

**DRAFT - UNAPPROVED**  
**PLANNING BOARD MEETING**  
**MINUTES**

Minutes of the Augusta Planning Board meeting held on September 27, 2016

Board members present: Justin Poirier, Steve Dumont, Delaine Nye, Bill McKenna, Corey Vose, Tom Connors, Dorean Maines

Board members absent: Pete Pare, Alison Nichols

City staff present: Matt Nazar, Betsy Poulin, Kristin Collins

Guests present: MaryAnn Griffin, Robin Miller, Liz Mahaleris, Chuck Mahaleris, Mary Lee Saunders, Becky Lambert, Melody Fitch, David Hopkins, Robin Veilleux, Cecil Munson, Wyatt Shorey, Steven Dumas, Chris Shaw, Stacey Shaw, Keith Edwards, Carie Johnsen, Tom LaCasse, Susan Struck, Brian Kaufman, Gail Andreotta, David Auclair, John Blais, Bobbi-Jo Burdi, Stanley C. Koski, Erica Asch, Edward P. Hastings, Gina LeMonaco, Jane Ezzy, Linda Conti, Dale McCormack, Jim Snee, Jeff Crane, Erik Karas, Tracy Webber, John Lawrence, Stephen Graham, Christopher Hunter, Jane Adams, Michael Hall

**Public Hearing: Proposed Land Use Ordinance revisions per City Council request. Meeting topics include definitions and Land Use Chart revisions for group homes, boarding homes, rooming houses, homeless shelters, sober homes, and religious activities & associated uses.**

Matt Nazar gave an overview of his memo including the zoning map.

The last sentence of Community Arrangement could be deleted to remove Group Home for clarity in Augusta's ordinance, even if it is not the same as the State's definition.

Remove the definition of Boarding Home from the ordinance to eliminate confusion, and fold it into the Rooming House definition.

Shelter has been divided into two size classifications. It would include all types of shelters.

A table has been included to match the Land Use Ordinance chart.

Civic, social and fraternal organizations could have similar group gatherings as Places of Worship. BP, RBV and IA do not match up between these two uses and the Board would want to discuss the locations for these uses.

Delaine: Correspondence received by the Planning board. Letters from Stacy & Chris Shaw, Jesse Patkus, David Hopkins, BE Kingdom, and an email from Alison Nichols.

Anyone to speak in favor of the proposal?

None.

Anyone to speak against the proposal?

Jim Snee, owns 12 unit apartment building known as 8 Chapel Street on the corner of Chapel and Court. He bought the building 2 years ago, knowing it would require a lot of work. They are finishing phase one of rehabilitation currently. He lives in Vermont and keeps in close contact with his building manager. Social agency support has not worked well. Some people in the homes stop taking their medications, and behavior becomes objectionable. Some residents become violent, one guest committed suicide. He tries to screen the tenants. Rooming houses are not all bad, but the ones he knows of, most residents are transient and can be frequently in trouble. With all neighborhoods, there can be a tipping point, and they can deteriorate. Rooming houses should not be allowed in his zoning district.

Delaine: You mentioned calling social workers for some of your residents and that some are not very responsive.

Jim: He believes the social workers do not work for the state or city. He has personally talked with the directors and not much changes. He wants to continue helping the residents. Untreated violence can create large problems. The Augusta Police Department does a great job filling in the gaps left from the social service agencies. Taking of medications should be monitored to help most of the situations.

Justin: Can I get some clarity as to what zoning district you live in?

Matt: RB2 Zone.

Jeff Crane, lives down on Water Street. From what he reads in the paper, this came up due to the church and now a bunch of other items are being discussed. The Bread of Life must be crowded; people are out on the street. He lives in a market rate apartment downtown. People who live near the church and the library as well as the people on Water Street do not want these uses here. Could the Bread of Life move into the old Hannaford across from City Center? Maybe the people who own the building would like a tax reduction helping the Bread of Life? The money from the church could be used at this property. The merchants and owners on Water Street are trying to make the downtown a better place. We have to take care of people in need in a productive way. The old Hannaford is convenient to services and walking areas.

Jesse Patkus, owns 182 Water Street, downtown. He is a resident of Augusta. He has a question about what a soup kitchen would be defined as. His intentions are not to vilify any organization helping the needy in the community. There are issues with the soup kitchen being on Water Street. He heard at the last meeting comments about what you do on your property affects my property. There could be a number of conflicts with a potential shelter or the soup kitchen in the KBD1 Zone on Water Street.

Matt: A soup kitchen is defined under "Social Services", he reads the definition. He reads where Social Services are allowed today (includes KBD1).

Jesse: He hopes for further discussion about whether a soup kitchen should be within this definition, or separated. Some of the other uses under the definition have less impact.

