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**SENT VIA ELECTRONIC MAIL AND REGULAR MAIL**

June 28, 2016

Rob Overton, Code Enforcement Officer  
Matt Nazar, Director of Dev. Services  
City of Augusta – City Center  
16 Cony Street  
Augusta, ME 04330

**Re: Betsy Ann Ross House of Hope Building Permit application**

Dear Rob and Matt:

I represent Martha Eversatt-St. Pierre and The Betsy Ann Ross House of Hope, a Maine nonprofit corporation that owns the real estate located at 8 Summer Street in Augusta. I think there has been some miscommunication and misunderstanding regarding the proposed use of the property and the allowed uses in this zone under Augusta Land Use Ordinance and I would like to clear up as many issues as possible before we proceed with the building permit application.

The proposed use of the property is to provide housing for homeless women veterans. There will be bedrooms and bathrooms and a shared cooking area. There will be a staff person on site at all times. It will appear like a normal residence on the exterior, but the interior will have fire protections appropriate for this type of use. A permit from the State Marshall's office has been requested, although it not technically required for this structure.

The property is located in the RB2 district according to the official zoning map of Augusta. According to the Table of Land Uses for the Base Zoning Districts, under institutional uses, **group and boarding homes** are allowed in the RB2 District with a permit from the Code Enforcement Officer.

Group homes are defined in the definition section of the ordinance as follows:

GROUP HOMES. A residential care facility licensed by the State of Maine, wherein persons not legally related to the operator are provided personal care, supervision and social or rehabilitative services. The facility serves as a substitute for the residents' own homes, furnishing facilities and comforts normally found in a home but providing, in addition, such service, equipment, and safety features as are required for safe and adequate care of the residents. "Group home" includes community living uses, as defined in 30 M.R.S.A. § 4962-A,[2] but does not include foster family homes or nursing homes.

The Betsy Ann Ross House of Hope is not a "group home" under this definition. Nor is it a "community living arrangement" as defined under 30-A MRSA Section 4357-A, which means a housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. It is not a residential care facility, it will not be limited to persons with disabilities, and try as we might, there is no one at the Maine Department of Health and Human Services who has the authority to issue any sort of "license" for our proposed residential use.

Nor is the proposed use a "rooming house" which is a prohibited use in this district. The ordinance defines rooming house as a "building in which three or more rooms are kept, used, maintained, advertised or held out to the public to be a place where living quarters are supplied for pay to transient or permanent guests or tenants for weekly or longer periods, with or without board, for compensation (as distinguished from hotels, motels and tourist homes in which rentals are generally on an overnight basis for transients)." The House of Hope is not open to the public but is instead limited to homeless women veterans who must have had a VA assessment performed and who must have no criminal record of drug sales or violent crimes. There is no compensation demanded as the House of Hope is run as a charitable organization funded by donors and selected grant monies, not rent.

It is instead simply a boarding home, which is a specifically allowed use in this district.

Boarding homes are not defined in the definition section of the ordinance. In fact, a word search of the entire ordinance for the word "boarding" reveals only 5 results; three results address animal boarding, one addresses boarding homes under the residential solid waste rules, and the last hit is the Table of Land Uses that I refer to above.

In the absence of a definition, I turned to the Life Safety Code developed by the National Fire Protection Association. It defines boarding house as common living space with no more than 16 residents with shared cooking facilities. This definition fits squarely with the proposed use for this property. It also mirrors other comparable property uses in the neighborhood, including the women's shelter for victims of domestic violence, whose address I shall keep confidential, but which is located within a few blocks of 8 Summer Street and is also located in the RB2 zone. It houses up to 16 people with a shared cooking facility and it does not have any sort of license issued by the State.

In order to dispel any uncertainty and neighborhood concerns regarding the House of Hope, Martha St. Pierre held a very well publicized informational meeting on June 7<sup>th</sup>. There was

excellent attendance and unanimous support of the project following Martha's presentation. Several local legislators were in attendance as well as a representative from Congressman Poliquin's office. The remarkable part of this project is that, if it is successful, it will put itself out of business! An absolute lack of need for housing for these veterans, which is sadly in such need today, is the end goal of the House of Hope.

The architect for the renovation of 8 Summer Street, Tracie Reed, has submitted stamped completed plans to your department along with a commercial building permit application and the filing fee. It is my understanding that in order to receive a building permit, your office wants to see a license from the State for a group home, which was consistent with the previous use of the property under the prior owner. Alternatively, your office has stated that the property will be limited to two dwelling units based on the square footage of the lot. As I stated above, this is not a group home and our exhaustive inquiries with DHHS and other state agencies have revealed that there is simply no state licensing requirement for our proposed use as transitional housing for homeless women vets.

If we were applying for a permit for multiple-family dwelling, I completely agree with you on the two dwelling unit limit. However, this is not a multiple family dwelling -- there will be one kitchen to be shared by all the residents.

I hope this letter helps to clarify our understanding of the ordinance and will dispel any misunderstanding there may be in our earlier communications. I always enjoy working with your department and I certainly encourage you to call me with any additional questions you may have regarding the project.

Best regards,

Mary A. Denison  
Counsel for The Betsy Ann Ross House of Hope

cc: Bill Bridgeo, City Manager  
Martha Everratt-St. Pierre