

City of Hallowell
Planning Board Meeting
December 18, 2019
6:30 pm

1. Call to Order

Ms. Obery called the meeting to order.

2. Roll Call / Quorum

Ms. Obery took the roll call and established a quorum.

Present: Danielle Obery (Chair), Richard Bostwick, Darryl Brown, Judith Feinstein, Andrew Landry, Melvin Morrison (1st alt.), Jane Orbeton, Matthew Rolnick (2nd alt.)

Doug Ide, Code Enforcement Officer

Absent: Lisa Rigoulot

Mr. Morrison will be voting; Mr. Rolnick will not be voting.

3. Public Comments (The Board has agreed to limit the time allotted to Public Comment to fifteen minutes.)

None.

4. Approval of Minutes of the November 20, 2019 Planning Board Meeting

Motion to approve the minutes of the November 20, 2019 meeting as presented.

Moved: Orbeton

Seconded: Brown

Unanimously approved

5. Certificate of Appropriateness for New Construction in the Historic District for Brad Truman, 85 Second Street, Map 5 Lot 52

Brad Truman, 85 Second Street, presented an application for the replacement of an overhead garage door with an entry door. He provided an overview of the project. The existing overhead door will be replaced with a 42" entry door to improve energy efficiency and access. The door will have 9 lights to match the pattern of the windows. The rest of the opening will be filled and sided with vinyl siding to match the rest of the building

Motion to find the application complete.

Moved: Brown

Seconded: Orbeton

Unanimously approved

Motion to find the application in harmony with Historic District standards and approve the application as presented.

Moved: Brown

Seconded: Feinstein

Unanimously approved

6. Conditional Use Permit Application – Home Occupation for Linda Sadoff, 16 Bridge Street, Map 10 Lot 14

Linda Sadoff, 16 Bridge Street, presented an application for a Conditional Use Permit – Home Occupation. She said that one 12' x 13' room of her house will be used to receive and counsel patients. Only one client will be present at any one time. On-site parking is available. She anticipated an average of 5–6 vehicles traveling to her practice per week. She will not receive patients on weekends. She requested a waiver for submission requirements C, a boundary survey, and K, a plan showing land contours. Several items are not applicable since there will be no lighting, no incineration devices, no noise-producing equipment, no signage, and no generation of solid waste.

Motion to approve the two waiver requests.

Moved: Bostwick

Seconded: Brown

Unanimously approved

Motion to find the application complete and in compliance with Section 9-704 as presented, noting the items that are not applicable and the approved waivers, and to approve the application.

Moved: Orbeton

Seconded: Feinstein

Unanimously approved

Motion to approve the application as presented.

Moved:

Seconded:

Unanimously approved

7. Certificate of Appropriateness for New Construction in the Historic District for Anne Vallee-Lachance, 5 Gows Lane, Map 9 Lot 130

This item was withdrawn by the applicant.

8. Approval of Findings of Fact

A. Certificate of Appropriateness for New Construction in the Historic District for Susan MacPherson and Richard Davies, 38 Summer Street, Map 10 Lot 2

B. Certificate of Appropriateness for New Construction in the Historic District for Hallowell House LLC, 105 Second Street, Map 5 Lot 2

Motion to approve items 8A and 8B, Findings of Fact.

Moved: Orbeton

Seconded: Brown

Unanimously approved

9. Workshop: Planning Board Decision-Making Processes

The board discussed ways in which it could improve its decision-making processes, based on input from handbooks prepared by the Maine Municipal Association. Some of the key items the board discussed were:

- It's important to identify during the roll call who is present and whether alternates will be voting or not, and if so which alternate(s) will be voting.
- Everyone should vote, including the chair. Abstentions are reserved for those with conflict or bias.
- When reviewing applications, the board should:
 - Go over each submission requirement individually to determine if it has been supplied or is not applicable.
 - Act on any waiver requests.
 - Determine if the application is complete.
 - If no public hearing is required, a public comment period is not mandatory but has been the Board's practice. Limiting public comment to a certain time period may be necessary at times.
 - Discuss how the application does or does not meet approval standards.
 - Vote on each approval standard.
 - Articulate and record any conditions of approval.
 - Vote on the application as a whole.
- At times it's possible that even if each standard received a majority vote to approve that there might not be a majority that approves the application as a whole. The city solicitor determined at one point that in this case an application would have to be approved.
- The board should be deliberate in its proceedings and not worry too much about the needs of the applicant in terms of the timing of the approval. Getting the process right and being thorough should come first.
- Ask Council to have the Ordinance Rewrite Committee consider an ordinance amendment that contains conditions under which a permit can be revoked.
- The board will examine some sample by-laws to determine if it would like to craft its own.
- Requiring a performance guarantee is one way to ensure that if a project is not completed, there will be funds to complete it. It's also a way to ensure that if a property or business is sold that the new owner would have to provide a performance guarantee as well; this would help to ensure that a previous approval doesn't simply run with the property without the Board protecting the integrity of the approval.
- The chair should announce the arrival and/or departure of any board member who comes in late or leaves early and which alternate members will be voting or not voting.