Roberta Record, 10 Summer Street. Her ownership history includes numerous bad interactions. Group homes are at 8 Summer Street, State Street, Pleasant Street and Elm Street. The dense housing situations create issues for children having no room to play and adults yelling at them. The registration of these uses could improve fire safety with maps of the buildings, fire

detectors, alarm monitoring, names of tenants, etc. There are parking issues with too many people in dense neighborhoods. A towing arrangement with a private company could improve illegal parking. Speeders should be double fined. Parking spaces should be painted. Some people wait for an hour or hour and a half for services on Summer Street. The zoning requirements should provide for enough room for parking and for children to play. Summer Street has lost its ambiance, and does not feel like a neighborhood anymore because people who live there now or visit the area do not respect the character/history.

Erica Asch, Temple Beth-El. Located at 3 Woodlawn Street. Notes a letter she is reading from the Board of Directors. The temple was built on a residential street, at the time of construction, to keep it hidden from townspeople. Feels research should be done about the type of institutions and the sizes of them which exist in the city. Wants to move forward with more conversations about social services and places of worship. Would the changes affect typical uses of the places of worship including meals provided, clothing distribution, community suppers. Does not support the changes. If social services are prohibited, this would affect the mission of many of the religious uses in the City.

Delaine: How many people are seated in your temple?

Erica: About 135 or so. The temple bought 5 Woodlawn, across the street, and has been improving the neighborhood and parking situation.

Chuck Mahaleris, 5 Spring Street. Not sure what zoning district he lives in. His house was built in 1868. It is a well kept house. He has lived there for 7 years, and would like to remain in the area. It takes a lot to keep up these historic properties; it is a labor of love for him. If the City is not going to take a long view of the neighborhood, the neighbors probably won't anymore either.

Delaine: Do you have any guidance for the Board?

Chuck: Walks his dog a lot in the neighborhood and sees many people waking up in the morning out of drug induced situations. He doesn't want to keep seeing things like this affecting his happiness in the neighborhood.

Cheryl Clukey, lives on Spring Street and supports these updates to the definitions. This is one of the few areas in the city without deed restrictions. The West Side neighborhood is historic and has worked hard to improve itself in the last 10 years. The level of group homes has increased. Vandalism and violence has increased. Several people have approached her saying this is a NIMBY issue. The West Side is at a tipping point and needs consideration and protection for what is compatible with the historic neighborhood. She thanks the Board and City for this work with proposed revisions.

Kristin White, Green Street United Methodist Church Reverend. Has a concern/question about how social services are defined. For religious organizations, the social services use is an expression of faith. Doesn't want the ability to provide this service affected. The church is continually growing and adapting to the needs of their community. Hopes there would be the freedom to meet new needs of the congregation in the future.

Delaine: Could you be more specific about your concerns?

Kristin: Suppers are provided. Gardens have been installed and food is distributed to supplement the food provided under food stamps. They would like to provide cooking classes

for the neighborhood, but aren't currently. They are concerned about the ability to take on new missions.

Erik Karas, Reverend at St Mark's and Prince of Peace. Speaking to the religious use items tonight. Concerned about what is considered worship. A wall of separation is between church and state, per Thomas Jefferson. Everything done in their church is to love god and love thy neighbor. Feels a gathering of 2 or 3 is still a church. Concerned with the size restrictions. Many existing churches are over 200 seats. Numerous attorneys are willing to represent the church for free. The City spends no money for the homeless. The faith and non-profit communities shoulder the burden alone. Can we please take a different path than one that impinges on their religion? He will keep being hopeful, but does not want this to be considered passivity.

Tracy Webber, has lived in the west side neighborhood for the past 4 years. Wants to live in a diverse and welcoming community. Does not feel safe in her neighborhood. Avoids Water Street. Does not take the same route so she will not become a target. She wants to be welcoming to everyone and feel safe in the neighborhood.

Gina Lamonaco, owner of GEvolution Fitness on Water Street. Can't offer a solution, but can offer her perspective. They have been on Water Street for 3 years. Has had to escort many people outside of her business. Concerned about parking on Commercial Street and walking into her business. Has to lock the doors on her business during trainings. There is a tremendous amount of interference. She loves the merchants in the neighborhood. GEvolution's moving on Saturday is bittersweet, they won't have to worry about people coming into their facility high, drunk, or asking for drugs. They will miss all their neighbors. Concerned about other merchants having issues in the area.

Chris and Stacey Shaw. Owners of the Black and Tan. He is a police officer for the City and has been for the last 16 years. There are many more people roaming the streets without purpose than there were a few years ago. When he leaves, if his wife is alone, he will lock the doors to protect her. He refers to his letter. The gazebo is gone on Front Street, it was a place for people to use drugs. He doesn't see people enjoying Memorial Park, Market Park. He hasn't seen much progress with the downtown. He has been all over this world. He has worked in the jail and in hospitals. There are more mentally ill now than in years past. It is difficult to understand where the new zoning is going. Heard the soup kitchen would be allowed to expand and it would be hard to improve the downtown area with this use. Allowing it up in the St. Mark's neighborhood isn't a good idea either, it will severely impact that neighborhood too.

