

**City of Hallowell
Planning Board Meeting
City Council Chamber
October 16, 2024
6:00 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, Matthew Rolnick, Richard Seymour (1st alt.), Keith Taylor (2nd alt.)
Melanie Weston, Community Planner; Daniel Kelley, Deputy Clerk

Absent: Lisa Rigoulot

Mr. Seymour and Mr. Taylor will both 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 September 18, 2024 Planning Board Meeting

Motion to approve the minutes of the meeting as presented.

Moved: Rolnick

Seconded: Morrison

Unanimously approved

5. Public Hearing and Conditional Use Permit for Fraternal Home/Private Lounge, Kennebec Aerie 3137 Fraternal Order of Eagles, 49 Water Street, Map 5, Lot 158

Ms. Feinstein explained that the purpose of a Public Hearing is to hear the concerns and questions from members of the Public. It is not a dialog but is a presentation of the Public's concerns. As the first part of the Public Hearing the applicant will provide an overview, then the Board will hear comments and questions from the Public, then the Board members may ask questions, and then the Public will have another opportunity to comment. Ms. Feinstein stressed the need to follow the procedure appropriately.

Ms. Feinstein opened the Public Hearing at 6:10 pm. There were no persons present who were not members of Eagles Aerie #3137. Ms. Feinstein closed the Public Hearing at 6:11 pm.

Ms. Feinstein noted additional information provided by the applicant.

Gary DesRosier, past president of Eagles Aerie #3137, and Dennis Korn, regional representative of the Fraternal Order of Eagles, represented Eagles Aerie #3137.

Mr. DesRosier presented an overview of the application. The Order of Eagles is a private club. There is a key-card entrance for members and their guests. The club should have no impact on the neighborhood. There are daily hours. There are no outside activities Monday through Friday, but weekends may involve fundraising events. There will be a designated smoking area in an unobtrusive spot. Sunday through Thursday the club closes at 8 pm; Friday and Saturday it closes at 10 pm. Last call is at the Steward's discretion, but always within state rules, that is, closing may be earlier if there few members in the club. There is one steward on duty per shift. The number of customers per hour is not predictable. Normally there might be 5 to 10 during the day and 15 to 20 in the evening after working hours, and not always present at the same time.

Mr. Rolnick asked if they would have music; Mr. DesRosier said they would not. The building is not large enough for live entertainment. Mr. Korn said that everything will be mostly self-contained, and any outdoor fundraisers will be planned well in advance.

Mr. Rolnick asked what the current membership was; Mr. DesRosier said they have about 80 members and that meetings usually include the officers with six or so members.

* Mr. Brown arrived. Mr. Taylor will not be voting.

Ms. Feinstein asked for clarification regarding the fundraisers and asked if they would be public. Mr. DesRosier said they include members and their guests and the public is invited. All events would be cleared with the City first. Mr. Korn added that all outside events are licensed.

Mr. Bostwick asked how many people typically attended the club when it was located in Augusta. Mr. DesRosier reiterated the numbers and added that it is more of a social convenience than a business. Mr. Brown asked if there were more in the evening; Mr. DesRosier said it may be 25 to 30 depending on the day of the week.

Mr. Seymour asked if the parking spaces would be striped; Mr. DesRosier said they would. He explained that there will be 27 spaces. There will be spaces in the 100' between the CMP poles where there is no curbing. There are 4 existing spaces in front of the building which will be designated handicapped parking. There are four existing spaces beside the left side of the building and two more by the garage in the rear. The right side of the building has 4 existing angled spaces. There will be new spaces to the left of the building. All spaces will be 9'x18'. The spaces will all be striped in the spring. Ms. Weston noted that the ordinance requires 9'x18' spaces and at least one space per 100 sq. ft. of building area, which in this case is 26 spaces.

Mr. Seymour observed that after the planned rebuilding Water Street will have curbing with designated entrances. Mr. DesRosier said he was pleased to hear that. Ms. Feinstein asked if the spaces on the south side will be parallel parking; Mr. DesRosier said they will be.

Mr. Taylor noted that the DOT plans confirm the applicant's assessment of the property lines.

Ms. Feinstein noted that there is no way to drive around the rear of the building and questioned the angled parking.

Ms. Feinstein asked Mr. DesRosier to describe the photos, and he explained each shot and why he took it.

There was some discussion of the curbing and entrance. Ms. Weston pointed out the restriction on openings in the Ordinance; Mr. Seymour noted that the state need not follow the Ordinance. Mr. DesRosier noted that the deed for the property includes an easement to access the storm drain.

Ms. Feinstein called attention to the submission checklist and noted that the applicant does not have ownership or a lease. She suggested waiving the requirement because the applicant cannot sign a lease without the conditional use approval. She observed that the Board has done this before in similar situations.

