

City of Hallowell
Planning Board Meeting
City Hall
September 20, 2023
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, Melvin Morrison,
Richard Seymour (2nd alt.)

Doug Ide, Code Enforcement Officer

Excused: Andrew Landry, Lisa Rigoulot

Absent: Matthew Rolnick (1st alt.)

Mr. Seymour will 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 August 16, 2023 Planning Board Meeting

Motion to approve the minutes of the August 16, 2023 meeting as presented.

Moved: Feinstein

Seconded: Brown

Unanimously approved

5. Certificate of Appropriateness for New Construction in the Historic District for Troy Ireland, 59 Middle Street, Map 9 Lot 4

Troy Ireland presented an application for renovations to the house at 59 Middle Street. He pointed out that the front porch was enclosed sometime, probably in the 1950s, to create a three-season porch. He pointed out that the original posts meet the ceiling trim. They want to convert it back to an open entry porch. The railings and stairs would meet code requirements. The stairs would be moved to south end of the porch. The existing door at the right end of the porch would be removed.

Mr. Morrison noted that the Board recently approved an application for this property; it was noted that this is an amendment to that application.

Mr. Bostwick asked about the balusters; Mr. Ireland said they will install a cedar railing at code height with cedar balusters. The balusters will be square. The existing roof will be retained. The floor has rotted and will be replaced.

Motion to find the application complete with the addition of the verbal description of the materials.

Moved: Brown

Seconded: Bostwick

Ms. Feinstein asked if the open space under the porch would remain; Mr. Ireland said it will.

Vote:

Unanimously approved

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

Moved: Brown

Seconded: Bostwick

Unanimously approved

6. Certificate of Appropriateness for New Construction in the Historic District for Till and Kathryn Hoffmann, 3 Litchfield Road, Map 11 Lot 14

Till Hoffmann, 3 Litchfield Road, presented an application to construct a greenhouse in the back yard of his property. He added that the frame will be aluminum with glass windows. It will be set back about 90' from Middle Street.

Mr. Brown asked Mr. Ide if he had any concerns; Mr. Ide said he did not.

Motion to find the application complete.

Moved: Brown

Seconded: Feinstein

Unanimously approved

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

Moved: Brown

Seconded: Bostwick

Unanimously approved

7. Certificate of Appropriateness for New Construction in the Historic District for John Mulholland, Map 9 Lot 186

John Mulholland presented a revised application for construction of a new building. Mr. Mulholland noted that the revised front is more cohesive with the rest of the street. The roofline was changed according to the Historic Consultant's request. He also noted that a few courses of brick can be added across the front at ground level.

Ms. Feinstein asked how wide the west frontage was; Mr. Mulholland said it is 58'. The building itself is 48' wide.

Mr. Brown observed that he felt the newer version without the brick on the front was more pleasing and appropriate. There was a brief discussion of building height.

Mr. Mulholland provided a preliminary site plan showing how the building sits on the lot.

Mr. Seymour asked Mr. Ide about parking requirements; Mr. Ide explained that in the Downtown district there is no requirement for parking. He added that Mr. Mulholland is providing three parking spaces in the rear. Mr. Bostwick asked about access to the parking spaces; Mr. Mulholland said there is no access to the rear from the apartments. Since the building will be sprinkled no secondary egress is required.

There was a brief discussion of changes to the floor plans. Ms. Feinstein asked if the exterior will be clapboards; Mr. Mulholland said it will be. He added that he is planning on olive green siding with dark gray or black trim. Mr. Bostwick asked if the doors would be wood; Mr. Mulholland said the first floor doors will be aluminum framed commercial doors with a large pane of glass. Mr. Bostwick expressed concern that there is no rear entrance from the parking spaces to the apartments. He suggested providing a sidewalk along one side of the building. Discussion ensued.

Ms. Obery invited questions or comments from the public.

Annie from Lucky Garden Restaurant asked if the project would touch the Lucky Garden property; Mr. Mulholland noted that the property line is north of the utility pole. He noted that the property has been recently resurveyed.

