forced to leave the shelter for the day during the winter, when it can be -20°F in February,

Mr. Magri stated that from November to February they do not have to leave during the day, and if they decide to stay they're encouraged to participate in day programs.

Mr. Bracy stated the main goal of WMHO is to have 24-hour programming at the shelter.

Mrs. McGraw said it takes a lot of money to run such a facility, and she doesn't understand how WMHO is going to come up with sufficient funds for such things as installing a sprinkler system, renovating the structure, and regular operational costs.

Mr. Magri stated a community-based group will launch a capital campaign to make the leasehold improvements such as installing bathrooms, sprinklers, etc. after Board approval.

Mr. Bracy stated that WMHO is going to be hiring grant writers to package the proposal.

Mrs. McGraw asked if the current shelter will stay in use until successful fund-raising is accomplished and the renovations completed.

Mr. Bracy stated that WMHO is not going to move any guests into the new location until all funds have been secured and the shelter is ready.

Mrs. McGraw asked Mr. Kaiser if a legal opinion is required.

Mr. Kaiser said, since an abutter has retained an attorney, the Board now needs legal counsel on the issues raised by that attorney.

Mrs. McGraw said it's not whether Planning Board members are for or against the project, but whether the project has met every requirement under Town ordinances and under the State Fire Marshal's Office.

Mr. Jordan asked what the Town's recourse is if the shelter becomes a problem or it fails.

Mr. Kaiser said it's critical that the Board make sure the management plan is specific and complete, and the Board could also place conditions on approval of the shelter so it has a basis to rescind approval and/or enforce against the shelter if things go wrong.

Mr. Jordan said if it's approved, it must stay as good as the representatives make it out to be. He said not every dog is trainable, and we want to make sure all the guidelines are followed.

Mr. Magri stated they don't want the shelter to fail, they don't want to do harm to the community, and they don't want a few bad apples to ruin it for the people that truly need the assistance.

Mr. Otley said a few bad apples can spoil the barrel, and when these guests are released in the morning a lot end up asking to use phones in the college library and other public places.

Mrs. Tracy asked what the situation was with school-aged children at the shelter.

Mr. Parlin stated they do have school-aged children who get enrolled in the public school system.

Mrs. Tracy asked if WMHO is going to ask to be put on the Town Warrant to seek funding at the annual Town Meeting.

Mr. Bracy stated in the 5½ years they have operated a shelter, they have never once asked the Town for funds. He said Franklin County has been very supportive financially to WMHO, and they want a successful shelter which is an asset to the town and helps people in need. Mr. Bracy said the majority of residents in Farmington don't even know there is a shelter here because they do their best to keep it under control, it's quiet and strict, and we're just helping people get back on their feet.

Mr. Bracy asked Mr. Jordan if he had heard any horrible reports on the shelter.

Mr. Jordan replied no, he hasn't. He said, while WMHO currently has good staff members, there's always a chance of job burn-out, and asked if other qualified replacement staff could be found.

Ms. Wheeler stated they are working on bringing in new people, and having a good case management team is important while they expand staff and put more out in the field.

Mr. Parlin stated currently there are 7-8 staff and volunteer members, both full-time and part-time, and there is always somebody to fill in if someone needs some time off.

Ms. Wheeler added that staff do take classes on dealing with job burnout.

Mr. King said some changes need to be made to continue approval review such as: an updated management plan; background checks and drugs screens should be stated as mandatory instead of saying "may be"; and we need to know who at the State oversees everything at the homeless shelter.

Ms. Wheeler stated the State comes in and monitors annually.

Mr. King asked if the State tracks staff actions on clients.

Ms. Wheeler said there are intake forms that get filled out for each guest and Maine Housing checks those.

Mr. King stated he would like to see copies of these forms at the next meeting.

Mr. Smith said the management plan has to have more specific language - such as stating that the shelter doesn't put guests out in the cold during the winter. He added that the application states 16 beds, therefore, if the shelter wants to increase to 30 beds in the future, they would have to come back to the Board.

Mr. Bracy stated they currently have 16 beds and the reason for moving is because they want to be approved for 30 beds.

Mr. Hamilton stated he is not sure where the 30-bed number came from, he was only asked to provide capacity for 16 beds, and there was no specific square footage number per room.

Mr. King asked Mr. Kaiser for his recollection of this and what was discussed with Captain T.D. Hardy at last year's meeting.

Mr. Kaiser stated in the application it says "16 bed dry shelter" which was discussed, and he didn't recall that there was any specific requirement when it came to room size.

Mr. King said we need the specific number on beds from WMHO.