The Board reviewed the submission checklist:

- A. The name and address of the applicant (or the authorized agent) plus the name of the proposed development, and a copy of the deed or other record of ownership. – Suggested to waive.
 - B. Total floor area, elevation of all structures, ground coverage, and location of each proposed building, structure, or addition. – No changes or new construction.
 - C. Perimeter survey of the parcel made and certified by a registered land surveyor licensed in Maine, relating to reference points, showing true north point, graphic scale, corners of the parcel, the date of the survey and the total acreage. The requirement for a perimeter survey may be waived if a deed clearly spells out the location of all lot lines such that they may easily be located on the ground. – No changes or new construction.
 - D. All existing and proposed setback dimensions. – No changes or new construction.
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- E. The size, location, and direction and intensity of illumination of all major outdoor lighting apparatus and signs. – Lighting will not be changed.
- F. The type, size and location of all incineration devices. – None.
- G. The type, size and location of all machinery or equipment likely to generate appreciable noise at the lot lines. – None.
- H. The location, type, and size of all existing and proposed catch basins, storm drainage facilities, streams and water courses, and all utilities, both above and below ground. – Well known.
- I. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator (unless the site is to be served by public sewer). The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface disposal system. – Not applicable.
- J. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate. – Not applicable.
- K. All existing contours and proposed finished grade elevations of the entire site, and the system of drainage proposed to be constructed. Contour intervals shall be specified by the Code Enforcement Officer subject to confirmation by the Planning Board. – Not applicable.
- L. The location, type, and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, (including spaces and aisles) and the layout thereof, together with the dimensions. – Not applicable.
- M. All landscaped areas and features, (including fencing, piers, and open spaces), and the size and type of plant material upon the premises in question. – Not applicable.
- N. All existing or proposed rights-of-way, easements, and other legal restrictions which may affect the premises in question. – Not applicable.
- O. The location, names, and widths of all existing and proposed streets abutting the premises in question.
- P. Plans of sewage disposal facilities, water supply systems, storm and surface water flows, and disposal of solid waste. – Not applicable.
- Q. The property lines of all abutting and neighboring properties within two hundred feet of the proposed development, including those properties across the street, and waterways, together with the names and addresses of the owners as disclosed on the tax maps on file in the City Offices as of the date of the development plan review application. – Not applicable.
- R. Any other information or data necessary for proper review, as specified by the Planning Board. – Provided.
- S. An appropriate place for the signatures of the Planning Board. – Not applicable.
- T. An application may be required to have an accompanying traffic engineering study, should the project be considered one of substantial magnitude. Should a traffic study be requested by the Planning Board, the following data shall be included: – Suggested to waive.
 - (1) The estimated summer peak-hour traffic to be generated by the proposal.
 - (2) Existing traffic counts and volumes on surrounding roads.
 - (3) The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation.
 - (4) The need for traffic signals and signs or other directional markers to regulate anticipated traffic.
- U. A completed building permit application, which shall include written evidence of applicant's right, title or interest in the property to be developed. – Not applicable.
- V. The location of any flood plains as shown on the City's Flood Insurance Rate Maps. – Not applicable.

Mr. Morrison observed that the submission requirements are similar to the approval standards and suggested that since the Board found nothing objectionable there was no need to go through the standards. There was no opposition to his suggestion.

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

Moved: Rolnick Seconded: Bostwick Unanimously approved

Motion to waive the requirement for a traffic study.

Moved: Landry Seconded: Rolnick Unanimously approved

Motion to waive the requirement for a deed or record of ownership.

Moved: Landry Seconded: Rolnick Unanimously approved

Motion to approve the application with the waivers granted.

Moved: Rolnick Seconded: Bostwick Unanimously approved

6. Other Business

Ms. Weston provided a folder of checklists for various applications. There was brief discussion of the forms.

Ms. Feinstein provided handouts to assist Board members in making approvals and provided a brief overview of each.

Ms. Feinstein asked if Board members wished to establish a mandatory adjournment time. Discussion followed with no action.

Ms. Feinstein asked for Board member’s opinions on the requirement for proof of standing for application. Discussion followed with no action.

There was a discussion of FOAA training. Ms. Weston noted that it was required for Planning Board members. Mr. Rolnick added that this is a reason for Planning Board members to have city email addresses. General discussion followed.

Mr. Rolnick announced his resignation from the Planning Board effective at the end of the year.

Ms. Feinstein noted that there is a time limit for the municipalities to deal with the housing statute. She noted that the City must ask for an extension.

7. Adjournment

Motion to adjourn.

Moved: Rolnick Seconded: Bostwick Unanimously approved

The meeting was adjourned at 7:40 PM.

Accepted as Presented on November 20, 2024, by a vote of 7 Yea to 0 Nay.

Attested: _____
S/ _____
Judith Feinstein, Chair