

**City of Hallowell  
Planning Board Meeting  
City Council Chamber  
December 18, 2024  
6:00 pm**

**1. Call to Order**

Ms. Feinstein called the meeting to order at 6:00 PM.

**2. Roll Call / Quorum**

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

Present: Judith Feinstein (Chair), Richard Bostwick, Andrew Landry, Melvin Morrison, Lisa Rigoulot, Matthew Rolnick, Richard Seymour (1<sup>st</sup> alt.), Keith Taylor (2<sup>nd</sup> alt.)

Melanie Weston, Community Planner; Gary Lamb, City Manager; Daniel Kelley, Dep. City Clerk

Excused: Darryl Brown

Mr. Seymour will be voting; Mr. Taylor will not be voting.

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

None.

Ms. Feinstein introduced the new Code Enforcement Officer, Sarah Moore. Ms. Moore told the Board she has worked in the construction industry for 25 years. She moved to Hallowell in 2007/8 and did part-time renovation work. She will have regular hours at City Hall.

**4. Approval of Minutes of the November 20, 2024 Planning Board Meeting**

Motion to approve the minutes of the November 20, 2024 meeting as presented.

Moved: Rolnick

Seconded: Landry

Yea: Bostwick, Feinstein, Landry, Morrison, Rolnick, Seymour

Abstained: Rigoulot

Motion carried.

**5. Public Hearing, Site Plan Review, and Conditional Use Permit for Small-scale, Ground-mounted Solar Array for Perennial Hallowell Solar LLC, Pinnacle Drive, Map 18 Lot 33B**

Ms. Feinstein summarized the Public Hearing process. She added that comments and questions must be related to the application and should not impeded or disrupt the proceedings. She asked speakers to limit their remarks and questions to three minutes and to refrain from repeating previous remarks.

Nicholas Lacasse, partner in Perennial Solar LLC, and Andy Johnson, a principal of Atlantic Resource Consultants, presented an overview of the project. Mr. Lacasse presented a brief background of Perennial Solar, noting that they have recently completed the solar array for Stevens Commons off Pleasant Street.

He explained their process for the proposed development, noting that they have done their own environmental assessment and wetland delineation. He explained that the topography and wetlands at the site create an irregular array. They will use the existing road and poles. The site will be enclosed with a seven-foot fence 12' from the array. The fencing will allow small wildlife to pass through. Tree trimming will maximize power generation. A transformer will be positioned by the gate, which will be 20' wide for emergency access. Traffic will be low, routinely only once a month; an alarm system will alert them of any problems that arise.

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He noted that the orientation of the array has been changed from the original plan. The new orientation makes the array less than three acres, which eliminates the state requirement for a decommissioning bond. He noted that as part of a project in Augusta they provided a decommissioning bond to the City only and will willingly do the same with Hallowell.

Mr. Rolnick noted that the DEP bond would protect the City. Mr. Lacasse explained that the bond for the City would be the same bond and amount, but instead of being issued to the DEP it would be issued to the City. Mr. Rolnick pointed out that the City would have to deal with the owner at decommissioning. Mr. Lacasse said DEP is not involved with any project smaller than three acres. Mr. Rolnick pointed out that the bond is outside the Board's jurisdiction; Mr. Lacasse said the attorney handling the contract for the City will include it with the contract. Ms. Rigoulot pointed out that the owner or operator is responsible for decommissioning. Mr. Lacasse reiterated that the attorney will provide the language in the contract. Mr. Landry pointed out that the bond is for protection if the owner or operator fails to follow through on decommissioning. In that case the City would have to hire a contractor. The bond is a fallback measure. Mr. Bostwick asked who determines the amount of the bond. Mr. Lacasse said they use a methodology developed by the industry which has worked thus far and has never been denied by the DEP.

Ms. Feinstein asked Mr. Lamb for comment; Mr. Lamb said that what has been proposed seems adequate.

Ms. Feinstein opened the Public Hearing.

Nate Stevens, 49 Meadowood Drive, asked about tree clearing, vegetative buffers, and anticipated construction time periods. He also expressed concern about the ugly old building.

Mr. Johnson outlined the selective tree management they will perform. He pointed out that the trees in the management area will be trimmed, not removed. Mr. Lacasse told Mr. Stevens that he is willing to walk the area with him. He noted that they cannot trim abutters' trees, so the array is deliberately not close to the boundaries of the site.

Mr. Lacasse said that construction will begin in March or April. There will be about three weeks of loud construction in the daytime only. Pre-drilling may involve ledge, but that will last only three or four days. Subsequent work will be done by 3-to-4-man crews and will be quiet work. He noted that the unnatural undulation of the site is due to debris from the Turnpike construction and they have found no ledge so far.

