

City of Hallowell
Planning Board Meeting
January 20, 2016
7:00 pm

1. Call to Order

Ms. Orbeton called the meeting to order.

2. Roll Call / Quorum

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

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

Maureen AuCoin, Code Enforcement Officer

Excused: Sandra Johnson

Absent: Lisa Leahy (1st alt.), Amy Mills (2nd alt.)

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

None.

4. Election of Chair and Vice-Chair

Mr. Brown nominated Ms. Obery as Chair. Ms. Presnar nominated Ms. Feinstein as Vice Chair. Ms. Orbeton seconded both nominations. Ms. Orbeton noted that she was happy to continue to serve as a Board member.

Vote:

Unanimously approved

Ms. Obery took the Chair.

5. Approval of Minutes of the November 18, 2015 Planning Board Meeting

Motion to approve the minutes of the November 18, 2015 meeting as presented.

Moved: Orbeton

Seconded: Bostwick

Unanimously approved

6. Historic District Certificate of Appropriateness Application for Stephen Hammond, Hallowell IV, LLC, 226 Water Street, Map 9 Lot 189

Attorney Walter McKee represented Steve Hammond in presenting an application to demolish the house at 226 Water Street. Mr. McKee provided background on the application. The building has been used as office space and an apartment. It is very close to the street. Mayor Walker had his law office there for seven years and supports the demolition. There has been extensive interior modification; parking is very tight and limited. The lot is only .21 acres with 71' of street frontage. Ms. Orbeton observed that there was an application regarding this property last year. Mr. McKee explained that the project had proved to be too expensive and rental has been difficult.

Mr. McKee pointed out that Section 9-560 regarding demolition of buildings in the Historic District permits demolition if the structure has limited architectural or historic value. He stressed that the ordinance does not say "no value" but that it has "limited value." He noted that this building is a non-descript building similar to many others throughout the Historic District. According to the tax records the building was built around 1900, but the historical society has been able to place it around 1880. It is a straight-up colonial. There are no unusual features to distinguish it. He added that he has not been able to determine that there are any associations to special events or people. Mr. Hammond wants to build something in its place, but at this point he does not know what that will be; whatever it is it will be compliant with the Code and in a solid and unflashy style. If a proposed new structure doesn't work, the lot will be left as green space.

Ms. AuCoin said that she was also unable to establish any history of the building. Sam Webber, the City Historian, is currently out of town on vacation. She pointed out that presenting a new project at this point would involve major expense without certainty that the old building could be demolished. She pointed out that the lot is in the Flood Plain so any new construction would have to meet Flood Plain requirements.

Mr. McKee reiterated that the standard is "limited architectural or historic value," and this property does not stand out at all, so demolition should be permitted.

Ms. Obery invited comments from the Public.

Carolyn Manson, 123 Second Street, and Raymond Hicks represented Row House, Inc. Ms. Manson told the Board that Row House is opposing demolition. The 1880 census shows that a laborer named Richard Dixon lived there with his wife and son. The area was mostly labor housing at that time. A map from 1889 shows a number of houses in that area which have all been lost. She stressed that it is a contributing building to Hallowell's history and should be preserved through restoration. Dr. Hicks observed that the area was a large working class neighborhood of predominantly Irish and Italian laborers. An 1876 bird's-eye map shows two to three dozen houses on the river. The remaining three houses represent almost the only remaining structures from the entire working-class neighborhood. He pointed out that these three houses represent a lead-in to the downtown area. Dr. Hicks indicated the location on the 1878 bird's-eye view on the wall of the Council Chamber.

Ms. Presnar asked when the deck was added to the house. Ms. AuCoin said there used to be a shed on the back which was removed about ten years ago and replaced with the deck and stairs in order to provide a secondary means of egress from the upstairs apartment.

Mr. Bostwick asked Dr. Hicks if he had talked to Mr. Webber; Dr. Hicks said he had not spoken to Mr. Webber about this specific house.

Ms. Orbeton called attention to pages 160, 79 and 81 of *A Field Guide to American Houses*. There was discussion of the style. Ms. Manson observed that the house did not appear on an 1855 map, so it was constructed between 1855 and 1880.

Mr. McKee said he appreciated the historical information, but every house is representative of a certain time. The issue here is that this particular house has limited architectural or historic value. The fact that it's in an area where the people did not have a lot of money does not change the analysis at all. Being a simple house is not a historic value. He pointed out that the cost of restoring the building would be double or triple the cost of the building itself and it is not cost-effective to do that.

Mr. Bostwick asked what structural condition the house was in. Mr. McKee explained that the stone foundation is leaky and has been described by one person as "the worst foundation he had ever seen in Hallowell." If rehab can't be done, the building will only deteriorate into an eyesore.

Mr. Bostwick asked what new construction flood plain requirements would permit. Ms. AuCoin explained that any living space would have to be above the base flood elevation, so it is likely the first floor would be a garage or storage area. There was discussion of other Water Street projects in the flood plain.

Mr. Bostwick said he can appreciate that there is also a contextual history and said that he would like to hear from Maine Historic Preservation and/or Sam Webber before making a decision.

Ms. Manson stated that the ordinance refers to "or historic value as part of the visual character of the street on which it is located." She said Row House contends that the house does have historic value and is part of the visual character of the street. The three houses are remnants of a different time.

