

City of Hallowell
Planning Board Meeting
February 17, 2016
7:00 pm

1. Call to Order

Ms. Obery called the meeting to order.

2. Roll Call / Quorum

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

Present: Danielle Obery (Chair), Richard Bostwick, Darryl Brown, Judith Feinstein, Jane Orbeton,
Rosemary Presnar

Maureen AuCoin, Code Enforcement Officer

Excused: Amy Mills (1st alt.)

Absent: Sandra Johnson

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 January 20, 2016 Planning Board Meeting

Ms. Feinstein asked other members for confirmation as to whether the Board had decided to continue to have the packets produced as they have been or have only additional supporting documents printed and delivered. Mr. Brown pointed out that he had not been able to open the draft minutes that were emailed to him. There was discussion and the Board confirmed that the packets should be produced and delivered as they have been.

Motion to approve the minutes of the January 20, 2016 meeting as presented.

Moved: Orbeton

Seconded: Presnar

Unanimously approved

5. Historic District Certificate of Appropriateness Application for Stephen Hammond, Hallowell IV, LLC, 226 Water Street, Map 9 Lot 189 (tabled from the January meeting)

Walter McKee represented Mr. Hammond. Mr. McKee apologized for being so late providing his additional documentation to the Board members.

Mr. McKee updated the Board on the current condition of the building. Andy Beaulieu, Mr. Hammond's contractor, was also present. Mr. McKee explained that a pipe burst about a week ago and necessitated largely gutting the building. He called attention to letters from Mark Walker and Roger Pomerleau supporting demolition of the building, pointing out that Mr. Walker is a former tenant of the building and Mr. Pomerleau was a moving force behind the creation of Augusta's Historic Preservation Ordinance. He stressed that the ordinance requires a finding of "limited" value but does not define "limited." He maintained that the building in question has limited historic value. It is a common style with no unique features. He observed that in January it was pointed out that this building was included in a Survey of Historic Buildings of Hallowell, but he has looked at the survey and found that it includes hundreds of houses and does not call out any particular house as architecturally unique. He pointed out that Row House has published a walking tour map of Hallowell listing 56 historic properties but does not include 226 Water Street. He also consulted the book *Historic Hallowell* which was published in 1962 and does not include 226 Water Street. He concluded by saying that whatever Mr. Hammond builds on the lot will be compatible.

Ms. Obery invited comments from the Public.

Gerry Mahoney, Vice-President of the Row House Board of Trustees, observed that Ms. Manson was unable to attend. He told the Board that Row House voted last night to not support the demolition of the structure at 226

Water Street until a historic architectural evaluation has been accomplished to determine if it is a contributing structure to the Historic District and an engineering study to determine whether there are safety issues. He said Row House expects that when the Board renders a decision on this application that there will be a factual or evidentiary base to support the decision. He pointed out that the Planning Board has the authority under §9-554(6) to secure the services of a consultant. He observed that there are two historic districts and that this building lies in the City's Historic District but not in the Federal Historic District. Ms. Feinstein summarized and asked for confirmation that Row House will not support demolition until when and if the historical significance as a contributing structure can be determined and that it wants to see a factual or evidentiary base for that decision by someone with the appropriate education and professional background to do that and that Row House itself is not prepared to offer evidence but would rather see the Board engage someone to provide that finding. Mr. Mahoney confirmed the summary. He added that this is not likely to be the only case that will arise and Row House wants a sound evidentiary base rather than individual opinions.

Ms. Obery observed that Board received a communication from the Maine Historic Preservation Commission (MHPC) which noted that the building was in the Hallowell Historic District but not the Federal Historic District and made no statement regarding the building itself. Ms. AuCoin confirmed that neither MHPC nor City Historian Sam Webber had provided any advisory comments. Ms. Obery told the Board that she had consulted MHPC's webpage CARMA and found an inventory of the buildings in downtown Hallowell for a MaineDOT project to improve Water Street. Mr. Bostwick confirmed that to satisfy §106 of the Federal Historic Preservation Act and §4F of the DOT Act, the Department of Transportation contracted to have an architectural survey done within the highway project's limits. He said a report and summary sheet should be available from the DOT. Ms. Presnar observed that the survey data was entered on 12/14/2015, so it is a recent survey.

Ms. AuCoin told the Board that she contacted Megan Hopkins at DOT. Ms. Hopkins indicated that the building was considered as contributing to the historic district because it was listed as one of the buildings in the federal historic district according to the nomination papers dating back to the 1970s. Ms. Hopkins said that it would be considered a contributing resource but referred Ms. AuCoin to the MHPC.

Raymond Hicks told the Board that Mr. Webber sent him a communication in which he reviewed documentation that was used as part of creating the federal historic district. 226 Water Street was specifically included as a contributing structure but did not wind up in the federal historic district. In 1968 much of the neighborhood was still standing and that structure was picked out as a contributing structure. Ms. AuCoin added that Mr. Webber had expressed concern that finding this building to have limited value could set a precedent for other buildings in the Historic District.

