

**City of Hallowell
Planning Board Meeting
City Council Chamber
March 19, 2025
6:00 pm**

1. Call to Order

Ms. Feinstein called the meeting to order at 6:02 PM.

2. Roll Call / Quorum

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

Present: Judith Feinstein (Chair), Richard Bostwick, Darryl Brown, David Gilbert (2nd alt.), Andrew Landry, Melvin Morrison, Keith Taylor (1st alt.)
Melanie Weston, Community Planner; Sarah Moore, Code Enforcement Officer; Daniel Kelley, Deputy City Clerk

Excused: Lisa Rigoulot

Absent: Richard Seymour

Mr. Taylor and Mr. Gilbert 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 February 19, 2025 Planning Board Meeting

Motion to approve the minutes of the February 19, 2025 meeting as presented.

Moved: Brown

Seconded: Taylor

Unanimously approved.

Ms. Feinstein took Item 7 and Item 6 out of order since they could be dealt with more quickly than Item 5.

7. Conditional Use Permit Renewal for Daniel Laflin, Fish and Game Road, Map 18 Lot 19

Daniel Laflin presented an application for renewal of a conditional use permit for a sand borrow pit located off Fish and Game Road. He explained that there are no changes being proposed. The pit has been in operation since his father opened it. He told the Board that some of the slopes have already been reclaimed and that he is not aware of any complaints.

Ms. Feinstein noted that abutters were not notified for previous renewals.

Mr. Taylor asked how close to the water table the excavation has gotten; Mr. Laflin said the are currently 8 to 9 feet above the water table. He added that there is no fuel stored on site.

Mr. Brown observed that he is familiar with all of the abutters and is not aware of any opposition to renewal.

Mr. Gilbert inquired about state regulations; Mr. Laflin explained that since the operation is less than five acres it does not require state approval.

Motion to find the application complete.

Moved: Brown

Seconded: Landry

Unanimously approved.



Motion to approve the renewal.

Moved: Landry

Seconded: Brown

Unanimously approved.

Mr. Laflin suggested that the Board could delegate approval of renewals to the Code Enforcement Officer in cases where there have been no complaints and all requirements are met. Ms. Moore said she has had similar inquiries. Mr. Gilbert said this could be done as long as there are no additional state regulations. Mr. Bostwick said the Board would have to review the Conditional Use requirements. Mr. Taylor questioned the five-year term for renewal; Mr. Laflin said it was in the Ordinance. [Clerk's note: see §9-614 (5)]

6. Subdivision Amendment Application for Matt Morrill, Hallowell Overlook Subdivision, Map 2 Lot 14a

Matt Morrill presented an application for an amendment to the Hallowell Overlook Subdivision. He noted that the subdivision was originally approved in 2012. There are two undeveloped lots remaining, and his intent is to divide one of those into three smaller lots. Ms. Feinstein asked if this was to be a simple division; Mr. Morrill said it was. He added that the new lots would be subject to the same covenants as the rest of the subdivision. Utilities will be underground and the lots will have new wells and subsurface waste systems. Mr. Landry expressed concerns about fire protection; Mr. Morrill said fire protection would be covered by the existing fire pond about $\frac{1}{3}$ of the way up Overlook Drive which serves all of the lots. He pointed out that the amendment will not change the area being served. He added that the pond has been excavated deeper. The proposed lots are from 0.6 to 0.73 acres each, which exceeds the minimum lot size for the R-3 District.

Mr. Landry asked if there were any wetlands involved; Mr. Morrill said that it is a hillside location and there are no wetlands.

Ms. Feinstein asked if Grandview Builders would be the contractor; Mr. Morrill said that the covenants give Grandview Builders first right of refusal. The covenants also have standards for design, minimum size, siding and roofing.

Mr. Brown noted that the original subdivision had 14 lots and asked if this amendment exceeds the threshold; Mr. Morrill explained that sufficient time has passed since the original subdivision so that further subdivision is allowed. He also explained that the right of way was part of the original subdivision plan to provide access to the rear land retained by the owner and will provide access to the new lots. Mr. Landry asked if there would be an extension of the road; Mr. Morrill said they will extend the road as lots are developed. Mr. Gilbert asked if the roads are sufficient for the traffic; Mr. Morrill said the new road will be built to the same standards as Overlook Drive.

Motion to find the application complete.

Moved: Landry

Seconded: Brown

Unanimously approved.

Mr. Morrill noted that the residents of the subdivision are aware of the plan.