Mr. Lamb noted that the old building is not owned by the City. He attended a recent auction but there were no bids; it will probably go up for auction again. He added that the City plans to construct a new Public Works facility nearby.

Lauren McPherson, 67 Shady Lane, noted that some arrays are sitting unused because there is no grid connection and asked what grid connection will be provided.

Mr. Lacasse told her that an agreement with CMP has been approved and is ready to go. Mr. Lamb added that CMP has been on site inspecting the existing three-phase line and will replace it at their cost. The power will be marketed first to the City and possibly later to City residents.

John McNaughton, 10 Spring Street, asked how much compensation the City would receive. Mr. Lacasse said the lease was for \$8,000 per year for 20 years with options available after that. In addition, the City will receive a 30% discount on power costs.

Mr. Stevens asked what the threshold to connect to ISO New England was; Mr. Lacasse said it was 5 megawatts.

Ms. Rigoulot asked Mr. Lamb who has vetted the bond. Mr. Lamb said that has not been decided yet and that attorney Adam Cote is advising the City.

Motion to find the Site Plan Review application complete.

Moved: Landry

Seconded: Rolnick

Unanimously approved

Motion to find the application meets the Site Plan Reviews standards and approve the Site Plan Review.

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Moved: Rolnick

Seconded: Seymour

Ms. Rigoulot noted that some of the standards have been noted in the application as not applicable; Mr. Johnson explained that there was some confusion and that the information was provided in the application.

Vote on Motion:

Unanimously approved

Motion to find the Conditional Use application complete.

Moved: Landry

Seconded: Rolnick

Unanimously approved

Motion to approve the Conditional Use.

Moved: Rolnick

Seconded: Bostwick

Unanimously approved

## **6. Certificate of Appropriateness for Siding and Trim Repair and Porch Repair for Luke Davulis, 34 Union Street, Map 9 Lot 40**

Gabriel Giguere of Mariner Construction, contractor for the applicant, presented an application for repair of rotted siding and trim, installation of new deck boards, and repair of the trim and posts of the front porch. He noted that some of the work was to fix former botched repairs. He explained that he met with Ms. Weston on site and all materials will be like for like.

Mr. Rolnick asked why this application came before the Board; Ms. Feinstein explained that it was received in between Code Officers so there was no Delegation of Authority.

Motion to find the application complete.

Moved: Landry

Seconded: Rolnick

Unanimously approved

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

Moved: Rolnick

Seconded: Bostwick

Unanimously approved

## **7. Certificate of Appropriateness for Removal of Existing 8'x23'6" Addition and Construction of a 10'x23'6" Addition for Neil and Kate Anderson, 22 Pleasant Street, Map 5 Lot 126**

Troy Ireland, contractor for the applicants, presented an application for removal of an existing addition and construction of a new addition. He explained that they will rebuild the addition in a similar way but slightly larger. He explained that the existing addition is in poor condition: the roof and walls have deteriorated, the ledger boards are rotten, and the posts are unsound.

Mr. Landry asked when the addition was built; Mr. Ireland said that is unknown. He added that the original hip roof was converted to a shed roof at some point, and they would like to return to the hip-roof style.

Mr. Bostwick asked what kind of windows would be used; Mr. Ireland said they will be the same brand and style as the windows in the house. They are 4-over-4.

Mr. Landry asked if Ms. Weston had any concerns; she said the hip roof is in character and that she had no information on the existing addition. Mr. Landry added that he does not think the existing has any architectural value.

Ms. Feinstein noted that the application says they will reduce the number of windows from 7 to 9; Mr. Ireland said that was an error and should be corrected to say from 9 to 7.

Ms. Weston asked about the age of the existing windows; Mr. Ireland said he would guess they were 1970s-ish.

Motion to find the application complete as amended.

Moved: Rolnick

Seconded: Bostwick

Unanimously approved

Motion to find approve demolition of the existing addition because it has no architectural value.

Moved: Rolnick

Seconded: Bostwick

Unanimously approved

Motion to find the application in harmony with Historic District standards and grant a certificate of appropriateness.

Moved: Landry

Seconded: Seymour

Unanimously approved

## **8. Certificate of Appropriateness and Conditional Use Permit Application for Placement of a 10'x38' Tiny Home for Cheryl Seymour, 87 Middle Street, Map 11 Lot 3**

Cheryl Seymour, 87 Middle Street, and contractor Troy Ireland presented an application for a Conditional Use Permit and a Certificate of Appropriateness for installation of a tiny house. Ms. Seymour explained that the application is to place a tiny home as an ADU on a concrete slab on her property. The tiny home was manufactured as a movable unit. At the request of Greater Augusta Utilities District an amended deed has been recorded at the Kennebec Registry of Deeds.

