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PLANNING BOARD

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

**Minutes of Planning Board Meeting 11 April 2018**

**Members Present:** Paul Mattor, Chair; Joe Ponzetti, Vice Chair; Heather Sullivan, Peter Lovell, Jessica Brackett, Bruce Wishart. **Absent:** Trevor Hustus.

**Staff Present:** Martha Turner, Secretary; Paul Goudreau, Deputy CEO; Lee Jay Feldman, SMPDC.

**Others:** See attached.

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

Mr. Ponzetti made a motion to suspend the meeting and open the Public Hearing for "The Pizza Garage." Motion was seconded; carried 5-0-1.

**Public Hearing:** Mr. Mattor opened the Public Hearing for "The Pizza Garage" at 7:10 PM. Stephen and Maggie Murphy, applicants, presented an overview of their Conditional Use Permit application. They described their plan to open a family-friendly pizza restaurant in the leased location that was previously "The Fox and Hound" at 415 Hollis Road. They will focus primarily on take-out, with a few tables, but no table-served meals; delivery service is also planned.

Michael Atienza, leasing agent for MECAP LLC which owns the property, stated that Stephen and Maggie have been working really hard on this project, and have drawn up a long-term business plan that is family-oriented, with the intention of establishing a unique new business to succeed in a location where several previous businesses have not succeeded.

Nancy Conway, Hollis resident, stated that she likes the idea of what the applicants are planning for this restaurant location, and she appreciates that no alcohol will be served.

With no other comments being offered from those in attendance, Mr. Ponzetti made a motion to close the Public Hearing and reopen the regular Planning Board meeting. The motion was seconded; carried 5-0-1. Mr. Mattor reopened the meeting at 7:15 PM.

**Correspondence:** The secretary distributed copies of the following three items: material submitted by Dave McCubrey regarding noise levels; new material regarding the Red Barn Lane subdivision which will be on the agenda for the next meeting; and new material submitted by Martha Smith regarding the Highland Ridge Subdivision.

**Minutes:** Mr. Mattor noted that Mr. Wishart was listed as an alternate member on March 28, however he had already been confirmed as a regular member prior to that date. Motion was made and seconded to approve the minutes of 28 March 2018 with that correction. Motion carried.

**Reports:** Mr. Mattor noted that although the Planning Board currently has a full board of seven members, there are still openings for two alternates.

Mr. Goudreau reported that the Code Enforcement Office continues to review Hollis's multi-family dwellings to ensure that all building permits are current and all life safety codes have been met.



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Mr. Ponzetti made a motion to change the order of the agenda items, to bring up the Highland Ridge Subdivision Amendment as the next agenda item. Motion was seconded; carried 5-0-1.

**Old Business:** #2202-4241 Revision of Highland Ridge Subdivision, presented by the applicant, Martha Smith. Lee Jay Feldman, Southern Maine Planning and Development, addressed the issue of amending a previously approved subdivision. Mr. Feldman referred to Maine State Statute, Title 30-A, §4406.1. D. and §4452, which authorize a municipality to assess civil penalties for any person who sells or builds upon any land in a subdivision that has not been approved. He noted that the Smiths have added two lots to a previously approved subdivision without receiving Planning Board approval prior to the division. One of the new lots has been sold to Mr. Kevin Roy. Mr. Feldman suggested that both Mrs. Smith and Mr. Roy could face penalties. Mr. Mattor stated that, in Hollis, such penalties would fall under the jurisdiction of the Code Enforcement Officer and the Select Board, rather than the Planning Board. The Planning Board has received a letter from Mr. Roy stating that he does not authorize David or Martha Smith to represent him in this matter.

Mr. Ponzetti questioned whether the board can move forward with the review of Mrs. Smith's application without the participation of Mr. Roy. Mr. Feldman recommended getting legal counsel regarding how to proceed.

Mr. Feldman noted that the Highland Ridge subdivision was created from one of the lots in the Boulder Ridge subdivision within five years of approval, creating a total of 24 lots; therefore, he believes that the applicant must contact DEP to determine if this project requires review under the newest site location of development laws. He advised Mrs. Smith to contact DEP and then provide the Planning Board with documentation that DEP review is or is not required.

Mr. Mattor stated that the Planning Board will not continue to review this application, nor will the town's attorney be contacted, until a response from the DEP has been received. The application is not yet complete.

**Old Business:** Conditional Use Permit #2201-4125, "The Pizza Garage" 415 Hollis Road, Stephen and Maggie Murphy. Mr. Mattor noted that a professionally prepared plot plan has been provided. The public hearing has been held, and the site visit has been waived. Mr. Mattor referred to Chapters 3 and 7 of the Hollis Zoning Ordinance regarding the process for review of applications for conditional use permits.

Mr. Ponzetti reviewed each item under Chapter 6.1 "General Performance Standards and Requirements for Non-Residential Uses."

6.1.1 Non-residential uses abutting or facing a residential use or property shall be conducted in a manner that is respectful of the residential area by use of buffering and activities that are customary in Hollis. Moved and seconded that this requirement has been met. Carried 5-0-1.

6.1.2 Front yards shall be continuously maintained in lawn or other landscaping. All other yards abutting or across a street from a residential use shall be continuously maintained in lawn or other landscaping as approved. Mr. Atienza stated that the landlord will be responsible for maintenance of lawn and other landscaping. Motion to accept carried 5-0-1.

