



PLANNING BOARD

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

Minutes of Planning Board Meeting 27 October 2021

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

Others Present: Dave McCubrey, Mary Hoffman, Select Board; Martha Turner, Secretary; Tammy Munson CEO; Eric Sanderson SMPDC; Tiffany Dean; Jayson Haskell, Tyler Holden, Lindsay Holden, Cliff Marean, Joy Cutrone.

Call to Order: In the absence of the Chair, and in the presence of a quorum of four members, the meeting was called to order by Don Roth, Jr., Vice Chair, at 7:00. Motion was made and seconded to have Heather Sullivan chair this meeting. Motion carried 4-0-0.

Minutes: Motion was made to approve minutes of 21 October 2021. Motion was seconded; carried 4-0-0.
Motion was made to approve minutes of 23 October site visit. Motion was seconded; carried 3-0-1.

Correspondence: None

Reports: Mr. McCubrey reminded everyone to vote at the Community Building on Tuesday 2 November 2021 if you have not already voted absentee. State questions only; no local warrant items.

Public Hearing: Motion was made and seconded to suspend the Planning Board meeting and open the public hearing for Pelletier Springs Subdivision #2202-4249. Motion carried 4-0-0.

The developer is represented by Jayson Haskell, D M Roma Consultants. Mr. Haskell reported that the plan is to develop a 29.5-acre parcel into a 10-lot cluster subdivision. They have received a DOT entrance permit for the entrance of a private road onto Route 35/Bonny Eagle Road. Mr. Haskell stated that a hydrogeologist report indicates there shouldn't be any increase in the flow of nitrates, and there is adequate water supply for the subdivision. The Hollis Fire Chief has approved the dimensions of the hammerhead turnaround.

Abutter Cliff Marean emphasized that Northeastern Construction has been operating a very active gravel pit next to the property for the past 37 years. His concern is to be sure potential buyers are aware that there will be daily noise from loading dump trucks, as well as occasional blasting.

Motion made and seconded to close the public hearing and reopen the meeting. Motion carried 4-0-0.

Public Hearing: Motion made and seconded to close the meeting and open the public hearing for #2201-4143, Lindsay and Tyler Holden, adult use marijuana business application for 415 Hollis Road. Motion carried 4-0-0. A site visit was held at that location on Saturday 23 October 2021. The Holdens have other marijuana businesses at locations in Sanford and Portland.

Hearing no comments from members of the public, motion was made and seconded to close the public hearing and reopen the regular meeting. Motion carried 4-0-0.

Unfinished Business: Pelletier Springs Subdivision #2202-4249, review of final plan. Mr. Haskell noted that the new road, to be called Pelletier Drive, is intended to remain a private road, due to the steep grade. Mr. Haskell asked the Board if a barrier is required at the end of the hammerhead. Member discussed pros and cons of barrier. Motion was made and seconded to accept the Pelletier Springs plans as presented, without a barrier at the end of the hammerhead. Motion carried 4-0-0.



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Discussion of cost estimate for a performance bond to be submitted to the Select Board. Ms. Sullivan noted that the purpose of the bond is to ensure that if something happens and the developer walks away from the project, that the Town would have sufficient funds to complete the road. It is up to the developer to work out the amount of the guarantee with the Select Board.

Members reviewed each of the standards in Article 1 of the Hollis Subdivision Regulations. Responses, including votes, are itemized below.

- 1.1 *Will not result in undue water or air pollution.* Hydrogeologic assessment including flow studies. 4-0-0.
- 1.2 *Has sufficient water available for the reasonably foreseeable needs of the subdivision.* Letter received from well driller. Carried 4-0-0.
- 1.3 *Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.* N/A 4-0-0.
- 1.4 *Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.* Hydrogeologic assessment. Carried 4-0-0.
- 1.5 *Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.* Hydrogeologic assessment, including runoff studies. Carried 4-0-0.
- 1.6 *Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways and existing or proposed public roads in Hollis, and in an adjacent town where a proposed subdivision crosses municipal boundaries.* DOT approval has been received. Carried 4-0-0.
- 1.7 *Will provide for adequate solid and sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.* Private septic systems, no municipal services utilized. Carried 4-0-0.
- 1.8 *Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, or rare and irreplaceable natural areas or public rights for physical or visual access to the shoreline, as identified in the Comprehensive Plan.* No shoreline involved; there is a plan that protects open space due to the nature of the subdivision. Carried 4-0-0.
- 1.9 *Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan.* Yes; has been reviewed against Town of Hollis regulations and ordinances. Carried 4-0-0.
- 1.10 *Will be developed by a subdivider with adequate financial and technical capacity to meet the standards and requirements in the Subdivision Regulations.* Performance bond will be required. Carried 4-0-0.
- 1.11 *Is in conformance with the Town of Hollis Shoreland Zoning Ordinance.* Not in shoreland zone. 4-0-0.
- 1.12 *Will be developed so that all principal structures within the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation in accordance with Hollis Ordinances.* Not in flood plain. Carried 4-0-0.
- 1.13 *Will provide for adequate storm water management.* Storm water management plan submitted and reviewed by engineer. Carried 4-0-0.

Proposed condition of approval for Pelletier Springs: the applicant, engineer, and Select Board will determine the appropriate amount of the performance guarantee.

Discussion of locations for wells and septic systems. There will be a note on the plan regarding required distances between wells and septic systems. Ms. Munson noted that code enforcement will review these locations at the time the septic and building permits are requested.

