

**City of Hallowell**  
**Planning Board Meeting**  
**July 20, 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,  
Andrew Landry (2<sup>nd</sup> alt.), Jane Orbeton, Rosemary Presnar  
Richard Dolby, Interim Code Enforcement Officer

Excused: Daniel Davis, Amy Mills (1<sup>st</sup> alt.)

Mr. Landry will be voting.

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

Larry Davis, 123 Town Farm Road, expressed concern about a proposed drug rehabilitation house at 138 Town Farm Road. He said the landlord had referred him to Elaina George. He asked if the City had to approve this type of facility. Mr. Bostwick said that was not clear and noted that there was no application before the Board. Ms. Obery observed that Mr. Davis had spoken to her about this and she had suggested he come to the meeting. Mr. Landry suggested asking the Code Enforcement Officer; if this is a permitted use in the zone, the Board has no control, but a conditional use would require the Board's approval.

Mr. Davis told the Board that up to eight men would live in the house with no supervision or management from Oxford House. There would be a coordinator who is a volunteer. Each man would live there from two to ten months. They are not related and are transients.

Ms. Orbeton asked the Code Enforcement Officer to speak. Ms. Feinstein stressed that there is no application and the Board is providing a place to express concerns but is not taking any action. Mr. Dolby said he has experience with this type of thing from his work in Augusta. The federal Fair Housing Act says that these facilities are permitted anywhere a single-family home is permitted. They do not need to be licensed; they do not need community approval; and an effort to regulate them can be considered discriminatory. He said he invited the organizers to make a presentation as a good-neighbor effort but could not require them to do so.

Elaina George told the Board that Oxford House facilities have been considered single-family units by the courts. They are an opportunity for people to recover. She said she speaks from personal experience. Oxford House facilities have an 80% success rate. The residents have requirements for meetings, sponsors, chores, employment, etc.

Lorraine Stubbs, 100 Town Farm Road, spoke against the proposed facility. She asked why it was not located where there is better transportation. Ms. George said that the KVCAP bus will stop there up to four times a day. Ms. Feinstein stated that it is not appropriate to turn this into a discussion with other members of the Public. Ms. Stubbs added that there are five widowed people living alone on the road and reiterated her objection to the facility.

William Heselton, 127 Town Farm Road, spoke in opposition to the proposed facility.

Rep. Charlotte Warren, 19 Oakwood Drive, said that she understands the fear. She said she has explored the issue and has found the people using the facilities are like all of us. She said there is a lot of fear and misinformation. She said she supports the proposed facility and encourages people to do some research.

Ms. Obery noted that the fifteen minute time limit had been exceeded.

Motion to add an additional Public Comment period of limited duration as Item 8A.

Moved: Orbeton

Seconded: Landry

Unanimously approved

#### **4. Approval of Minutes of the June 15, 2016 Planning Board Meeting**

Motion to approve the minutes of the June 15, 2016 meeting as presented.

Moved: Orbeton

Seconded: Bostwick

Unanimously approved

#### **5. Approval of Minutes of the June 30, 2016 Special Planning Board Meeting**

Motion to approve the minutes of the June 30, 2016 special meeting as presented.

Moved: Orbeton

Seconded: Bostwick

Unanimously approved,  
Obery abstaining

#### **6. Historic District Certificate of Appropriateness Application for Rachel and Robert Meehan, 25 Academy Street, Map 9 Lot 45**

The Board omitted this Item at the request of the applicant.

#### **7. Historic District Certificate of Appropriateness Application for Violette Properties LLC, 81 Water Street, Map 5 Lot 151**

Gary Violette provided additional documents to the Board members. He explained that he wants to replace the metal frame and canvas cover with pressure-treated wood and a metal roof. There will be no enclosure.

Ms. Orbeton noted there were questions at the earlier hearing, namely a concern about headroom at the head of the stairs. Mr. Violette said the cross-bar probably would not be needed for a wood frame and agreed to leave it out. Mr. Dolby pointed out that this project will require a building permit, which will deal with construction details such as headroom and guard rails.

