



PLANNING BOARD

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

Minutes of Planning Board Meeting 26 January 2022

Members Present: Paul Mattor, Chair; Jessica Brackett, Gregg McPherson, Tom Witkowski, Peter Lovell.

Absent: Don Roth Jr, Heather Sullivan.

Others Present: Mary Hoffman, Select Board; Martha Turner, Secretary; Katie Sellers, Kleinschmidt Associates; Steve Mockler, Brookfield; Uriah Forest-Bulley, Kleinschmidt Associates.

Call to Order: With a quorum present, the meeting was called to order by Chair Paul Mattor at 7:10 PM. (Technical difficulties prevented access by Zoom.)

Minutes: Motion was made and seconded to approve the minutes of the 16 December 2021 site visit at 962 River Road, Hollis Medication Station. Motion carried 1-0-4 (Witkowski in favor; 4 abstained). Motion was made and seconded to approve the minutes of the 16 December 2021 site visit at Green Roots LLC, Hollis Road. Motion carried 2-0-3 (Witkowski, McPherson in favor; 3 abstained).

Motion was made to approve the minutes of the 26 January 2022 site visit at Bonny Eagle Dam, 423 Bonny Eagle Road. Motion was seconded and discussed. One change was suggested, to add the words "among others": "Applicant has approvals from FERC, USFWS, SRCC, among others." Motion was approved as amended 3-0-2

Motion was made and seconded to approve the minutes of 6 January 2022. Motion carried 4-0-1. Motion was made and seconded to approve the minutes of 12 January 2022. Motion carried 4-0-1.

Correspondence: Letter inviting input regarding Kennebunk's new Comprehensive Plan.

Reports: Mary Hoffman reported that the Select Board is currently working with all departments to finalize budgets for the next fiscal year. She also reported that the Hollis Conservation Commission is considering moving the old Tea House building instead of tearing it down.

Public Hearings: Motion was made and seconded to suspend the meeting and open the public hearing for Brookfield Hydro, revision of Conditional Use Permit #2201-4139 approved in 2021. Motion carried 4-0-1. Presented by Uriah Forest-Bulley, Kleinschmidt Associates. With no public comment offered, motion was made and seconded to close the public hearing. Carried 4-0-1.

Motion was made and seconded to open the public hearing for Brookfield Energy Battery Storage #2201-4155. Motion carried 4-0-1. Presented by Katie Sellers, Kleinschmidt Associates, and Steve Mockler, Brookfield. With no public comment offered, motion was made and seconded to close the public hearing. Carried 4-0-1.

Unfinished Business: Lindsay Holden, Pine Tree Maine 4, application for marijuana manufacturing at 415 Hollis Road, CUP #2201-4144. Ms. Holden explained that in August 2021 she submitted applications for two adult marijuana businesses to be located in the same building: one adult marijuana manufacturing facility, and one adult marijuana retail store. The Planning Board has approved CUP #2201-4143 for the adult marijuana retail store; CUP #2201-4144 was tabled. Ms. Holden reviewed the Hollis Ordinance definitions and zoning requirements, and emphasized that both uses have the same owners and are included under one lease. She suggested that the retail store is the principal use, and the manufacturing is an accessory use.



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Mr. Mattor noted that the Marijuana Business Ordinance does not include a provision for accessory use. He reviewed the opinions that the Planning Board has received from the Select Board, CEO, SMPDC, and the town's attorney Mary Costigan. All are in agreement that there is insufficient space and bulk for two additional businesses to be located at 415 Hollis Road. Board members discussed at length. Motion was made and seconded to deny the permit for Pine Tree Maine 4, CUP #2201-4144. Motion carried 3-0-2 (Brackett and Mattor abstained).

Unfinished Business: Brookfield Hydro, revision of CUP #2201-4139 approved in 2021, presented by Uriah Forest-Bulley of Kleinschmidt Associates. The applicant would like to amend the application to eliminate the proposed fishing platform and the crosswalk. A public hearing was held today; a site visit has been waived.

Mr. Mattor reviewed Hollis Zoning Ordinance Section 3.7.4.5 Factors Applicable to Conditional Use. Each motion was seconded, and carried as indicated. Mr. McPherson abstained from voting as he was not on the Board at the time of the initial CUP approval.

5. Factors Applicable to Conditional Use

- 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. *Less impact, as less ground will be disturbed. Carried 3-0-2.*
- c. The use will conserve shore cover and visual, as well as actual, access to water bodies. *Visual access will be unchanged; actual access will be improved. Carried 3-0-2.*
- d. The use is consistent with the Comprehensive Plan. *Yes, unchanged from initial plan. Carried 3-0-2.*
- 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. *Access to the site will be safer; eliminating the crosswalk eliminates potential liability for the Town. Carried 3-0-2.*
- 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. *Less construction involved. Carried 3-0-2.*
- g. Adequate provision for the disposal of all wastewater and solid waste has been made. *No change. Carried 3-0-2.*
- h. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *No hazardous materials. Carried 3-0-2.*
- i. A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed. *Stormwater flow impacts will be undetectable. Carried 3-0-2.*
- j. Adequate provisions to control soil erosion and sedimentation have been made. *More than adequate; less disturbance with this plan. 3-0-2.*
- k. There is adequate water supply to meet the demands of the proposed use. *No change from previous. 3-0-2.*
- 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. *Adequate buffer strips and landscaping will be provided. Carried 3-0-2.*
- m. All performance standards in this Ordinance, applicable to the proposed use, will be met. *All performance standards will be met; compliance monitored by CEO. Carried 3-0-2.*
- n. The use will not deplete or degrade adjacent water bodies or supplies. *Less disturbance, less impact. 3-0-2.*
- o. The use will not adversely burden existing municipal infrastructure. *Less impact on existing municipal infrastructure. Carried 3-0-2.*
- p. Adequate provisions for fire protection for the intended use. *No change. Carried 3-0-2.*
- q. The Planning Board should consider the advice of the Conservation Commission where applicable. *No advice received from Conservation Commission. Carried 3-0-2.*



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Motion was made and seconded to approve Brookfield's revised plan for CUP #2201-4139 as presented. Motion carried 3-0-2 (McPherson and Mattor abstained). The application is approved. Applicant will consult with CEO regarding any shoreland issues.

