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## PLANNING BOARD

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Paul Mattor, Chair  
Don Roth Jr, Vice Chair  
Peter Lovell  
Heather Sullivan  
Jessica Brackett  
Tom Witkowski  
Gregg McPherson

### Minutes of Planning Board Meeting 6 January 2022

**Members Present:** Paul Mattor, Chair; Don Roth Jr, Vice Chair; Heather Sullivan, Gregg McPherson, Tom Witkowski, Peter Lovell. **Absent:** Jessica Brackett

**Others Present:** David McCubrey & Mary Hoffman, Select Board; Martha Turner, Secretary; Tammy Munson CEO; David Galbraith SMPDC; Alain Carrier, Todd Hurtubise, Warren Cutter, Linda Bellemare, Karen Bussiere, Rick Alderette, Katie Carrier

**Call to Order:** With a quorum present, the meeting was called to order by Chair Paul Mattor at 7:00 PM.

**Minutes:** Motion was made to approve minutes of 16 December 2021. Motion seconded and discussed. Mr. Mattor suggested one change: "Mr. Mattor stated that **the** goal of the written site plan" - change "the" goal to "one" goal. Carried 4-0-2.

**Correspondence:** None

**Reports:** None

**Public Hearings:** Motion was made and seconded to suspend the meeting and open a public hearing for Alain Carrier, Green Roots LLC, 62 & 64 Hollis Road. Carried 5-0-1. Chairman asked for comments from anyone attending in person or on Zoom. No response was received. Motion was made and seconded to close the public hearing and reopen the meeting. Carried 5-0-1. Motion was made and seconded to suspend the meeting and open a public hearing for Todd Hurtubise, Hollis Medication Station, 962 River Road. Carried 5-0-1. Chairman asked for comments from anyone attending in person or on Zoom. No response was received. Motion was made and seconded to close the public hearing and reopen the meeting. Carried 5-0-1.

**Unfinished Business:** Todd Hurtubise, Medication Station, 962 River Road; #2201-4148 Medical Marijuana Retail Store; #2201-4152 Medical Marijuana Cultivation. Both uses are contained within one building. A letter of support has been received from an abutter, Richard Alderette.

Parking was discussed. There is approximately 15,000 sq ft of parking space available. Maximum number of employees present at any one time will be three for the retail store and twelve for cultivation. Mr. Galbraith stated that there appears to be more than enough parking spaces.

Lighting was discussed, including illuminating a flag. Motion was made to add a Condition of Approval requiring that all exterior lighting must be downward facing, or a spotlight which does not project onto any roadway or neighboring property. This condition does not prohibit time-limited motion-activated security lights. Motion was seconded and discussed. Motion carried 5-0-1.

Odor control was discussed. Motion was made and seconded to consider the odor control plan to be adequate. Motion carried 5-0-1.

Mr. Galbraith suggested the following Condition of Approval: "The Applicant shall establish an odor and maintenance plan that details all odor control measures, all equipment and cleaning/maintenance for all existing and new odor control equipment. This Maintenance Log shall be shown to the Town's Building and Fire inspectors upon request. Any noted deficiencies shall be corrected within the timeline provided by the enforcement authority."



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Motion was made and seconded to review the "Factors Applicable to Conditional Use," Section 3.7.4.5 of the Hollis Zoning Ordinance. Motion was discussed; Mr. Mattor noted that if any of these items should fail, the whole application fails. Motion carried 5-0-1.

- a) In considering a Conditional Use Permit the Board shall evaluate the immediate and long-range effects of the proposed use. The applicant shall present adequate evidence, where appropriate, in order for the Board to make findings of fact on the proposed use. The Board shall approve a conditional use provided that the Board finds that the applicant meets the following criteria:
- b) The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. *No additional impact, building is existing. 5-0-1*
- c) The use will conserve shore cover and visual, as well as actual, access to water bodies. *Not adjacent to any water bodies. 5-0-1*
- d) The use is consistent with the Comprehensive Plan. *Yes, the use is consistent with all existing ordinances and the Comprehensive Plan. 5-0-1*
- e) Access to the site from existing and proposed roads is safe and adequate. The proposed use will not aggravate or cause undue traffic congestion. *No change from previous use. Memo from Road Commissioner that parking and turnaround area are sufficient. 5-0-1*
- f) The site design is in conformance with all flood hazard protection regulations, and any proposed construction, excavation, or fill will not affect a water body's ability to store floodwater. *Not located in a flood zone. 5-0-1*
- g) Adequate provision for the disposal of all wastewater and solid waste has been made. *Yes, plans have been made for disposal of waste. 5-0-1*
- h) Adequate provisions for the transportation, storage and disposal of any hazardous materials have been made. *Only hazardous materials on premises are propane and CO2, storage for both outside the building. 5-0-1*
- i) A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed. *Previously developed land. 5-0-1*
- j) Adequate provisions to control soil erosion and sedimentation have been made. *No new construction. 5-0-1*
- k) There is adequate water supply to meet the demands of the proposed use. *Existing well is adequate. 5-0-1*
- l) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor and the like. *No noise is generated. Lighting and odor control plans have been submitted. 5-0-1*
- m) All performance standards in this Ordinance, applicable to the proposed use, will be met. *Yes. The complete application has been reviewed by the Board as well as the SMPDC planner. Enforcement by Code Enforcement Officer. 5-0-1*
- n) The use will not deplete or degrade adjacent water bodies or supplies. *No adjacent water bodies. 5-0-1*
- o) The use will not adversely burden existing municipal infrastructure. *Fire Chief and Road Commissioner have reviewed. 5-0-1*
- p) Adequate provisions for fire protection for the intended use. *Fire Chief has approved the fire protection plan. 5-0-1*
- q) The Planning Board should consider the advice of the Conservation Commission where applicable. *No advice has been received from the Conservation Commission. 5-0-1*

