



PLANNING BOARD

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

Minutes of Planning Board Meeting 11 July 2018

Present: Paul Mattor, Chair; Joe Ponzetti, Vice Chair; Heather Sullivan, Peter Lovell, Bruce Wishart.
Martha Turner, Secretary; David McCubrey, Select Board; Tammy Munson, Code Enforcement Officer.
Absent: Jessica Brackett.

Other present: See attached.

A quorum being present, the meeting was called to order at 7:00 PM at the Hollis Fire Station.
A motion was made and seconded to suspend the regular meeting and open the public hearing for Waters Edge Shoreland Zone Permit #2201-4128. Motion carried 4-0-1.

Public Hearing: The public hearing for Waters Edge was opened at 7:05 PM. The Chair asked if there was anyone present who would like to offer comments or ask questions regarding Waters Edge. There was no response from those present. Motion was made and seconded to close the public hearing and reopen the regular Planning Board meeting. Motion carried 4-0-1.

Minutes: Motion was made and seconded to approve the minutes of 27 June 2018 as presented. Motion carried 4-0-1.

Reports: None.

Correspondence: None.

Old Business: 60 Waters Edge Permit #2201-4128, for a hand-carry canoe launch in the Shoreland Zone. Prior to this evening's meeting, there was a site walk at 60 Waters Edge. All members present at this meeting were also present at the site walk. Keith Gray, Civil Engineer, is representing the Waters Edge Homeowners Association.

Mr. Ponzetti reviewed the 8 items under Hollis Shoreland Zoning Ordinance Section 1.4, Procedures for Administering Permits.

1. Will maintain safe and healthful conditions. Mr. Gray noted that this project will improve the access to the river. Mr. Mattor stated that he observed poison ivy at the site, which might be considered a health hazard. It would be up to the Homeowners Association to eradicate this. Mr. Wishart asked if there are different standards for public vs. private access. Mr. Mattor replied that the standards are the same. Ms. Sullivan stated that she is comfortable that the applicants have met the requirements for safe and healthful conditions. Members agreed.
2. Will not result in water pollution, erosion, or sedimentation to surface waters. SRCC has approved the Waters Edge plans for erosion control during and after construction.
3. Will adequately provide for the disposal of all wastewater. N/A - There will be no plumbing, no septic system; no wastewater will be generated.



PLANNING BOARD

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

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. This project has been approved by the SRCC and will also have to be reviewed by DEP and the Army Corps of Engineers.
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters. This project will enhance safe access and will conserve shore cover.
6. Will protect archaeological and historic resources as designated in the comprehensive plan. N/A
7. Will avoid problems associated with flood plain development and use. This project will not have any impact.
8. Is in conformance with the provisions of Chapter 17.

From Hollis Shoreland Zoning Ordinance, Chapter 17, Land Use Standards.

1. Minimum Lot Standards. This project is located on an existing lot that exceeds minimum lot standards for this zone.
2. Principal and Accessory Structures. There are no structures associated with this project.
3. Piers, Docks, Wharves, Bridges. N/A
4. Campgrounds. N/A
5. Individual Private Campsites. No camping is permitted.
6. Commercial and Industrial Uses. N/A
7. Parking Areas. No parking is permitted in this area.
8. Roads and Driveways. N/A
9. Storm Water Runoff. This project will improve storm water control.
10. Septic Waste Disposal. N/A
11. Essential Services. N/A
12. Mineral Exploration. N/A
13. Agriculture. N/A
14. Timber Harvesting. Not permitted.
15. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting. Any vegetation that is removed during construction will be replaced.
16. Erosion and Sedimentation Control. This project will improve erosion and sedimentation control.
17. Soils. N/A
18. Water Quality. Water quality will not be affected.
19. Archaeological Sites. Mr. Gray will contact the Maine Historic Preservation Commission.

Bruce Theriault, property owner, noted that this is not a new use for this parcel; the use exists already; this application is to expand the existing use. Mr. Theriault owns the property; the Waters Edge Homeowner Association has an access easement and a use easement. There is also a temporary construction easement.