Ms. Orbeton agreed with Mr. Bostwick that more information was necessary.

Mr. Brown observed that he also would like more information. He pointed out that the house appears to be structurally sound. He also remembers some of the houses from the area being moved down to Pittston. He pointed out that the house may not be special but it does add character to the street. Ms. Feinstein agreed that the architecture doesn't stand out but does contribute.

Mr. Bostwick added that it is better to have a building there than open space. Ms. Feinstein observed that Hallowell already has a number of deteriorating buildings and that the Board should deal with the application in a very considered way and not run the risk of creating another deteriorated building situation. Ms. Orbeton suggested that the Board needs to consider what "limited" means in this context.

Motion to table the application.

Moved: Brown

Seconded: Bostwick

Unanimously approved

7. Discussion of the Definition of "Structure" within the Historic District

Ms. AuCoin explained that this came up regarding sheds, play houses, dog houses, chicken coops, etc. It came about because someone has built a play house in his back yard; he felt it was a temporary structure and should not require approval. She pointed out to the Board that for a building permit there is a straight-forward threshold of 200 sq. ft., but that does not apply for Historic District approval. She added that under the ordinance anything that increases the exterior volume triggers requirement for Historic District approval. In the past there have been numerous after-the-fact applications. There was lengthy discussion of temporary structures and the definition of a structure.

Ms. Feinstein observed that the question is largely how a structure is used.

Ms. Orbeton suggested seeking advice from the Maine Municipal Association and finding out how other towns deal with the issue.

There was additional discussion of past issues of approvals for sheds. There was a general feeling that height might be used as a criterion. Ms. AuCoin pointed out that the Building Code treats a temporary structure just like any other structure.

8. Review of Proposed Amendment to City of Hallowell Revised Code of Ordinances, Section 9-60I regarding Accessory Buildings

Ms. Orbeton asked if this came to the Board from the City Council. Ms. AuCoin said it did not, that it came from the City staff as a reaction to how the Board of Appeals dealt with the issue and an attempt to clarify the issue. Ms. Orbeton said she felt the Board of Appeals was wrong and that one shouldn't be allowed to impinge on the set-back because one's neighbors don't disapprove.

Ms. Feinstein observed that this proposal is that abutters would be consulted and would have to approve. She asked if this would protect against what happened. Ms. AuCoin said that this would actually permit what happened. She added that she was not opposed to a temporary shed being put next to the property line, but the Ordinance doesn't allow it. Since the Board of Appeals feels that's all right, this is a way for the Ordinance to line up with the Board of Appeals' decision. Ms. AuCoin pointed out that this change may take more research to ascertain that it does not conflict with State law which govern variances. There was discussion of the proposed size threshold. Ms. Presnar observed that abutting properties change hands. There was further discussion. Mr. Bostwick asked if this was a solution to a problem that only shows up once in ten years; he suggested doing nothing and seeing how much of a problem this becomes. Ms. Orbeton suggested Ms. AuCoin include this in her research from Item 7.

9. Other Business

Posting of Recordings and/or Draft Minutes; Packet Format

Ms. AuCoin told the Board that the City Council has recently voted to have the recordings of its meetings posted on the website. She added that the City Council has also voted to have the draft minutes of its meetings posted as soon as they are available.

The Board decided by consensus that draft minutes should be posted on the City's website but that recordings should not.

Ms. AuCoin also told the Board that the City Council has also decided to have the packets for its meetings distributed electronically. She noted that the Planning Board packets sometimes include documents that are oversized or bound submissions. Ms. Feinstein observed that if such documents were provided electronically

the members would have no way to print them out at home. The Board decided by consensus to continue having the packets produced and delivered as they have been.

154 Water Street

Mr. Brown asked for an update on Robert Dale's properties. Ms. AuCoin informed the Board that Mr. Dale did most of the specified clean-up prior to the deadline, but the City did do some clean-up after the deadline. She explained that the cost of that work, as well as attorney's fees, can be billed out as a special tax on the property.

Slates Restaurant

Ms. Orbeton observed that she has heard that there is a plan for Slates Restaurant to move within the City. She asked if there is any information that is public. Ms. AuCoin said she has discussed several options with Wendy Larson. Ms. Larson owns the buildings Slates Bakery occupies but does not own the building Slates Restaurant is in. Ms. Larson is exploring possible options for moving the restaurant into the buildings housing the bakery. There was discussion of fire safety requirements and how extensive the renovations would have to be for ADA compliance.

Stevens School Complex

Ms. Presnar informed the Board that when the Stevens School Advisory Committee was meeting last spring, Planning Decisions presented a three-page summary of the Stevens School Planned Development District. In that summary they included two approaches for scaling back the master plan requirement. She added that the Planning Board will be involved in the master plan approval. She said she felt that the Board should have a chance to review and discuss the summary. She provided a copy of the summary to Ms. AuCoin. The summary was included verbatim in the State's RFP package. One option is to retain the basic approach but reduce the information required, and the second is to allow the master plan to address only the basic land use and infrastructure issues with detailed planning to occur later.

10. Adjournment

Motion to adjourn.

Moved: Bostwick

Seconded: Feinstein

Unanimously approved

Accepted as Presented on February 17, 2016, by a vote of 6 Yea to 0 Nay.

Attested:

s/

Danielle Obery, Chair