Mr. Morrison asked if the ordinance about ADUs has been adopted; Ms. Weston said it has not and added that under LD2003 the deadline for the update is May/June 2025. The act's requirements must be incorporated into the ordinances. She noted that under LD2003 the City can regulate aesthetics, set-backs and heights. There was discussion of tiny homes and ADUs. Ms. Weston noted that the state does not consider tiny homes to be ADUs, but removing the wheels and putting it on a slab will qualify it as an ADU. Discussion continued.

Mr. Morrison asked if there is anything in this application that is contrary to the proposed ordinance changes. Mr. Rolnick pointed out that the ordinance already allows ADUs up to a certain size and has set-back requirements. He expressed concern that the applicant had already purchased the tiny home and questioned what the Board's role was. Ms. Seymour explained that she asked Mr. McMullen and was not given any indication that it might be a problem.

Mr. Bostwick noted that the proposed ADU was unattached and cited the ordinance's definition of an ADU which requires that it be attached. Mr. Morrison noted that on one occasion the Board approved an ADU at Lincoln and Second Street that was not attached. There was brief discussion of the circumstances.

Ms. Feinstein quoted a response from MMA saying that under LD2003 an ADU cannot go before the Planning Board. Mr. Seymour observed that apparently the City must allow the ADU but may require harmony with Historic District standards.

Ms. Feinstein noted that the short end of the tiny home faces the street and is only briefly visible from Middle Street as it is behind a fence. Ms. Seymour stated that it is plainly visible only to some of the units at the Maria Clark School condominiums.

Mr. Lamb presented an overview of the process of incorporating the requirements of LD2003 into the ordinances. He added that a manufactured home must have an ID plate; this tiny home does not and should not considered manufactured housing. Ms. Seymour said it meets the state standards for a tiny home.

Lengthy discussion of the incorporation of LD2003 into the ordinances followed.

Mr. Rolnick expressed concern that the CEO led the applicant to believe the tiny home was permitted.

Motion to find the applications complete.

Moved: Rolnick

Seconded: Morrison

Unanimously approved

Motion carried.

Motion to grant a conditional use permit.

Moved: Landry

Seconded: Rolnick

Ms. Feinstein asked Ms. Seymour if she had communicated personally with any of the abutters; Ms. Seymour said she had not.

Ms. Rigoulot questioned the compatibility with Historic District standards.

Ms. Feinstein observed that many other properties in the neighborhood have separate buildings.

Ms. Weston noted that the Board has discretion on whether to hold a Public Hearing on a Conditional Use, and if there is no public hearing there need be no abutter notice.

Vote on motion: Unanimously approved

Motion to find the application in harmony with Historic District standards and grant a certificate of appropriateness.

Moved: Landry Seconded: Rolnick

Mr. Rolnick asked for confirmation that the fence will remain in place; Ms. Seymour said the fence was one of the properties features that led her to purchase it and she was comfortable with a condition requiring the fence.

Mr. Landry amended his motion to include a requirement that the fence be replaced as needed. Mr. Rolnick accepted the amendment.

There was discussion of the tiny home’s compatibility with Historic District standards.

Vote on amended motion: Yea: Bostwick, Feinstein, Landry, Morrison, Rolnick, Seymour  
Nay: Rigoulot  
Motion carried.

9. Other Business

Ms. Feinstein noted that this was Mr. Rolnick’s last meeting and thanked him for his service. Mr. Rolnick thanked the Board for its patience.

Ms. Feinstein brought up the question of the Ordinance and LD 2003 (Affordable Housing). She noted the proposal presented at Housing Committee meeting to simply append LD 2003 to the ordinances versus integrating it into the ordinances. There was discussion of the amendment procedures. Mr. Bostwick asked what the difference was between a tiny home and a manufactured home; Mr. Lamb explained that it was legal criteria. There was a discussion of mobile home vs. modular home vs. tiny home. General discussion followed at length.

Mr. Seymour asked about city email addresses for the Board members; Mr. Lamb said that he has spoken to the IT people and it should happen in early January as part of the City Councilor updates.

Ms. Feinstein noted that Ms. Moore is actively working on obtaining certifications. She also pointed out that the Board needs to update the Delegation of Authority; she and Ms. Weston will have an update for the January meeting.

10. Adjournment

Motion to adjourn.

Moved: Rolnick Seconded: Bostwick Unanimously approved

The meeting was adjourned at 8:36 PM.

Accepted as Presented on January 15, 2025 by a vote of 7 Yea to 0 Nay.

Attested: S/ Judith Feinstein, Chair