Stacy: Wants to improve the downtown and moving the soup kitchen to the old Hannaford could be a good idea. Wants the downtown to flourish, and this is hard to do right now.

Jane Adams, 127 Winthrop Street. Her neighborhood needs protection. Wants to thank the Board for their work.

Christopher Hunter, has lived in Augusta for many years. He understands how people can feel unsafe walking around parts of the City. He wants the people in need to be helped. Concerned about the City getting outside of their role.

Stephen Dumas, Aunt Gin's restaurant. Have plans to open a restaurant on Water Street and a few other businesses. There are many other cities in the state with better downtowns. He is seeing that the Council wants to keep downtown Water Street bad. Someone was smoking in front of his business. He found some used needles near his restaurant. Up near the Black and Tan, a guy was passed out with two beer cans. Maybe the Hannaford could be good, but the government won't probably pursue this idea. Someone came into the fire escape in his building space. The perception is that Water Street is not a safe place to be. Something needs to be done. They can't all be congregated on Water Street.

John Lawrence, owns properties in the West Side neighborhood. Loves this neighborhood. Appreciates the work that is being done. The neighborhood needs protection. The needy need some help. Wants to protect the rights of the churches to do their work. This is an important issue and needs to be handled well. Thank you for your work.

Stephen Graham, lives on State Street. Where am I on the zoning map?

Matt: Points it out, the BP zone. St Marks is in the RB2 zone.

Stephen: To the Planning Board and Mr. Nazar, appreciates the work you do. Stuck between a rock and a hard place. People care about a lot of the same things. Need to find the common ground. He is thinking about the place of worship small vs. large. Will it create a prohibition from getting larger? Has been on the vestry at St. Marks before. It is hard to accomplish so much with so little. People don't care what you know, unless they know you care. Maine is the most unchurched state in the union. Churches are struggling, including the grange and masons. Struggling to prove how they are still relevant today. Wants to be able to morph with the needs of the congregation. Public suppers are a place where people meet and they decide go to church to interact with the people they met at the suppers.

Gail Andreotta and David Auclair at 20 Summer Street. His wife is from away. They lived in Winthrop for many years, and moved into Augusta. Appreciates everything the Board is doing. Feels fairly safe where he lives. Police and Fire come up Bridge Street often to North Street to fuel up vehicles.

Gail: The food pantry is a few doors down from them. The street is basically one way. Kids cut through the cars and it is dangerous. Her mother lives with them. Break-ins have occurred at their neighbor's properties. She doesn't feel safe. Her mother doesn't feel safe. The police are in the area frequently. Loves her neighborhood and her house. Would definitely not be outside at night.

David: Was brought up on Spring Street. Went to Smith School. With enhanced police protection and a lot of community involvement this is a great place to live.

David Hopkins, 153 Water Street. Bread of Life is a great organization. His business shares a wall with Bread of Life. He teaches meditation and reiki. They can't have business customers at the serving time for lunch. Having social services in the area creates an issue. Water Street is a neighborhood and it needs help. Bread of Life has a hard time controlling the crowds. The old Hannaford building could be a good option; there might be other places as well.

Ed Hastings, lives in the west side neighborhood. Thank you for working on this difficult situation. In regards to religious uses, perhaps we have an unintended consequence with the

language. People probably don't want to interfere with church activities. A neighborhood grew up around a parish, the parish grew with the neighborhood, the parish is leaving the neighborhood and the vacuum which will be created is creating fear. There is fear the new use at the parish property will be masked as a religious use and not compatible with the neighborhood. Mr. Snee is managing his property well, but there are numerous other homes not well managed. A "home for indigent women" had a different scope when it was created, as women of that era might not be able to support themselves without their husband. The changes today with a homeless shelter would be a transient use and could seriously affect the neighborhood.

Michael at 121 Commercial Street. Speaking as a resident. Proud of his neighborhood and the merchants. Downtown is a neighborhood with more residents moving in every day. Wants the area to continue to be a place for merchants and restaurants. Wants the Board to consider this for the KBD1 zone.

Linda Conti, Spring Street. Love thy neighbor comes to her mind with all the religious leaders here. First, a person needs to be a neighbor. Most of the people who come to help people in the community go home to a different community. She wants to stay in Augusta and live in a mixed community, but feels it could be time to leave as well. Many people are exiting the City. As for threats of litigation by the churches, our attorneys are prepared and would not create language that is illegal. Churches need to be good neighbors, and should not be taking up all the parking in the neighborhood, it could be incompatible. Helping a use fit better in the neighborhood is what zoning would do. Doesn't like shelter definition. Portland is considering requiring that shelters be defined as a building that is open 24 hours that will not turn people out on the street and is used as a soup kitchen as well. This could be a better solution for Augusta. The Board is on the right track.