Mr. Hamilton stated we can do that, and added that secondary means of escape, doors, and other life-safety items were the main subjects discussed last year. He said he didn't recall who came up with the number 30 – other than it was the number of guests that would not be exceeded in the future.

Mr. King said he's a little disgruntled with the current application and presentation, with too many "what we meant", "what we should have put", etc. He said we need a plan in writing with what you truly mean for this location before you come back to the Board seeking approval.

Mr. King said this management plan is for the current location not the new one, there are several other questions left unanswered, and we don't even know the exact number of beds. He said he likes to facilitate Board deliberation without getting too involved as chairman, but we need an accurate and complete plan for this property and he doesn't feel as though that is asking too much.

Mr. Hamilton stated the Board has every right to have that validation, and he'll revise the plan to help the Board continue review.

Ms. Murphy said she feels as though the proposal and plans need to be clear, solid, and able to stand on its own for the Board to make an intelligent and fair vote.

Mr. Magri stated they will fix it all to make sure everything required is provided to the Board.

Mr. Smith said the project description in the application stated having 16 dry beds and it needs to be updated and clarified if they intend more. He said the application also doesn't state anything about changes to the outside of the building like fire escapes.

Mr. Hamilton stated there aren't going to be changes to the outside, and there's no need for fire escapes.

Mr. Underkuffler stated he used to be Town attorney and is only here as a civilian. He said he reviewed the conversations between himself and Mr. Kaiser regarding Town and State review of the proposed facility, as well as looking at the ordinances, and at the time it didn't seem to fit under anything else except "Group Home".

Mr. Underkuffler stated he retired soon after his discussions with Mr. Kaiser, and then went to a WMHO presentation last year about the homeless shelter where they said it was not going to be a 24-hour facility. He said calling a place to sleep and not to live a Group Home concerned him. Mr. Underkuffler stated at the time the Town ordinances were written, the Town never thought there would be a homeless shelter in Farmington and there's no separate category for one in the Table of Uses.

Mr. Underkuffler said it seems the problem is the location, and if approved it will likely be challenged and litigated in court. He suggested WMHO could work with the Town and amend the Table of Uses. Mr. Underkuffler questioned the State approving this as a group home housing facility, where a shelter is not a home or a 24-hour facility. He said all parties involved need to obtain legal counsel.

Mr. Manahan stated he is representing John Moore and Jennifer Bjorn, and his clients are aware that the town does need a homeless shelter and they just want to make sure the Town follows its own ordinance - especially in this situation where the abutters are going to be directly affected.

Mr. Manahan stated it is very simple as Mr. Underkuffler just said, it's not a Group Home. He said it does not get any type of official approval or licensing from the State therefore it can end right here and be denied instead of going any further. Mr. Manahan said they disagree with Mr. Kaiser's interpretation of Mr. Underkuffler's letter last year that Farmington Village Corporation (FVC) jurisdiction is moot, and they feel the application is not complete because it didn't go before the FVC Planning Board.

Mr. Manahan said it impacts John Moore, Jennifer Bjorn, and the town, and because this is a residential area, the Planning Board needs to consider issues like the outdoor smoking and 30 guests coming and going constantly when it should be a maximum of 16 beds. He said it should go to a Town Meeting vote for a change in the ordinance.

Mr. Pond stated a lot of the people currently at the homeless shelter go to the same church he does and most of them are families that have ended up in bad situations with nowhere to go. He said these are just people having a hard time and are no different than anyone else - not Mexican's coming over the wall as Mr. Jordan said. Mr. Pond said the kids living in the current shelter get picked on and treated differently because they get on and off the bus there, and they need a neutral place to have the same opportunities as other kids.

Ms. Hylan stated she was concerned about some of the comments that were being made, especially the one comparing people to dogs, and she didn't feel that was appropriate to be said at any type of meeting whatsoever. She said these are people, not animals, who need a place to stay, and that's what they are trying to accomplish through the church.

Mr. David asked if the Board will be accepting public comments at the next meeting, or is this the only time anyone could speak up.

Mr. King said yes, they will still be accepting public comments at future meetings. He said hopefully by the next meeting the Board will have everything needed from WMHO, along with input from the site walk and legal opinions, so they can move forward and possibly schedule a public hearing. Mr. King said he wanted to make sure everyone is heard so no one can say they didn't get a chance to speak.

Mr. David stated he read Mr. Manahan's letters, his comments are a losing argument, and he is trying to create questions and sow fear in the community. He said the shelter is home to its clients and therefore should fit under Group Home in the Zoning Ordinance. Mr. David said there are very few records of issues or complaints regarding homeless clients and businesses.