Motion to find the application complete with the additional information provided at the meeting.

Moved: Morrison

Seconded: Brown

Unanimously approved

Mr. Seymour said he would like to see more information regarding the windows and doors. Mr. Mulholland described the proposed styles.

Mr. Bostwick asked for clarification regarding the brick courses on the front; Mr. Mulholland said he plans to add two or three courses.

Motion to find the application in harmony with Historic District standards and approve the application as applied for and as verbally discussed.

Moved: Bostwick

Seconded: Morrison

Unanimously approved

8. Certificate of Appropriateness for New Construction in the Historic District for EMT Ventures, 105 Second Street, Map 5 Lots 2 & 3

Jason Tyler represented EMT Ventures LLC in presenting an application for removal of the rooftop railings and repairing the roof and the existing copper gutters. Mr. Tyler explained that the small roof on the Second Street side of the building and the larger roof on the back side are both leaking, especially along the flashing. They will repair the roofs and gutters with like materials, but they would like to remove the railing on the Second Street side because of the damage it does to the rubber roof. Mr. Brown noted that the photograph provided show there were no railings originally. Mr. Tyler explained that at some point the roof was used as a patio, which required railings. Mr. Seymour asked if there was still access to the roof by a door. Mr. Tyler said there was not.

Motion to find the application complete.

Moved: Bostwick

Seconded: Brown

Unanimously approved

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

Moved: Feinstein

Seconded: Brown

Unanimously approved

9. Conditional Use Permit Application for Audacity Zone Development, 21 Pinnacle Drive, Map 18 Lot 33

Jeffrey Allen, from A E Hodsdon Engineers, represented Audacity Zone Developments in presenting an application for a Conditional Use Permit for a marijuana cultivation and processing facility. The existing steel building is in bad repair, so they will take that down and put in small pods or segments of buildings. They will start with four buildings 70' wide by 100' long and build up from that to the extent shown in the plan. The license from the State is for a canopy of 10,000 sq. ft. He noted that Audacity Zone came to the Board several years ago with an application for a smaller facility. Ms. Feinstein asked if the ownership was the same; Mr. Allen said it was. Mr. Ide explained that this proposal was so different from the original one that he decided to start it from scratch.

Ms. Obery noted that one issue the Board will ask about is odor. Mr. Allen said he does not have many details on that because the buildings are still in the design phase. The owners are considering doing more processing than growing because there is already a lot of cultivation in the area.

Mr. Bostwick asked if this increases the impervious area and has to go through Site Plan Review; Mr. Ide said it does not hit the threshold that would require Site Plan Review. Mr. Allen pointed out that there is already substantial impervious area with the existing building. They are adding less than one acre of impervious area. The threshold is one acre added since 2005. The existing gravel area has been driven over long enough that it meets the DEP definition of impervious area. Regarding storm water, he pointed out that much of the area is very porous sandy soil and the water goes into the ground very quickly. He also noted that they are planning a bio-retention cells beside the parking lot and the loading dock.

Mr. Morrison inquired about the pods that were proposed as part of the original application. Mr. Allen explained that the new proposal uses pods in the sense that they are modular. They are built in blocks of 30'x60' which are self-contained.

Mr. Seymour asked if Audacity Zone would improve Pinnacle Drive; Mr. Allen said they would not because the City owns Pinnacle Drive. Mr. Brown pointed out that the City is planning to construct a Public Works facility there. Mr. Seymour asked if the 30 vehicles referred to in the application included delivery trucks and construction vehicles; Mr. Ide said construction vehicles are exempt from the traffic figure in the application.

During the construction period the traffic will exceed the limit, but that is a temporary situation. Mr. Allen pointed out that workers will not all be arriving and departing at the same times. Mr. Seymour asked if the processing also produced an odor; Mr. Ide said that he assumes that processing will produce an odor as well.

Ms. Obery asked if there would be outside lighting. Mr. Allen said they are required to have security lighting. Mr. Bostwick asked if it would be dark sky compliant. Mr. Allen said it will be mostly downward directed. He also pointed out that the state licensing imposes standard operating procedures for security. There will be no public access to the building – only employees.