Andy Beaulieu noted that in the 1970s the State bought thirty-odd houses and demolished them as part of a project; he suggested this seems to be a precedent. Mr. Mahoney observed that whether its thirty houses or forty houses, each house should be considered separately on an objective basis.

Ms. Feinstein noted that the Board is limited by the Ordinances which do not define a number of things that would be helpful to have defined – such as “contributing structure.” She agreed that the Board needs to understand that opinions are not facts.

Robert Colwell, 120 Second Street, told the Board that historic nature of Hallowell is not just in the 50-something buildings mentioned earlier. If we limit historic value to only the top notch we lose sight of what the town is. These same arguments were used in the 1970s. This is one of the few buildable properties right on the river. He expressed concern that the proposed demolition would set a dangerous precedent for adjacent properties. He called attention to the fact that the downtown is still intact.

Robert Stubbs, 2 Pleasant Street, said he has been active in both City and State government. He said he did not think this property rises to the point that it should be saved. He said he has been involved in saving several properties. This particular property is extremely mediocre and what will replace it will someday be valuable property. We should concentrate on what it is necessary to save. He pointed out that he has been a member and former president of Row House, was active in saving the Fire Station, worked for the State Highway Commission as a certified general appraiser, and was a member of the State Claims Commission which adjudicated disputed cases.

Mary Baird Leighton, 318 Water Street, told the Board that the office and apartment in the building at 226 Water Street used to be beautiful.

Irv Paradis, 42 Winthrop Street, said that he agreed with everything Mr. Mahoney said and stressed that the most important thing is to get a professional opinion of the historic importance of the property. He suggested Earle Shettleworth, Michael Johnston and Amy Cole Ives as well-qualified to perform such an opinion.

Mr. McKee suggested that requiring an expert opinion for every single property for which there is a request of this nature would be dangerous. He maintained that the Board has the evidence and that postponing a decision is delaying the inevitable because the facts are already before the Board. He pointed out that no one has come forward with anything except general ideas about the historic significance of the building.

Mr. Bostwick observed that Ms. AuCoin's contact with Ms. Hopkins seems to indicate that there is some sort of contributing factor. He pointed out that the survey was done independently from this process and deserves consideration.

Mr. Brown agreed with Mr. McKee that the word of emphasis is "limited." He said he saw little proof of historic significance. He said was disappointed in Row House's presentation and that he supported Mr. Stubbs' opinion.

Sandy Stubbs, 2 Pleasant Street, told the Board that she was president of Row House for three years. During that time Row House supported the City Council's resolution to preserve the 1899 Hose Tower. She pointed out that there are other properties that deserve attention, such as the Dummer House. She noted that Mr. Hammond has invested heavily in restoring other buildings on Water Street.

Ms. Orbeton pointed out that §9-554(6) includes the language "It is intended that such review shall be requested only where there may be serious questions concerning methodologies, practices, opinions, or scientific principles presented by the applicant or its experts to meet its burden of proof." She also pointed out the provisions for payment by the applicant.

Ms. Feinstein said she was also disappointed with Row House's presentation. She said she had hoped that those opposed to the demolition would present information rather than requesting the Board to go get it. She agreed that essential information is the key and that there was not enough. Mr. Brown pointed out that arguing the facts regarding the current condition of the building could bring up the issue of not maintaining a historic structure to proper standards. He added that this decision could become solely an issue of feasibility and that he is more inclined toward demolition rather than forcing someone to preserve a property he doesn't want to preserve.

Ms. Obery noted that the structure is clearly historic, but how important that is is difficult to tell and that there is more information the Board needs. Mr. Brown said the word "limited" is the issue. He asked if the DOT's survey included the interior; Mr. Bostwick observed that most assessments are done from outside. Ms. Presnar asked what information the report would add to the survey; Mr. Bostwick said it would define the style and detail features that made it exemplary or contributory.

Ms. Orbeton expressed concern that the opinion of whether this building is of limited historical value is very subjective. She feels there is other information available and said she felt the Board should make a more formal request to the MHPC for help. She also questioned whether the applicant would be willing to pay a consultant's fee. Ms. Obery explained that she spoke to Robin Reed at MHPC and that Ms. Reed was reluctant to comment and would not even state that the building was historic. She said she was willing to meet with MHPC but expected they would not provide any more information. Mr. Bostwick observed that the DOT survey was not the same material as MHPC and it is so recent that there has not been time to study it. Ms. Feinstein expressed a desire to obtain information in such a way that they establish a protocol for the Board. She said she doesn't want the Board to spend months on this but to find out how to do it correctly.

Mr. Brown asked if a demolition permit is issued, would there be a timeline for new construction. Ms. AuCoin said that since this is in the Downtown District there is a lot of flexibility.

Ms. Orbeton asked if there are objective standards that a consultant would use. There was discussion. Mr. Paradis pointed out that an architectural historian will also provide a history of how the building fit into the society, what its roles were, etc. He said that even if it appears to be a mediocre building it might have