Ms. Weston observed that the Board has the option to hold a Site Visit and a Public Hearing. The Board decided by consensus not to hold either a Site Visit or a Public Hearing. Mr. Landry asked if the Board needed to find that the standards are met; Ms. Weston was it was not necessary for a minor subdivision amendment.

Motion to approve the amendment dispensing with a site visit and public hearing..

Moved: Landry

Seconded: Brown

Unanimously approved.

*Mr. Gilbert was excused and left the meeting.

5. Conditional Use Permit Application for Christopher Das, 91 Central Street, Map 7 Lot 1

Christopher Das presented an application for a Home Occupation for a part-time automotive repair shop. He plans on working by appointment only from 5:00 PM to 8:00 PM Monday through Friday and 8:00 AM to 5:00 PM on Saturday with only one to three vehicles on the premises at a time. There will be no storage of parts, and he will appropriately dispose of oil and petroleum.

Ms. Feinstein outlined the submission and noted the requested waivers for a survey, traffic study, and location of flood plain. She noted that the building permit was issued by the interim CEO. Mr. Morrison pointed out that the garage has been constructed but is not currently being used as a repair shop, so this is not an after-the-fact application.

Mr. Bostwick asked if a Home Occupation could be conducted in an unattached accessory structure. Mr. Kelley noted that in the past Sweet Sue's operated at 223 Winthrop Street as a conditional use in an unattached building.

Mr. Das told the Board that he would not work late at night. Mr. Brown asked if Mr. Das worked at a dealership; Mr. Das confirmed. Mr. Brown noted that he has seen children playing in Mr. Das' yard and asked if they would be safe; Mr. Das said he is always careful.

Mr. Taylor asked if liquids would be in retail-sized containers; Mr. Das said he would have nothing larger than a 55-gallon drum of antifreeze or oil, and there would be nothing stored outside. Mr. Taylor asked if there is a floor drain; Mr. Das said there was not. Mr. Taylor asked if Mr. Das would have a parts washer; Mr. Das said he would not.

Ms. Feinstein asked if advertising would be word-of-mouth; Mr. Das said it would be and that he will not have a sign on the street. He wants to put a single sign on the garage itself.

Mr. Bostwick asked if storage of fluids required a permit; Mr. Taylor said it did not.

Ms. Feinstein restated the situation and expressed regret that the need for a conditional use permit was not more timely connected to the construction of the garage.

*Mr. Gilbert returned to the meeting.

Ms. Moore explained that since this is a small business which is not related to the lot, a Conditional Use Permit as a Home Occupation seemed the most relevant way to deal with it. Ms. Feinstein pointed out additionally that Mr. Das resides on the property. Mr. Bostwick mentioned that Families Matter has a repair facility for its vehicles as a Conditional Use at the other end of Orchard Lane.

Mr. Taylor asked if the Board had to make findings for the standards of approval or if approval assumes that the standards are met; Ms. Weston said it was not necessary to address the standards for a Home Occupation in the Ordinances. Mr. Landry asked if there were a list of Home Occupations, Ms. Weston said there was not. Mr. Brown suggested the example of a lawn mower repair business. He pointed out that the homeowner runs the business and does not intend to expand the business.

Mr. Taylor noted that the Board had received two letters from neighbors.

Ms. Feinstein opened the meeting to comments from the Public, noting that this was not a formal Public Hearing, but she wanted to recognize those members of the public who were present..

Jean Youde, 2 Orchard Lane, said that her letter detailed all her concerns.

Virginia Stanhope, 89 Central Street, said her letter detailed all her concerns.

Ms. Feinstein observed that Ms. Stanhope's letter expressed concerns about noise, traffic and odor. Mr. Das said he will not be noisy; any music will be inside. Mr. Taylor asked Mr. Das if he was familiar with the standards of nuisance activities for Home Occupations; Mr. Das said he was. Mr. Brown suggested the Board add a restriction that the garage doors must be kept closed while work is done. Mr. Das said that was not a problem since he can crack open the side windows for ventilation. He added that there will be no stored fuel on site.

Ms. Feinstein observed that Ms. Youde's letter also expresses concern over evening hours. Ms. Youde added that sound reverberates and is amplified and they can feel the vibrations in their home.

Ms. Weston pointed out that the Ordinance limits Home Occupations to two signs; Mr. Das said he will have only one sign on the garage itself.