Mr. Seymour asked if they would connect to public water; Mr. Allen they will drill a well. Mr. Seymour asked about ventilation; Mr. Ide said that there will be have to be another meeting with a Public Hearing, so it would be best for the applicant to learn what the Board wants to see at that meeting. There was further general discussion of ventilation and odor.

Mr. Brown noted that there is discussion about processing, but the application refers only to cultivation. He asked Mr. Ide if processing was a separate approval; Mr. Ide explained that both are Conditional Uses, so the Board is essentially doing both together. He noted that information about processing has not been provided. Mr. Allen provided some technical descriptions of the processes to be used. Mr. Brown asked if the Ordinance permitted both processing and growing in the same facility. Mr. Ide said that the limitations in the Ordinance are not workable, so both can be approved at the single facility. Mr. Brown asked to have the application amended to include processing. Board members also asked for additional information regarding ventilation and odor, and medical vs. recreational use.

The Board decided by consensus not to hold a Site Visit.

10. Certificate of Appropriateness for New Construction in the Historic District for Honest Property Management (agent), 20 Academy Street, Map 9 Lot 79

Katrin Howes of Honest Property Management represented Leah Waldman in presenting an application for alterations to the house at 20 Academy Street: 1) constructing new fire escapes, 2) covering the attic windows, 3) uncovering basement windows and installing new windows, 4) expanding the driveway, and 5) leveling the yard. Ms. Howes referred to the Historic District Consultant's report. She explained that they will remove the wooden covers of the attic windows, but they want to keep one cover on the window facing Middle Street because a chimney prevents access to seal and insulate the window from the inside. Regarding the fire escapes, they will paint the portion visible from the street to match the house and bring it up to Code. The smaller stairway on the Academy Street side will be fitted with new traditional handrails and balusters. They will also remove the lattice under the stairs and replace it with boards. They would like to retain the LED lights as a safety measure.

Mr. Brown asked if the lights were solar powered; Ms. Howes said they were.

Ms. Feinstein asked about the driveway expansion and the yard leveling; Ms. Howes said they were postponing those parts of the application. Ms. Feinstein asked about the issue of removing the boards over the basement windows; Ms. Howes said that was also not being done at this time.

Mr. Bostwick asked if the window cover would be replaced with one without the crosspieces; Ms. Howes said that Ms. Waldman's budget prohibited constructing a new cover.

Mr. Ide clarified what portions of the application were before the Board at this time. Mr. Bostwick asked what color the smaller stairway would be painted; Ms. Howes said it would also be painted to match the house.

Responding to a question from Mr. Bostwick, Ms. Howes said they are complying with all of Ms. Andrews' requests except for asking to retain the cover over one of the attic windows and to retain the LED lights on top of the posts of the smaller stairway.

Motion to find the application complete as amended by the applicant's representative.

Moved: Bostwick

Seconded: Feinstein

Unanimously approved

Mr. Brown asked if the one window cover would be left indefinitely; Ms. Howes explained that Ms. Waldman will replace all of the attic windows eventually as her budget allows.

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

Moved: Feinstein

Seconded: Brown

Unanimously approved

I 1. Approval of Findings of Fact, Conditional Use, Indoor Marijuana Cultivation Facility, North Street Development LLC, 2 North Street (aka 33 Water Street), Map 4 Lot 34

Mr. Morrison asked if the applicant provided the footprint the Board requested. Mr. Ide said he did. There was lengthy discussion of the impending change of ownership of the company.

Motion to approve the Findings of Fact as presented.

Moved: Bostwick

Seconded: Brown

Unanimously approved

I 2. Other Business

None.

I 3. Adjournment

Motion to adjourn.

Moved: Bostwick

Seconded: Seymour

Unanimously approved

Accepted as Presented on October 18, 2023, by a vote of 5 Yea to 0 Nay.

Attested:

S/

Danielle Obery, Chair