Mr. David stated he is concerned about the Board considering a condition that it be a 24-hour shelter, and he believes the need for expansion is clear where WMHO is already full to capacity most of the time. He said these aren't bums, just people that don't have enough money for housing, and Police Chief Jack Peck said there has been no increase in problems at the shelter. Mr. David stated there is no evidence of a family shelter in a rural area causing problems, but negative publicity will affect the funding needed for the shelter, and these families and children need a good facility to go to. He said this is the perfect facility for people to walk to a store or library, get an ice cream, and for children to walk to school instead of getting picked up right in front of a shelter as they do now.

8:00 P.M.

Mrs. McGraw made a motion to continue the meeting for 20 minutes.
Ms. Murphy seconded it.

VOTE: 7 – Affirmative 1 – Opposed

Mr. Kaiser explained why he categorized the proposed shelter as a Group Home: It can't be considered an Accessory Structure or Use as it is not on the same lot as the church; it can't be considered Boarding/Lodging as it doesn't have a family residing in the building acting as proprietor or owner; it can't be considered Congregate Housing as it's not solely occupied by elderly and/or disabled persons; and, it can't be considered a Multi-Family Dwelling as it has common bathroom and cooking/dining facilities.

Mr. Kaiser said this left Group Home as the best use fit for this shelter proposal, an allowed use in the Village Residential district with Planning Board approval, and they must also obtain approval from the State Fire Marshal's Office.

Mr. Kaiser said that he frequently has to make judgment calls as to where a proposed use best fits within the Zoning Ordinance Table of Uses, and there's no way or need for the Town to constantly change its ordinances every time a particular use isn't listed.

Mr. King asked Mr. Kaiser if he still feels that the best category is Group Home.

Mr. Kaiser said he does, and every party needs legal counsel going forward. He said it needs to be made clear to WMHO what they have to additionally provide prior to coming back before the Planning Board.

Mr. King said the key components needed before the next meeting are: more information from the applicant including an updated management plan and the exact number of beds being sought; a site walk to be conducted at the premises by the Board; and legal opinions from Town counsel.

Mr. Bell asked Mr. Bracy why they want to move out of the current church location, and what's the timeframe.

Mr. Bracy stated Living Waters is a church, the shelter has overgrown the facility, and as much as he enjoys helping the homeless he would like his church back. He said currently guests have to walk down Routes 2 and 4 to go into town for services and resources, and WMHO wants to make it easier for families and children because transportation is an issue. Mr. Bracy added that they don't want it to ever get big like Preble Street, they just want to be a small rural shelter helping families and children.

Mr. Bell said that WMHO seems to discriminate against single men, with homeless men as last priority, but you have several there now.

Ms. Wheeler stated they currently have extra beds, so they will house men when they can, as long as they follow the order of priority in their policies. She said not every shelter will be a good fit for every person.

Mrs. McGraw said the Zoning Ordinance states that Group Homes are allowed in any part of town with Board approval, and it doesn't say they have to be open 24-hours. She asked what's the difference between this shelter and a LEAP home.

Mr. Kaiser stated there's no 24-hour requirement, and operating hours depend on a facility's particular needs.

Mr. King discussed dates with the Board members for a site walk, and it was decided that it would be held at 9:00 A.M. on Thursday, May 30, 2019.

Mr. King said the Board will need to see any and all proposed changes to the structure for the proposed shelter at the site walk. He added that someone from WMHO will have to be present to answer questions from the Board members, but the Board members will not be taking questions from any party.

Mr. Kaiser added that if there are going to be any changes to the current building plans, the Board will need these prior to the site walk.

Mr. King told WMHO they will not be first on the agenda next month because a few other applications require Board action.

Mr. Wright stated he hopes WMHO will be better prepared by the June meeting.

Mr. Jordan said on page 7 of the notes from a meeting held at the Holman House last year [5-22-18], Captain T.D. Hardy stated that at 200 SF per bed under NFPA-101 the maximum potential number of beds would be 27 not 30.

Mr. Kaiser asked Mr. King about scheduling a public hearing for the meeting of June 10th.

Mr. King said we'll wait until after legal advice is received.

Mrs. Tracy made a motion to continue review of the homeless shelter application at the next Planning Board meeting on June 10th.

Mr. Smith seconded the motion.

VOTE: 8 – Affirmative

5. Other Business

Code Office updates by Mr. Kaiser:

Mr. Kaiser informed the Board regarding the 3 or 4 minor applications to be reviewed at the next meeting before continuing with the homeless shelter application.

Mr. Otley made a motion to adjourn the meeting.

Mrs. Tracy seconded the motion.

VOTE: 8 - Affirmative

The meeting adjourned at 8:20 P.M.

Minutes respectfully submitted by Kate Foster.

Planning Board

Date