Ms. Feinstein noted that abutters were not officially notified, acknowledging a failure in the Ordinance to connect Home Occupations with Conditional Use notice requirements.

Mr. Brown asked if Mr. Das would be doing State inspections; Mr. Das said he would not. Mr. Bostwick asked if the building was insulated; Mr. Das said it is not currently insulated but he plans to add insulation as he can afford to and that insulation should reduce sound somewhat. Ms. Weston suggested Mr. Das consider adding trees or shrubs as a buffer; Mr. Das said there are some existing trees. Mr. Bostwick asked how much business Mr. Das expected; Mr. Das said he hopes to have one job per night and reiterated that all work will be by appointment.

Mr. Taylor suggested including conditions to limit fluid storage, perhaps no more than 5 gallons of waste gasoline; hours; and number of parked cars. Mr. Brown asked Mr. Das if he would use secondary containment to prevent leaks; Mr. Das said he would. Mr. Gilbert asked if he would have a periodic schedule for waste removal; Mr. Das said he would.

Mr. Taylor noted that the avenue for complaints would be through the Code Enforcement Officer.

Ms. Feinstein asked Ms. Youde and Ms. Stanhope if the presentation has helped them. Ms. Youde said it had answered some questions, but added that noise is the major issue. Ms. Stanhope concurred.

Mr. Das told the Board that he hoped hours would not be limited. Mr. Gilbert suggested that hours on Saturday not start before 9:00 AM.

Ms. Feinstein told the Board that there was a third letter that had arrived too late to be provided to the members. She read the letter in full; the concern expressed was about the zone being residential..

There was a brief discussion of Conditional Uses.

Ms. Weston noted the requirement that abutters be formally notified. She also advised holding a Public Hearing.

Motion to notify abutters and hold a Public Hearing at the April meeting.

Moved: Morrison

Seconded: Landry

Ms. Feinstein suggested including a summary of tonight's meeting; Ms. Weston said she will provide one.

Vote:

Unanimously approved.

8. Other Business

Review of LD2003 Ordinance Revisions

Ms. Weston told the Board that she was not able to find any source information on the 750 square foot limit for ADUs. Most municipalities have a limit between 900 and 1,100 square feet. Mr. Morrison asked if basements count toward that limit. Ms. Weston said it depends on whether it qualifies as living space. Some discussion followed. Ms. Weston suggested using a percentage of the principal structure such as "1,100 sq. ft. or 50% of the principal structure, whichever is less." There was also discussion of multiple dwellings on a single lot.

Ms. Weston noted the question regarding height restrictions and suggested using language similar to the Town of York, which has language requiring that ADUs fit in with the neighborhood and be compatible with the primary structure in height, design, etc. The consensus of the Board was to do so.

Mr. Taylor brought up the issue of buildable area vs. lot size. There was discussion. Ms. Weston noted that an ADU can be attached to the principal structure and there is no setback requirement from the principal structure. She also noted that squeezing is allowed except in the Shoreland District.

Ms. Feinstein asked if an ADU could be a short-term rental. Ms. Weston that the City can add restrictions, such as limiting occupancy to family members, long-term occupancy, etc. Ms. Feinstein noted the need for mid-term rentals for temporary workers such as contract nurses.

Ms. Weston suggested that requiring foundations might be a good idea. She suggested adding restrictions for tiny homes and recommended the language from the Town of York for consistency.

Mr. Morrison asked if the dimensions of an ADU could be limited to the dimensions of the principal structure, perhaps a percentage. Mr. Landry recommended using the Town of York’s language.

Ms. Weston said she would prepare a new red-line copy for the Board to review at the April meeting. She also suggested, apart from the LD2003 changes, including abutter notification language with the application requirements to help avoid omissions such as the one earlier in the meeting. The Board agreed by consensus.

Hallowell Champion

Ms. Feinstein called attention to the new issue of the Hallowell Champion and suggested that it might be a good idea to provide an article about the Planning Board and what the Board does and does not do, explaining that the Board works with the Ordinances, not personal opinions. The consensus of the Board was that such an article would be a good idea, though Mr. Landry pointed out that Historic District compatibility often is a function of opinion.

9. Adjournment

Motion to adjourn.

Moved: Bostwick

Seconded: Landry

Unanimously approved

The meeting was adjourned at 8: 08 PM.

Accepted as Presented on April 16, 2025, by a vote of 5 Yea to 0 Nay.

Attested: _____
S/
Judith Feinstein, Chair