



PLANNING BOARD

Paul Mattor, Chair
Joe Ponzetti, Vice Chair
Peter Lovell
Heather Sullivan
Jessica Brackett
Bruce Wishart

Minutes of Planning Board Meeting 24 October 2018

Present: Paul Mattor, Chair; Joe Ponzetti, Vice Chair; Heather Sullivan, Bruce Wishart, Peter Lovell, Jessica Brackett. Tammy Munson CEO; Martha Turner, Secretary.

Others Present: See attached.

Call to Order: A quorum being present, the meeting was called to order at 7:05 PM by Chair Paul Mattor at the Hollis Community Center.

Minutes: Motion was made and seconded to approve the minutes of 26 September 2018 as presented. Motion carried 5-0-1. Motion was made and seconded to approve the minutes of 10 October 2018 as presented. Motion carried 5-0-1.

Correspondence: Letter from Attorney David Silk re: Highland Ridge Subdivision.

Reports: Tammy Munson reported that she will be leaving Hollis for a new position in Auburn; this will be her last Planning Board meeting. Peter Gordon will be assisting with inspections temporarily.

Old Business: Fourth Dimension Properties, Providence Retreat, CUP #2201-4132, owners Gary Lamson and Justin Reid. Motion was made and seconded to proceed with reviewing Zoning Ordinance Article 3.7.4.6 items (a) through (q), Factors Applicable to Conditional Use. Motion carried 5-0-1. Following are findings plus vote for each item.

- a. A complete application has been submitted for Planning Board review (5-0-1)
- b. Use will not have adverse impact on wildlife habitat – **no exterior changes are planned** (5-0-1)
- c. Conserve shore cover and access to water bodies – **there is no water frontage** (5-0-1)
- d. Use consistent with Comprehensive Plan – **no change from previously approved use** (5-0-1)
- e. Safe and adequate road access – **access is adequate; traffic in and out will be reduced** (5-0-1)
- f. Flood hazard – **lot is not in flood hazard zone; not located on a water body** (5-0-1)
- g. Disposal of wastewater and solid waste – **existing disposal systems are adequate** (5-0-1)
- h. Provisions for hazardous materials – **none will be generated** (5-0-1)
- i. Stormwater drainage – **no change in stormwater drainage** (5-0-1)
- j. Soil erosion and sedimentation control – **no excavation will be done** (5-0-1)
- k. Water supply – **existing drilled well is adequate** (5-0-1)
- l. Protection from detrimental features – **there will be no detrimental features** (5-0-1)
- m. Performance standards – **performance standards will be enforced by CEO** (5-0-1)
- n. Will not deplete or degrade water bodies – **there are no adjacent water bodies** (5-0-1)
- o. Burden to existing municipal infrastructure – **no changes; no concerns** (5-0-1)
- p. Fire protection – **existing sprinkler system is adequate; inspected by Hollis Fire Chief** (5-0-1)
- q. Input from Conservation Commission – **none received** (5-0-1)

Motion was made and seconded to approve CUP #2201-4132, Providence Retreat, as presented.

Motion carried 5-0-1. The application is approved with the following conditions:

1. Due to septic capacity, no more than 15 occupants permitted (maximum of 12 residents and 3 staff at any time)
2. Parking – minimum of 5 parking spaces to be maintained



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Old Business: Martha Smith, Highland Ridge Subdivision #2202-4241. Mr. Mattor explained that this is an application to cure an existing illegal subdivision. The Smiths divided their lot into 3 parcels and sold the middle parcel to Kevin Roy, thus creating a three-lot minor subdivision.

A letter was received today from attorney David Silk, of Curtis Thaxter Attorneys at Law, retained by Mr. Roy to represent him in this matter. Mr. Mattor reviewed this letter as well as an email received from Mary Costigan, the town's attorney. Ms. Munson stated that she conferred with Ms. Costigan by phone after Mr. Silk's letter was received. Following is excerpted from Ms. Costigan's email re: Mr. Roy's involvement in the subdivision application: "He does not need to consent to the subdivision in order for it to be approved....it is an after-the-fact review to legalize the status quo and nothing will change. Thus, his property rights will not be impacted. If anything, his value will increase because his lot will become legal."

Mr. Roy was represented tonight by attorney Ben Leoni, of Curtis Thaxter Attorneys at Law. Mr. Leoni contends Mr. Roy has not had an opportunity to meet with Mr. & Ms. Smith regarding this application. Ms. Smith replied that she and her husband have been in touch with Mr. Roy by mail, phone, and text since March. In April, Mr. Roy declined to be represented by the Smiths; however, he did not authorize anyone else to represent him until tonight.

The letter received from Attorney Silk states his belief that Ms. Smith's subdivision application cannot be approved because she does not hold right, title or interest in the land involved. Ms. Smith did, however, have right, title and interest to the land prior to the sale of one lot to Mr. Roy.

Mr. Ponzetti moved to table further consideration of Ms. Smith's application until the next Planning Board meeting pending Ms. Costigan's legal opinion of the issue of right, title and interest as specified in Mr. Silk's letter of 22 October 2018. Motion was seconded. Motion carried 3-2-1.

Old Business: Darbick Terrace, subdivision revision application #2202-4240, presented by Mark Carpenter, Professional Land Surveyor, on behalf of Adam and Elizabeth Winslow, owners of 61 Darbick Terrace, Map 5 Lot 69-4, which is Lot 4 of the Darbick Terrace Subdivision. An amended plan was submitted tonight to include items previously requested by the Planning Board.

Mr. Ponzetti made a motion to accept Mr. Winslow's application as complete and move on to final review. Motion was seconded. Motion carried 5-0-1.

Discussion of boundary disputes. Comments received from abutters. Although some abutters have voiced disagreements regarding the location of some of the lot lines located on the survey prepared by Nadeau Land Surveys, a comparable current professional survey has not been submitted for comparison.

Mr. Ponzetti moved to table further consideration of Mr. Winslow's application until the next Planning Board meeting, allowing time to seek legal advice from the town's attorney, Mary Costigan, regarding how to proceed in light of abutters' boundary disputes. Motion was seconded. Motion carried 5-0-1. Ms. Costigan will also be asked for advice on how to handle such disputes in the future.

New Business: None

Public Comment: See above.

Plan for Next Meeting: Wednesday 14 November 2018

Adjourn: Meeting adjourned at 9:35 PM.

Minutes submitted by Martha Turner, Secretary
Approved by Planning Board 14 November 2018

10-24-18

P. B.

Walter Turner

Mark Smith

Ben Leoni

GARY LAMSON

JUSTIN REED

MARK CARPENTER, NADEAU AND SROED

ADAM WINSLOW

Elizabeth Winslow

PAUL NADEAU

LOU REEMANN

KATHY ATKINES