

**City of Hallowell  
Planning Board Meeting  
City Council Chamber  
May 15, 2024  
6:30 pm**

**1. Call to Order**

Ms. Feinstein called the meeting to order.

**2. Roll Call / Quorum**

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

Present: Judith Feinstein (Chair), Richard Bostwick, Darryl Brown, Andrew Landry, Melvin Morrison,  
Lisa Rigoulot, Matthew Rolnick  
Audrey Duchesne, Community Planner

Excused: Richard Seymour (1<sup>st</sup> alt.), Keith Taylor (2<sup>nd</sup> alt.)

**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 April 17, 2024 Planning Board Meeting**

Mr. Brown noted that “Jack Gray” should be “Chad Gray” in all instances.

Motion to approve the minutes of the April 17, 2024 meeting as amended.

Moved: Rolnick

Seconded: Brown

Unanimously approved.

**5. Public Hearing and Conditional Use Application for DSW Holdings LLC, 31 Water Street, Map 4 Lot 44, to add manufacturing activities within the existing building (registered dispensary)**

Ms. Feinstein opened the Public Hearing.

Attorney Malina Dumas represented the applicant. She provided an overview of the application and pointed out the added material in the packet addressing the Board’s requests at the April meeting. The proposal is to add cannabis manufacturing to the retail business by using the existing kitchen to produce infused baked goods. There would be no extraction on site. The photos show the small scale of the kitchen. There is no proposed expansion or renovation or additional ventilation. One to two of the current employees will be involved in the baking operation. Baking will be done for 2 to 4 hours during the open hours of 10 am to 7 pm and will include brownies, muffins and cookies with a total production of about \$1,000 worth of baked goods per week. There will be no wholesale production. The odor mitigation plan is to provide complaint and response forms which will be logged. Doors and windows will remain closed.

Gerald Lessard, the applicant, added that all products are delivered to the Hallowell store and distributed from there to the stores in Gardiner and Chelsea. The baked goods will be handled in the same way. The advantage is that they can produce sugar-free and gluten-free items that are not generally available. The distillate comes in a one-liter jar, and the only odor is when they take it out and heat it up to measure and mix it into the product. Some customers used to come in expressly for those goods.

Ms. Feinstein noted that he had said customers used to come and asked if there was previous use; Ms. Dumas said the previous owner produced baked goods and that they have no access to information regarding the previous owner’s sales. Ms. Feinstein asked for clarification that the use was new to the new owner but not new to the location; Mr. Lessard said that was so. Ms. Feinstein asked how the goods would be divided; Mr. Lessard said about 75% would be sold in Hallowell and 25% would be distributed to the other two stores.

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Mr. Bostwick asked if there would be any renovation to install an odor control system; Ms. Dumas said there will not.

Ms. Feinstein invited comments from the Public.

Jeannie Ross, 5 North Street, noted the letter of concern that was signed by nine neighborhood residents and had been provided to the Board members. She said the baking by the previous owner did create an odor problem and expressed concern that demand may cause an increase in production at the time. Mr. Landry asked if the odor was from the baking; Ms. Ross said it was, because the grow facility was not in operation. Mr. Rolnick noted that at the time the grow facility was approved there was no opposition; Ms. Ross said she submitted a letter of concern to the Planning Board and City Council.

Steve Ross, 5 North Street, observed that this is their dream home, and at the time they built it their neighbor was an optometrist. Then it was sold to Ed Dugay, who opened the retail store and then the grow facility. He said the odor problem is largely under control, but questioned whether there would be an increase in production. Mr. Lessard said the kitchen could not handle more production and an increase would require a larger facility. Mr. Ross expressed concern about the quality of life and the effect of odor on property values.

Mr. Landry noted that the Board can impose conditions in its approval and asked if there is a means of controlling odor. Ms. Dumas said it was possible to install carbon filters, which are normally used for larger manufacturing applications and grow facilities, but not for small manufacturing operations. She said she felt that the complaint log and response should be adequate for this operation. Mr. Landry asked if the kitchen vent is external; Mr. Lessard said the kitchen set-up is in the central part of the building and the vent is some distance from the oven. He said he does not know if it was used during baking in the past. Ms. Dumas pointed out that the odor problem is speculative at this point. She suggested that complaints be logged and tracked and brought back to the Planning Board in six months' time.

Mr. Bostwick asked how the odor got out in the past and if the odor is from baking or the store in general. Mr. Landry speculated that the odor is from the grow facility. Mr. Lessard told the Board that when they start the grow operation all of the existing systems will remain.

Ms. Feinstein asked Ms. Ross if she thought the odors were from baking; Ms. Ross said the odors were less noticeable after the baking stopped.

Mr. Bostwick inquired about the rental unit. Ms. Dumas noted that the residential restriction does not apply to the manufacturing use. Mr. Lessard explained that they do not own the building and that the current tenant is a long-time resident from the time the building was the optometrist's office.

Ms. Rigoulot noted that the approval of the grow facility on Whitten Road had conditions on the approval regarding odor, which gave the Board means to address complaints; Ms. Dumas concurred and suggested that they return to the Board after six months to assess the odor problem. Mr. Lessard added that the complaint log will make it possible to assess whether or not the odor is from baking.

Ms. Feinstein closed the Public Hearing.

Ms. Feinstein observed that the largest concern is odor from the baking operation and that the applicant is willing to monitor odor and keep a log of complaints. The Board must decide if that is sufficient and how to include it in the approval.