Unfinished Business: Brookfield Battery Storage, CUP #2201-4155, and Shoreland Permit application #2201-4156, presented by Katie Sellers, Kleinschmidt Associates. Planning Board has received a letter from Jay Stephens, engineering consultant, indicating no engineering concerns with this project. Site visit and public hearing were held today. Application #2201-4155 was previously accepted as complete. Motion was made and seconded to accept Shoreland Permit application #2201-4156 to be complete as submitted. Carried 4-0-1. Motion was made and seconded to waive an additional site visit and public hearing for #2201-4156. Motion carried 4-0-1.

Mr. Mattor reviewed Shoreland Zoning Ordinance Chapter 1.4 Procedure for Administering Permits. Motion was made and seconded for each item. Votes are indicated.

1. Will maintain safe and healthful conditions. *Yes; project will be fenced in; access will be provided for vehicles to pass safely. Carried 4-0-1*
2. Will not result in water pollution, erosion, or sedimentation to surface waters. *Project will reinforce and stabilize the slope. All erosion control measures will be followed. Carried 4-0-1.*
3. Will adequately provide for the disposal of all wastewater. *N/A, no wastewater. Carried 4-0-1.*
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. *This is an industrial site, already disturbed; no additional impact. Carried 4-0-1.*
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters. *All points of access will be maintained. Carried 4-0-1.*
6. Will protect archaeological and historic resources as designated in the comprehensive plan. *Has been brought before the Maine Historic Preservation Commission; no concerns. Carried 4-0-1.*
7. Will avoid problems associated with flood plain development and use. *Not located in flood plain. Carried 4-0-1.*
8. Is in conformance with the provisions of Chapter 17, Land Use Standards. *Project will not create a new lot, there will be no septic system or well, no piers or docks, no camping. The existing canoe portage path will be relocated in close proximity to its present location. Yes, is in conformance. Carried 4-0-1.*

Motion was made and seconded to accept Shoreland Application #2201-4156 as complete. Carried 4-0-1.

Mr. Mattor reviewed Hollis Zoning Ordinance Section 3.7.4.5 Factors Applicable to Conditional Use. Each motion was seconded, and carried as indicated. This review includes both #2201-4155 and #2201-4156.

5. Factors Applicable to Conditional Use

- 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. *Less impact, as less ground will be disturbed. Carried 4-0-1.*
- c. The use will conserve shore cover and visual, as well as actual, access to water bodies. *Visual access will be unchanged; actual access will be improved. Carried 4-0-1.*
- d. The use is consistent with the Comprehensive Plan. *Yes, already existing site. Carried 4-0-1.*
- 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 road access to the site is safe, with good sight distance. Carried 4-0-1.*



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- 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. *The project is outside of the flood zone so there will be no reduction in the river's ability to store flood water. Carried 4-0-1.*
- g. Adequate provision for the disposal of all wastewater and solid waste has been made. *No change. Carried 4-0-1*
- h. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *No hazardous materials. Carried 4-0-1.*
- i. A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed. *Stormwater flow impacts will be undetectable. Carried 4-0-1.*
- j. Adequate provisions to control soil erosion and sedimentation have been made. *More than adequate. 4-0-1.*
- k. There is adequate water supply to meet the demands of the proposed use. *No change from previous. 4-0-1.*
- 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. *Buffer strips and landscaping are adequate. There will be lights only during maintenance. Use of downward facing lights will prevent light spillage onto neighboring property. Carried 4-0-1.*
- m. All performance standards in this Ordinance, applicable to the proposed use, will be met. *All performance standards will be met; compliance monitored by CEO. Carried 4-0-1.*
- n. The use will not deplete or degrade adjacent water bodies or supplies. *No change from previous. Carried 4-0-1.*
- o. The use will not adversely burden existing municipal infrastructure. *This is a passive use on a private road. 4-0-1.*
- p. **Adequate provisions for fire protection for the intended use. No vote. Letter from Fire Chief will be provided prior to next meeting.**
- q. The Planning Board should consider the advice of the Conservation Commission where applicable. *No advice received from Conservation Commission. Carried 4-0-1.*

Brookfield will return to next meeting with a letter from Chief Young indicating fire protection is adequate. No other outstanding items for these two battery storage applications.

Public Comment: None

Long Range Planning: Next meeting will include long range planning. Mr. Mattor requested members to review Comprehensive Plan and consider what changes might be helpful for future planners. Designs for cluster subdivisions will be suggested. Members could perhaps review the Comprehensive Plans from other towns.

Plan for Next Meeting: Wednesday 9 February 2022, 7:00 PM.

Adjourn: Meeting adjourned 8:55 PM.

Minutes submitted by Martha Turner, Secretary
Minutes approved by Planning Board 9 February 2022