According to the Land Use Table in the Hollis Shoreland Zoning Ordinance, a Planning Board permit is required due to "filling and earth-moving of more than 10 cubic yards." Mr. Gray stated that there will definitely be more than 10 cubic yards of earth-moving to complete this project.



PLANNING BOARD

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

Mr. Ponzetti made a motion to approve this Shoreland Zone Permit as presented. Motion was seconded. Motion carried 4-0-1. Mr. Mattor noted that the Planning Board is granting this permit based on the plan that is presented here tonight. Tammy Munson, Code Enforcement Officer, stated that if either the DEP or the Army Corps of Engineers should require any changes, the applicant must contact her office to determine if the proposed changes are significant enough to warrant a new hearing before the Planning Board.

New Business: Melissa Leclerc, C.U.P. #2201-4130, application for a permit for renovations to her residence at 48 Hemlock Cove Road, in the Shoreland Zone (Map 25 Lot 16). Ms. Leclerc explained that in 2008 a permit was approved by SRCC and granted by the Town of Hollis to allow for remodeling including a screened-in deck. The permit issued by the CEO in 2008 specifically states that no further enclosure is permitted without Planning Board and SRCC permits. The SRCC has approved Ms. Leclerc's plans. Ms. Leclerc proposes to add a foundation and a full basement, with an enclosed room in place of the screened-in porch. The existing footprint will not be changed. Access to the basement will be through the building; a walk-out basement is not permitted. The Army Corps of Engineers will also review this project.

Mr. Ponzetti made a motion to accept this application as complete. Motion was seconded. Motion carried 4-0-1. Site visit scheduled for 25 July 2018 at 6:00 PM, to be followed by Public Hearing at 7:00 PM.

New Business: Kevin Martell, C.U.P. #2201-4131. Mr. Martell owns a non-conforming lot at 339 Bonny Eagle Road in the Shoreland Zone (Map 14 Lot 8-A), bordering on Gulf Brook. After Mr. Martell purchased the property, the existing mobile home was removed by order of the Hollis Select Board; the slab remains. Mr. Martell would like to replace the mobile home.

According to the Hollis Zoning Ordinance, Section 1.4.2.4.:

"Any non-conforming structure which is located less than the required setback and which is removed, or damaged or destroyed by more than fifty (50) percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer."

Board members discussed how to determine the market value of the property. If the Select Board determined that the existing structure had no value, how is the value of the property determined? Does the slab have value, even though it is not in perfect condition? Is a foundation considered to be part of a building? How exactly does one determine whether the damage or destruction is greater than 50% of the value? This question will be referred to Lee Jay Feldman at Southern Maine Planning and Development (SMPDC). Ms. Munson also stated that she would like to see an engineering report indicating that the existing slab is suitable to be reused. The Planning Board asked the applicant to complete a Shoreland Zone application and to provide a more detailed plan drawn to scale showing all boundaries and setbacks.

Mr. Ponzetti made a motion to refer Mr. Martell's application to SMPDC to determine whether this does in fact require Planning Board approval before it can be rebuilt. Motion was seconded. Motion carried 4-0-1. Ms. Munson will also meet with Mr. Martell to review his application and assist in providing the items requested by the Board.



PLANNING BOARD

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

New Business: Patrick Dube, #2202-4242, Tanglewood Subdivision Revision. Although Mr. Dube resides out of state at this time, he owns the property located at 28 Tanglewood Drive, located in the Tanglewood Subdivision. He currently has two dwelling units on the property, although the lot was originally approved for only one residence when the subdivision was approved in 1977. There is a mobile home with stick-built additions that existed when Mr. & Mrs. Dube purchased the property. The mobile home is currently rented. Mr. & Mrs. Dube reside in the addition when they visit in the summer. This is a two-acre lot containing two complete septic systems.

Ms. Sullivan made a motion to accept the documentation provided so far, and to refer this to SMPDC for further review. Motion was seconded. Motion carried 4-0-1.

Public Comment: None.

Plan for Next Meeting: The next Planning Board meeting will be held on Wednesday 25 July 2018, to begin at 6:00 PM at Hemlock Cove Road for two site walks, followed by two public hearings and the regular meeting at 7:00 PM at the Hollis Fire Station.

Meeting adjourned at 9:05 PM.

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