

**City of Hallowell
Planning Board Meeting
City Council Chamber
August 20, 2025
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, Melvin Morrison, Lisa Rigoulot,
Richard Seymour, Keith Taylor (1st alt.)
Melanie Weston, Community Planner

Excused: Andrew Landry

Absent: David Gilbert (2nd alt.)

Mr. Taylor 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 July 16, 2025 Planning Board Meeting

Motion to approve the minutes of the July 16, 2025 meeting as presented.

Moved: Taylor

Seconded: Seymour

Unanimously approved,
Rigoulot abstaining .

**5. Certificate of Appropriateness for New Construction in the Historic District for Alex Tyburski,
163 Second Street, Map 9 Lot 106**

Since Mr. Tyburski was not present, the Board postponed this application until later in the meeting.

**6. Certificate of Appropriateness for New Construction in the Historic District for Neil Anderson,
21 Pleasant Street, Map 6 Lot 34**

Neil Anderson, 22 Pleasant Street, presented an application for demolition of the house at 21 Pleasant Street. He explained that he has recently purchased the house and wants to demolish the condemned building and construct a new building at a later date. Mr. Bostwick asked if the house was repairable; Mr. Anderson said it was not.

Mr. Seymour asked if the lot was buildable after the demolition; Ms. Moore said it was and that the existing structure is actively falling down and is not salvageable.

Mr. Bostwick asked when the house was built; Mr. Anderson said he did not know, but he noted that the concrete foundation under an addition is collapsing into the older granite foundation under the house.

Mr. Taylor asked what the threshold for permitting a demolition in the Historic District was. He was directed to §9-560.

Motion to find the application complete.

Moved: Morrison Seconded: Seymour Unanimously approved.

Motion to find that the application meets the standards for demolition in the Historic District and approve the application as presented.

Moved: Morrison Seconded: Seymour

Mr. Brown observed that the Historic Building Survey would be a helpful resource in this situation. Mr. Bostwick noted that the building has already been modified. Ms. Weston informed the Board that CARMA has no date of construction for the house.

Vote: Unanimously approved.

Ms. Moore informed the Board that Mr. Tyburski has been detained and asked Ms. Moore to speak for him.

7. Certificate of Appropriateness for New Construction in the Historic District for Rocky Cumming, 27 Pleasant Street, Map 6 Lot 31

Rocky Cumming, 27 Pleasant Street, presented an application for construction of a new deck along the side of his house. He explained that they are in the process of replacing siding and windows and want to add a new deck to replace the concrete step to prevent water from seeping into the basement. Existing seepage has rotted the sill, which they have replaced. The deck will be about 45' long and 5' to 6' wide and will connect to the existing porch at the back.

Ms. Feinstein noted that the siding and windows were approved by the CEO under the delegation of authority to approve like-for-like and that the Board was considering only the deck.

Mr. Bostwick observed that the sketch does not locate Pleasant Street. Mr. Cumming showed the Board where the street was on the sketch. Mr. Morrison questioned the absence of a railing on the deck; Mr. Cumming explained that the deck is only 14" above the ground. Ms. Moore confirmed that a railing was not required by code. Mr. Cumming added that they will install a ledger board to support the deck.

Mr. Taylor asked what materials would be used; Mr. Cumming said they will use pressure-treated wood and are not planning a lattice underneath, possibly hardware cloth. Ms. Feinstein asked if they would stain the wood; Mr. Cumming said they would not stain it and would use preservative only.

Motion to find the application complete with the information provided at the meeting and the photographs provided earlier.

Moved: Brown Seconded: Bostwick Unanimously approved.

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

Moved: Brown Seconded: Seymour Unanimously approved.

5. Certificate of Appropriateness for New Construction in the Historic District for Alex Tyburski, 163 Second Street, Map 9 Lot 106

Mr. Seymour noted that "Northwoods Dental" appears on the sketch provided with the application and asked if the application were for the business. Ms. Moore said it was for a single-family home. Mr. Seymour asked if the deck was for accessibility. Ms. Moore said it was just to provide a walkway to avoid mud. She explained that there was originally a paver patio that became overgrown. The pavers have been removed and the area filled in with crushed stone to provide drainage. The deck will be only several inches above the ground. It is an after-the-fact application because Mr. Tyburski and his contractor construed it as landscaping, which does not need approval. Ms. Weston pointed out that it is a structure. Ms. Moore added that the decking will be composite material made to look like cedar. There will be no ledger board and the deck will be free-standing on piers. She added that the distance between piers is less than required by code, so it is very substantial. Both Mr. Taylor and Mr. Brown commented on the lack of photographs before and after construction.

Mr. Seymour asked if Ms. Moore had issued a Stop Work order; she said the construction was nearly complete before she saw it.

Mr. Taylor said that he was uncomfortable with the after-the-fact application, the excessive width of what was described as a walkway, and the lack of photographs.

Mr. Seymour asked if everything was done. Ms. Moore said it was. Ms. Rigoulot pointed out that in that case the application misrepresented the facts. Mr. Brown said he interpreted the application to mean replacing the boards on the existing walk-way and creating an additional deck; Ms. Moore said the boards on an existing 8'x25' walkway and stairs were replaced and the 12'x48' lower deck was new construction. Mr. Brown noted that a stone walkway would be landscaping.

Motion to find the application incomplete.

Moved: Brown

Seconded: Seymour

Ms. Feinstein observed that it was not acceptable to be nonchalant about after-the-fact applications.

Vote:

Unanimously approved.

8. Other Business

Public Education regarding the Historic District Regulations

The Board discussed the need for homeowners to be made aware of the Historic District requirements. They identified three areas of concern: 1) what the Public needs to know, 2) how best to disseminate the information, and 3) who should provide the notification. Ms. Weston said she has done similar programs for other municipalities and will draft some documents. Ms. Feinstein said she will approach the Council regarding changes to the Ordinances. Mr. Morrison noted that the biggest problem is the "frequent flyers."

Ms. Weston suggested that the City should do a full rewrite of the Ordinances.

Notification of Historic District Applications

Mr. Brown asked if Row House was notified of applications in the Historic District. There was discussion of how awareness of such applications could be better circulated. There was also a brief discussion of historic structures outside of the Historic District.

Memo from MMA Legal re: Waivers

Ms. Weston stressed that according to the memo from MMA Legal the Board cannot approve any waiver unless the ordinance specifically authorizes it to do so. In cases where the Board cannot issue a waiver, the applicant would have to request a variance from the Board of Appeals, and such variances must be hardship variances. She said she sees no way that the Planning Board can grant the waivers requested by Mr. Ross in his application.

Adoption of LD2003 Amendments

It was noted that the Council has not yet taken any action on the proposed amendments.

Ms. Weston told the Board that rulemaking for the new laws passed by the Legislature earlier this year will probably not be complete until January of 2026. She noted that there is no definite funding proposal as there was in LD2003.

Ms. Weston pointed out that there are grants available for full Ordinance rewrites. She also suggested using ECode360, a program for publishing and maintaining Ordinances on the internet. The initial cost for ECode360 is around \$20,000 with an annual maintenance fee of \$1,000 thereafter.

Discussion of CEO Representation of Applicant

Ms. Feinstein said she felt that in this case Ms. Moore was explaining rather than representing. Mr. Taylor said that he thought it would have been better to table the application.