Review of Page 7 of 11 in the Hollis Marijuana Business Ordinance. In submitting a complete Conditional Use Permit application, an Applicant for a Marijuana Business shall:

- 1. Provide all information required for a Conditional Use Permit application under the Hollis Zoning Ordinance. *Yes, the application is complete. 5-0-1*
- 2. State the type of Marijuana Business for which the Applicant is seeking a permit. *Medical Marijuana Cultivation and Medical Marijuana Retail Store. 5-0-1*
- 3. Provide a map of the property to demonstrate that the site is not located within 1,000 feet of a public/private school. *Map provided. Not located within 1,000 feet. 5-0-1*
- 4. If the proposed Premises are leased or otherwise not owned by the applicant, provide a signed certification by the property owner allowing the operation of the Marijuana Business on the Premises. *The applicant is the owner of the Premises. 5-0-1*
- 5. If the Applicant is a Business Entity, provide the names and addresses of every officer, director, manager and general partner of the Business Entity. *Sole proprietor. 5-0-1*



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6. Provide a copy of the approved Conditional State License. *Copy of license has been provided. 5-0-1*
7. Provide a waste disposal plan. *Adequate waste disposal plan has been provided. 5-0-1*
8. Provide fumes and odor control plan. *Adequate odor control plan submitted, reviewed, and approved. 5-0-1*
9. Provide a security plan. *Security plan submitted, reviewed, and approved. 5-0-1*
10. Provide a signage plan. *Signage plan has been submitted, reviewed and approved. 5-0-1*
11. Provide a State of Maine License for pesticide application (if applicable). *Not applicable. 5-0-1*
12. Provide a State of Maine License for the use of inherently Dangerous Substances (if applicable). *Not applicable. 5-0-1*
13. Provide a State of Maine License for edible food products (if applicable). *License provided. 5-0-1*

Motion was made to approve the following applications: (1) Marijuana Business Application and Conditional Use Permit Application #2201-4148 for Medical Marijuana Retail Store, and (2) Marijuana Business Application and Conditional Use Permit Application #2201-4152 for Medical Marijuana Cultivation. Motion was seconded and discussed. Carried 5-0-1. These applications are now ready for Select Board review.

**Unfinished Business:** Alain Carrier, Green Roots LLC; #2201-4145 Medical Marijuana Retail Store, 64 Hollis Road; #2201-4154 Medical Marijuana Cultivation, 62 Hollis Road.

Parking areas were discussed. Screening will be provided in the form of a berm and fencing to prevent headlights from shining into neighbors' windows, as required in Hollis Zoning Ordinance 6.15.4. with enforcement by Code Enforcement Officer. Motion was made and seconded to add a Condition of Approval stating that the owner shall install a berm and fencing as depicted on the parking plan, to be constructed within six (6) months of the date of this approval. Motion carried 5-0-1.

Exterior lighting was discussed. Motion was made and seconded to add a Condition of Approval stating that all lighting will be downward facing to avoid spillage onto neighboring property and roadway. This will not prohibit the use of motion-activated time-limited security lighting. Motion carried 5-0-1.

Motion was made and seconded to review the "Factors Applicable to Conditional Use," Section 3.7.4.5 of the Hollis Zoning Ordinance in regard to both applications. Motion was discussed; Mr. Mattor noted that if any of these items should fail, the whole application fails. Motion carried 5-0-1.