Motion was made to approve the plans for the Pelletier Springs Subdivision #2202-4249 as presented, with the inclusion of all standard conditions of approval, in addition to the requirement that the applicant, engineer, and Select Board will determine the appropriate amount of the performance guarantee. Motion was seconded and discussed. Motion carried 4-0-0.

Unfinished Business: Lindsay and Tyler Holden, two applications for adult use marijuana businesses: Pine Tree Maine 2 (#2201-4143) for adult use retail store, and Pine Tree Maine 4 (#2201-4144) for adult use manufacturing, both to be located at 415 Hollis Road.



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Ms. Munson noted that under Town of Hollis Zoning Ordinance, this property does not have enough space and bulk to have two additional uses, in addition to the existing convenience store. Lengthy discussion of definitions of “use,” “business,” “license.” Discussion of Zoning Ordinance requirements for space, bulk, and frontage in various zones.

Previously, the Planning Board voted to consider both of these applications together. Motion was made and seconded to separate the two applications and consider them each individually. Motion carried 4-0-0.

Discussion moved to consideration of Pine Tree Maine 2, application for adult use marijuana retail. Members reviewed “Factors Applicable to Conditional Use” from Hollis Zoning Ordinance. Responses, including votes, are listed below.

- b) *The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.* Existing building on site; no additional impact. Carried 4-0-0.
- c) *The use will conserve shore cover and visual, as well as actual, access to water bodies.* N/A
- d) *The use is consistent with the Comprehensive Plan.* Yes, use is consistent with existing plan. Carried 4-0-0.
- 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 preexisting use. Carried 4-0-0.
- 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 near water; no proposed construction or excavation.* Carried 4-0-0.
- g) *Adequate provision for the disposal of all wastewater and solid waste has been made.* Existing septic system on site; contract with waste removal company. Carried 4-0-0.
- h) *Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.* N/A
- i) *A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent t properties has been designed.* No change from existing. Carried 4-0-0.
- j) *Adequate provisions to control soil erosion and sedimentation have been made.* No construction or excavation will take place. Carried 4-0-0.
- k) *There is adequate water supply to meet the demands of the proposed use.* Yes; new use will use less water than previous use. Carried 4-0-0.
- 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.* There is an odor mitigation plan. No new landscaping. Best practices will be followed for lighting. Carried 4-0-0.
- m) *All performance standards in this Ordinance, applicable to the proposed use, will be met.* Yes, all standards are met and reviewed by CEO and SMPDC. Carried 4-0-0.
- n) *The use will not deplete or degrade adjacent water bodies or supplies.* No change from existing use. Carried 4-0-0.
- o) *The use will not adversely burden existing municipal infrastructure.* No change from existing use. 4-0-0.
- p) *Adequate provisions for fire protection for the intended use.* Fire protection system included in alarm system that goes directly to the security company and alerts the Fire Department. Carried 4-0-0.
- q) *The Planning Board should consider the advice of the Conservation Commission where applicable.* N/A. No input received from Conservation Commission.

From “Marijuana Business Ordinance for the Town of Hollis Maine” page 8, “Performance Standards for Marijuana Business.” Responses, including votes, are itemized below.

1. *All State mandated performance standards shall be met.* The State has issued the applicant a conditional license. Carried 4-0-0.
2. *All Marijuana Businesses shall comply with all applicable State laws, local laws, and regulations.* Fully in compliance, based on information received. Carried 4-0-0.
3. *Except as permitted under the Marijuana Laws, the use, consumption, ingestion, or inhalation of Marijuana or Marijuana Products on or within the Premises of a Marijuana Business is prohibited.* Not permitted at this establishment; no plan to have a social area. Carried 4-0-0.
4. *Marijuana Businesses, except for Registered Caregivers, are not permitted to conduct outdoor Cultivation, Manufacturing, Sales or services of any kind.* No outdoor activities planned. Carried 4-0-0.



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5. *Marijuana Businesses shall submit emergency contact information to both the Select Board and the Hollis Fire Department. Their contact information is included in their plans. Carried 4-0-0.*
6. *No Marijuana Business may be located within 1,000 (one thousand) feet of a private or public school. Not located within 1,000 feet of a school. Carried 4-0-0.*
7. *Failure to comply with the odor standards by the owner of Marijuana Business will require action. They have submitted an odor mitigation plan. Carried 4-0-0.*

For Marijuana Stores:

1. *A Marijuana Store is required to comply with all applicable State laws, local laws, and regulations. All submitted plans are in compliance. Carried 4-0-0.*
2. *A Marijuana Store is required to post specific hours of operation. Hours will be posted. Carried 4-0-0.*
3. *A Marijuana Store must be operated from a permanent location. Existing building is permanent. 4-0-0.*
4. *A Marijuana Store may not use vending machines for Sales, may not have "drive-through" or "drive-up" window-serviced Sales, and may not have internet-based Sales with credit/debit card payment and delivery. None of these will be offered. Carried 4-0-0.*

Motion was made to approve the Conditional Use Permit and the Marijuana Business Application #2201-4143 for Pine Tree Maine 2, Adult Use Marijuana Store, for 415 Hollis Road, with standard conditions of approval. Motion was seconded and discussed. Motion carried 4-0-0. This application can now move on the Select Board review.

Motion was made to table Conditional Use Permit and Marijuana Business Application #2201-4144 for Pine Tree Maine 2, Adult Use Marijuana Manufacturing, pending further review. Motion was seconded; carried 4-0-0.

Plan for Next Meeting: Thursday 4 November 2021.

Adjourn: Meeting adjourned 9:15 PM.

Minutes submitted by Martha Turner, Secretary
Approved by Planning Board 4 November 2021