Mr. Violette told the Board that some of the railings are rotted and will be brought up to code. The roof will be green. He has had Coffin Engineering examine the structure for integrity.

Motion to find the application complete with the additional information provided at the meeting.

Moved: Orbeton

Seconded: Brown

Unanimously approved

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

Moved: Orbeton

Seconded: Bostwick

Yea: Bostwick, Brown, Feinstein,  
Landry, Orbeton, Presnar

Nay: Obery

Motion carries.

#### **8. Conditional Use Permit Application for Krystal Lavallee, Brews & Views, 234 Water Street, Map 9 Lot 194**

The applicant was not present.

Motion to table the application.

Moved: Orbeton

Seconded: Landry

Mr. Violette asked to speak and was recognized by the Chair. He told the Board that he is the owner of the property and has talked to the Harbormaster about the dock. Mr. Violette said that the use is an existing use because there was a dock there and parts of the structure still exist. Ms. Obery said she would like to see evidence of the structure and drawings of the proposed construction. Mr. Brown observed that Ms. Lavallee also has not responded to the Board's request for a meeting regarding the windows on the deck.

Vote:

Unanimously approved

Mr. Rudy asked for a brief recess to consult with the Chair. The Board reconvened.

## 8a. Additional Public Comment Period

Ms. Feinstein suggested that the Board should set parameters for comments. Mr. Landry proposed a limit of three minutes per person. Ms. Presnar asked those speaking to address the Board, not the audience.

Mr. Bostwick said he had done some background work and would like a determination of whether this is a community living facility. Ms. Orbeton cited MRSA 30-A §4357-A, which requires a municipality to treat community living arrangements as a single-family use of property, and §§4351 & 4352, which make it clear that this requirement overrules any contrary municipal ordinance.

Ms. Feinstein observed that there are strong emotions around this issue and stressed that the Board has received no application. The Board has no jurisdiction and is providing an opportunity for public comment, not a formal public hearing.

Ms. Obery invited comments from the public.

Margie Taylor, president of the Oxford House in Portland, spoke in support of the proposed facility. She guaranteed that no neighbor would know by observation that the residents are in recovery. It is misinformation and ignorance that equates recovery with poor character. There is no management per se, but each house has rules which must be met. Residents must work or attend school, attend meetings, do chores and pay rent. She suggested those opposing the facility should talk to the residents and look at the house manual.

Larry Davis said that he did talk to Elaina George. He said the neighbors are fearful. He asked what the admission process entailed, what the specific requirements for acceptance were, whether there was drug/alcohol testing.

Ms. Obery asked Ms. George to comment. Ms. George explained that all applicants are interviewed by the house residents. The applicants must already be in recovery and have plans for the future. They must be accepted by an 80% vote of the residents of the house. Once accepted, they are tested immediately. They must attend weekly house meetings. Several residents are tested randomly each week. A resident may be away from the house up to four days and after a two-day absence must submit to an immediate test. Mr. Landry asked what level of crime would prevent acceptance. Ms. George said any violent crime or active warrant is unacceptable.

Andy Rice, an applicant to the proposed facility, said that no sex offenders are admitted. He said he enjoys giving back to the community because while he was using he took a lot from the community. He pointed out that there is no sense in locating facilities like this in an area like downtown where bars are so prevalent. He said he understands the fear, and the reality is that there may be problems, but they will work through them.

There were no further comments from the Public and Ms. Obery closed the comment period.

## 9. Other Business

Ms. Obery called attention to the updated Ordinance Book pages provided by the City Clerk's Office.

Ms. Feinstein asked Mr. Dolby if he would follow up with Ms. Lavallee. Mr. Dolby said he would do so.

## 10. Adjournment

Motion to adjourn.

Moved: Presnar

Seconded: Landry

Unanimously approved

*Accepted as Presented on August 17, 2016, by a vote of 7 Yea to 0 Nay.*

Attested: \_\_\_\_\_

s/

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Danielle Obery, Chair