- a) In considering a Conditional Use Permit the Board shall evaluate the immediate and long-range effects of the proposed use. The applicant shall present adequate evidence, where appropriate, in order for the Board to make findings of fact on the proposed use. The Board shall approve a conditional use provided that the Board finds that the applicant meets the following criteria:
- b) The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. *No additional impact, site is existing, not adjacent to water. 5-0-1*
- c) The use will conserve shore cover and visual, as well as actual, access to water bodies. *Not adjacent to any water bodies. 5-0-1*
- d) The use is consistent with the Comprehensive Plan. *Yes, the use is consistent with all existing ordinances and the Comprehensive Plan. 5-0-1*
- e) Access to the site from existing and proposed roads is safe and adequate. The proposed use will not aggravate or cause undue traffic congestion. *Existing site; adequate parking and turnaround area are provided. 5-0-1*
- f) The site design is in conformance with all flood hazard protection regulations, and any proposed construction, excavation, or fill will not affect a water body's ability to store floodwater. *Existing site, not located in a flood zone. 5-0-1*
- g) Adequate provision for the disposal of all wastewater and solid waste has been made. *Yes, plans have been made for disposal of waste. 5-0-1*
- h) Adequate provisions for the transportation, storage and disposal of any hazardous materials have been made. *No hazardous materials. 5-0-1*
- i) A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed. *Previously developed land. 5-0-1*
- j) Adequate provisions to control soil erosion and sedimentation have been made. *Berm will be vegetated to prevent erosion. 5-0-1*



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- k) There is adequate water supply to meet the demands of the proposed use. *Existing well is adequate. 5-0-1*
- l) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor and the like. *No noise is generated. Lighting and odor control plans have been submitted. 5-0-1*
- m) All performance standards in this Ordinance, applicable to the proposed use, will be met. *Yes. The complete application has been reviewed by the Board as well as the SMPDC planner. Enforcement by Code Enforcement Officer. 5-0-1*
- n) The use will not deplete or degrade adjacent water bodies or supplies. *No adjacent water bodies. 5-0-1*
- o) The use will not adversely burden existing municipal infrastructure. *Hollis Road (Route 202) is a state highway. 5-0-1*
- p) Adequate provisions for fire protection for the intended use. *Fire Chief has approved the fire protection plan. 5-0-1*
- q) The Planning Board should consider the advice of the Conservation Commission where applicable. *No advice has been received from the Conservation Commission. 5-0-1*

Review of Page 7 of 11 in the Hollis Marijuana Business Ordinance. In submitting a complete Conditional Use Permit application, an Applicant for a Marijuana Business shall:

- 1. Provide all information required for a Conditional Use Permit application under the Hollis Zoning Ordinance. *Yes, the application is complete. 5-0-1*
- 2. State the type of Marijuana Business for which the Applicant is seeking a permit. *Medical Marijuana Cultivation and Medical Marijuana Retail Store. 5-0-1*
- 3. Provide a map of the property to demonstrate that the site is not located within 1,000 feet of a public/private school. *Map provided. Not located within 1,000 feet. 5-0-1*
- 4. If the proposed Premises are leased or otherwise not owned by the applicant, provide a signed certification by the property owner allowing the operation of the Marijuana Business on the Premises. *The applicant is the owner of the Premises. 5-0-1*
- 5. If the Applicant is a Business Entity, provide the names and addresses of every officer, director, manager and general partner of the Business Entity. *Sole proprietor. 5-0-1*
- 6. Provide a copy of the approved Conditional State License. *Copy of license has been provided. 5-0-1*
- 7. Provide a waste disposal plan. *Adequate waste disposal plan has been provided. 5-0-1*
- 8. Provide fumes and odor control plan. *Adequate odor control plan submitted, reviewed, and approved. 5-0-1*
- 9. Provide a security plan. *Security plan has been submitted and reviewed. 5-0-1*
- 10. Provide a signage plan. *Signage plan has been submitted and reviewed. 5-0-1*
- 11. Provide a State of Maine License for pesticide application (if applicable). *Not applicable. 5-0-1*
- 12. Provide a State of Maine License for the use of inherently Dangerous Substances (if applicable). *Not applicable. 5-0-1*
- 13. Provide a State of Maine License for edible food products (if applicable). *License provided. 5-0-1*

Motion was made to approve the following applications, including Conditions of Approval: (1) Marijuana Business Application and Conditional Use Permit Application #2201-4145 for Medical Marijuana Retail Store, and (2) Marijuana Business Application and Conditional Use Permit Application #2201-4154 for Medical Marijuana Cultivation. Motion was seconded and discussed. Carried 5-0-1. These applications are now ready for Select Board review.

**Plan for Next Meeting:** Wednesday 12 January 2022, 7:00 PM.

**Adjourn:** Meeting adjourned 8:45 PM.

Minutes submitted by Martha Turner, Secretary  
Approved by Planning Board 26 January 2022