6.1.3 Access points. Motion to accept carried 5-0-1.

6.1.4 All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard. Moved and seconded to accept that applicant will work with the CEO to comply with this item. Carried 5-0-1.



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6.1.5 Prior to the issuance of building permits, the applicant shall demonstrate to the CEO that all applicable State and Federal Standards have been met. Motion to accept carried 5-0-1.

6.1.6 Off-street parking requirements must be met. Motion to accept carried 5-0-1.

6.1.7 Treatment and disposal of sewage and industrial wastes. Moved and seconded that applicant will work with CEO to meet this requirement. Carried 5-0-1.

6.1.8 Fuel. The only fuel to be used on the premises will be propane. Carried 5-0-1.

6.1.9 Number of shifts to be worked and maximum number of employees on each shift. There will be two shifts, with a maximum of five employees per shift including the owners. Carried 5-0-1.

6.1.10 A site plan has been submitted indicating property lines, buildings, driveways and parking areas, sewage disposal, water supply, water bodies and other significant natural features and any other improvements planned to the property. Carried 5-0-1.

6.1.11 There will be no hazardous materials stored or generated. Carried 5-0-1.

Mr. Mattor reviewed each item under Chapter 3.7.4.6 "Factors Applicable to Conditional Use."

b. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. Moved and seconded to accept. Carried 5-0-1.

c. The use will conserve shore cover and visual, as well as actual, access to water bodies. Carried 5-0-1.

d. Use consistent with Comprehensive Plan. Carried 5-0-1.

e. Safe and adequate road access. Carried 5-0-1.

f. Floodwater. Not located in a flood zone. Carried 5-0-1.

g. Adequate provision for the disposal of all wastewater and solid waste has been made. Moved and seconded to refer to the CEO to certify that this requirement has been met. Carried 5-0-1.

h. Hazardous materials. Moved and seconded to add a condition that no hazardous materials will be stored on site. Carried 5-0-1.

i. Storm water drainage. N/A. Carried 5-0-1.

j. Soil erosion and sedimentation. N/A. Carried 5-0-1.

k. Adequate water supply to meet the demands of the proposed use. Water supply is certified by the CEO. Carried 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. There has been no evidence of problems or complaints regarding any of these items. Carried 5-0-1.

m. All performance standards in this Ordinance, applicable to the proposed use, will be met. Refer to Chapter 6.1. Carried 5-0-1.

n. The use will not deplete or degrade adjacent water bodies or supplies. N/A. Carried 5-0-1.

o. The use will not adversely burden existing municipal infrastructure. N/A. Carried 5-0-1.

p. Adequate provisions for fire protection for the intended use. There have been no concerns raised by the Fire Chief regarding this property. State inspection will be required prior to opening. Carried 5-0-1.

q. Conservation Commission where applicable. N/A. Carried 5-0-1.



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Mr. Ponzetti suggested additional items to add to the conditions. He made a motion that there will be no consumption of alcoholic beverages on the premises. Motion was seconded and discussed. Carried 5-0-1. Mr. Ponzetti noted that if the owners desire to pursue a liquor license in the future, they would have to come back to the Planning Board.

Mr. Ponzetti discussed the proposed hours of operation. Mr. & Mrs. Murphy stated that they will likely be open only from 10:00 AM to 11:00 PM daily, with the addition of delivery service until 2:00 AM on Friday and Saturday nights. The dining room would close nightly at 11:00 PM. They noted that they would like to have the possibility to be open occasionally for a weekend brunch for special functions for local churches or other community groups. Mr. Mattor asked Mr. Goudreau for information concerning the septic capacity, in relation to hours of operation and number of meals served. Mr. Goudreau stated that the Code Enforcement office will work with Mr. & Mrs. Murphy to ensure that they are operating well within the capacity of the existing system.

Dave McCubrey, Hollis resident, stated that most Conditional Use Permits limit the number of meals served per week. He suggested giving them a window of extra hours up to the limit of the septic system.

Ms. Sullivan suggested that during the hours in which they are only doing delivery, they are not actually serving any meals. Ms. Sullivan made a motion to establish the maximum hours of operation as follows: 6:00 AM to 11:00 PM Sunday through Thursday, and 6:00 AM to 2:00 AM on Friday and Saturday, with the stipulation that the dining room closes at 11:00 PM nightly, and between 11:00 PM and 2:00 AM there will be delivery only; this motion also includes the requirement that the CEO shall ensure the septic capacity is not exceeded. Motion was seconded and discussed. Carried 5-0-1.

Ms. Sullivan made a motion to require that the facility shall pass all egress and life safety issues as determined by the CEO. Motion was seconded and discussed. Carried 5-0-1.

**Ms. Sullivan made a motion to approve CUP application #2201-4125 for "The Pizza Garage" with the inclusion of all above approved conditions. Motion was seconded and discussed. Carried 5-0-1.**

**Public Comment:** See above.

**Plan for Next Meeting:** A site walk at the Cape Road Gravel Pit is scheduled for Saturday 21 April 2018 at 10:00 AM. The next regular meeting of the Planning Board is scheduled for Wednesday 25 April 2018 at 7:00 PM.

**Adjourn:** Meeting adjourned at 8:40 PM.

Minutes submitted by Martha Turner, Secretary  
Approved by Planning Board 25 April 2018