Mr. Rolnick noted that there has been odor in the past and suggested reviewing the problem more frequently than six months. Mr. Morrison observed that odor is subjective, that there are no standards, and that there is no compromise that can be written into the a condition of approval. He added that the Board is not an enforcement body and that it is the responsibility of the CEO. Mr. Bostwick agreed and suggested that the CEO assess the complaints and report to the Board. Mr. Landry suggested having the complaints delivered to the City as well as to the applicant. Ms. Duchesne noted that the CEO must act on the Board's conditions.

The consensus of the Board was that there was no need for an additional Public Hearing.

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Ms. Feinstein detailed the waivers requested by the applicant, i.e. standards B, C, D, H, I, K, L, M, O, P, and T on the Submission checklist. Mr. Lessard said that regarding traffic they serve 30 to 50 clients per day, that most baked goods sales will be to existing customers, and that they don't anticipate a large increase. Ms. Feinstein asked if there are security lights; Mr. Lessard said the front porch light is off at night and there is a motion-detector light at the rear.

Motion to grant the waivers requested by the applicant.

Moved: Bostwick

Seconded: Morrison

Unanimously approved

Mr. Brown noted that the application in the packet was not signed. Ms. Dumas told the Board that Mr. Lessard delivered a signed copy directly to the City Manager on March 6.

Motion to find the application complete with the provision of the signed copy of the application and with the waivers granted.

Moved: Landry

Seconded: Rolnick

Unanimously approved

Motion to approve the conditional use subject to the condition that the City maintain a complaint log to be provided to the Board and to revisit the conditional use permit in six months to determine whether additional conditions are required.

Moved: Landry

The Board discussed the time frame and decided to revisit the permit in four months. Mr. Landry accepted the friendly amendment.

Seconded: Rolnick

In discussion, Ms. Duchesne suggested conditioning operating hours and the number of employees. Mr. Bostwick observed that complaints may warrant additional conditions.

Mr. Brown clarified that Board will revisit the permit whether or not there are any complaints logged.

Amended motion:

Unanimously approved

## **6. Public Hearing and Conditional Use Application for Gray Brothers Grounds Care Inc, Winthrop Street, Map 19 Lot 54, for landscaping activities and possible retail store**

This application was withdrawn by the applicant.

## **7. Certificate of Appropriateness for Alteration of Principal Structure for Karen L Gaker, 1 Hubbard Lane, Map 5 Lot 81**

Karen Gaker, 1 Hubbard Lane, presented an application for demolition and reconstruction of the ell of her residence. She explained that the garage approved as part of a previous application has been completed. The ell is in bad shape with a rotted sill and rotted siding. The structure is post-and-beam with evidence of structural failure and improper alterations and repairs. She said she proposes to demolish the ell and rebuild it in the same design on the same footprint, but wants to add an awning roof along the front side and incorporate the glass door with sidelight and window relocation that were previously approved. She provided photographs of the rotted wood. Ms. Feinstein asked how old the building is; Ms. Gaker said it was built in 1799.

Mr. Rolnick expressed concern about the awning/roof extending across the full length of the ell. He said just over the door would be okay. Mr. Landry agreed and suggested having Ms. Gaker meet with the Historic District Consultant.

Mr. Bostwick pointed out that the ordinance requires a demolition permit. Ms. Feinstein cited §9-186 of the ordinance.

Ms. Rigoulot said she would like the Historic District Consultant to weigh in on the glass door with sidelight as well.

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Ms. Rigoulot cited §9-554 regarding the Historic District Certificate of Appropriateness. The Board discussed the issues around issuing a demolition permit and decided the Certificate of Appropriateness could include the demolition as well. Mr. Morrison suggested approving the demolition and reconstruction of exactly what is there and having Ms. Gaker come back for approval of any façade changes after her consultation with Ms. Andrews. Mr. Brown asked if the changes to the ell approved in the previous application had been done; Ms. Gaker said they had not because they discovered the rot.

Motion to find the application complete subject to the removal of the awning/roof, window and door from the application.

Moved: Landry                      Seconded: Rolnick                      Unanimously approved

Motion to find the proposal as modified in harmony with Historic District standards and grant a Certificate of Appropriateness.

Moved: Landry                      Seconded: Brown                      Unanimously approved

**8. Delegation of Authority**

Ms. Duchesne explained that the only change is the addition of the City Planner.

Motion to approve the Delegation of Authority as presented.

Moved: Rolnick                      Seconded: Brown                      Unanimously approved

**9. June Meeting Date**

The Board decided by consensus to set the date of the June meeting on June 26.

**10. Other Business**

The Board discussed changing the regular meeting time and decided by consensus to set the meeting time at 6:00 PM instead of 6:30 PM.

Mr. Brown told the Board that he was disappointed about the withdrawal of the Gray Brothers application. He said he feels that the CEO and the City Manager let the applicants down and that more time with the City Planner would have helped the applicants. He feels that the City missed an opportunity to bring business into town. The Gray brothers were aware of the wetland and were not planning to disturb it. Mr. Landry noted the legal opinion, particularly regarding the footnote. There was lengthy discussion of the process. Ms. Feinstein summed up, saying that there is a process issue that needs to be addressed and that several Ordinances need to be reviewed.

**11. Adjournment**

Motion to adjourn.

Moved: Landry                      Seconded: Rolnick                      Unanimously approved

*Accepted as Presented on June 26, 2024, by a vote of 6 Yea to 0 Nay.*

Attested: \_\_\_\_\_ S/ \_\_\_\_\_  
*Judith Feinstein, Chair*