Cecil Munson, 760 Riverside Drive, neither for nor against. Most of the large shelters are conditional use, but the Board should consider having all of them as conditional use.

Public Comment Closed.

Justin: Let's discuss accessory uses to religious uses.

Matt: We will rely on our attorney for this. The language drafted has been run by the City Attorney with the consideration to avoid constitutional issues.

Kristen: Principal use on the lot, the accessory use is subordinate to the principal use. The activities today would be grandfathered, even annual activities. If a church wanted to open a thrift shop, for example, this would be a new accessory use on the site. The law allows prohibition of uses in certain zones, as long as they are allowed in another zone, without infringing on the rights of the church. Need to articulate why certain uses are allowed or not allowed in certain zones.

Justin: Grandfathering is mentioned in the definition, but does it need to be?

Kristen: No, but it is here for clarity. The accessory uses should be clarified with relation to other uses allowed in the zone.

Justin: If a use isn't allowed as a primary use in the zone, then it shouldn't be allowed as an accessory use for a place of worship.

Matt: That is the intent.

Delaine: The old Hannaford was mentioned. Matt can you speak about how the Board can treat this?

Matt: It is private property that the Board cannot control. This is a leased property, even though it is vacant. If there are organizations interested in pursuing this option, the City would be interested in helping facilitate.

Delaine: Felt Linda Conti made an excellent point about shelters being closed during the day. We can't control that, but this population needs a place to stay during the day and get food, use the restroom, etc. It is an injustice to the neighborhoods, the businesses and to the homeless population to not create a better solution for daytime hours.

Justin: OK with deleting the Community Living Arrangement part of the definition referencing group home and the state statute. Corporation Council recommends this as well.

Matt: For clarity on Group Homes, there is reference to residential care facilities licensed in the state of Maine. Group Homes is antiquated language. Residential Care Facilities is used by DHHS. Should private non-medical facilities be included as Group Homes? They are Private Non-Medical Institutions (PNMI).

Kristen: Could eliminate "residential care" from the definition for clarity.

(9:25)

Corey: Heard lots of concern in the audience about Group Homes. They are currently allowed in RB2.

Corey: Thank you Council Conti and Munson for being here tonight. These changes could affect other people's property with redefining where these uses are allowed. Other neighborhoods are valued and people care about their environment as well. What is one neighborhood's issue today will become another neighborhood's issue. Feels all of these uses should be conditional use, not just permitted. Neighborhood compatibility is very important.

Justin: Where would a sober house be located?

Matt: Falls under Rooming House definition.

Justin: Heard lots of testimony about places of worship.

Corey: The intent is for new institutions coming to the city.

Matt: Expansion of places of worship would need to have the accessory use allowed in that zone as a primary use.

Kristin: Could eliminate the language prohibiting specific uses. And make sure the definition references the lot, not the primary worship space. The floor area factor would consider the entire lot. Reads adjusted definition. Shall not be "substantially" expanded in scope could be added.

Justin: Could leave the definition of Shelter alone for now.

Matt: Maybe this is a question of licensing?

Kristen: Could look at this as a performance standard review.

Matt: The performance standard would need to be met for review.

Kristen: The Planning Board could pass the definition on to Council and they might modify this.

Delaine: We probably want the definition complete before figuring out where shelters would be located.

Corey: Should the definitions and uses be separated or recommended as one to City Council?

Matt: Recommends putting them all as one since they go together.

Delaine: Feels more time to digest the Shelters and input from Pete and Alison is important.

Corey: Feels more time is a good thing too.

Justin: What does the Board want to do? Review the LUO Chart?

Delaine: Wants to see the revised definitions to think about it.

Corey: Doesn't want to seem like the Board is kicking the can down the road, want to have a thoughtful decision. What is the agenda for October 11<sup>th</sup>?

Betsy: Two tabled items, two new items.

Justin: How about October 18<sup>th</sup>?

Erik Karas, St. Marks. Can elaborate on how a homeless shelter operates.

Justin: This can be discussed as part of the next public hearing.

Corey motion to table to the October 18<sup>th</sup> meeting.

Seconded by Delaine

Vote: 6:0. All in favor. Motion passes.

Motion by Steve to accept the minutes as written.

Seconded by Tom.

Vote: 6:0. All in Favor. Motion passes.

**Adjourn:**

Motion Delaine to adjourn at 9:50 pm.

Seconded by Corey.

Further Discussion. None.

Vote: 6:0. All in Favor. Motion Passed.

Minutes by Betsy Poulin, Assistant Planner.